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LEGAL COUNSEL

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

A Resolution Establishing *
Standards and Procedures for *
the Issuance of Gate Permits *
Pursuant to ORS 368.056. *

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MARY SUE PENHOLLOW MICROFILMED
COUNTY CLERK

SEP 27 1990

RESOLUTION NO. 90-081

WHEREAS, ORS 368.056 permits the county governing body to issue permits allowing a person to construct a gate on a public road under the jurisdiction of the county governing body; and

WHEREAS, due to a recent increase in gate permit applications, the Board of County Commissioners finds it necessary to establish standards and procedures for issuing gate permits; now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, as follows:

Section 1. The Board directs that persons or public agencies requesting gate permits across public roads under the jurisdiction of the Board of County Commissioners make application for such permits to the Director of Public Works of Deschutes County. The Department of Public Works is authorized to develop whatever application forms may be necessary to adequately evaluate gate permits under the standards set forth below. Final decisions shall be made by the Board of County Commissioners upon the recommendation of the Public Works Director.

Section 2. Gate permits shall be issued upon payment of a \$100.00 fee to the Department of Public Works to offset the costs of processing the application, inspecting any activities within the right-of-way and developing standards of installation to be met by the applicant, and upon a showing that the approval standards set forth below are met. Public agencies shall not be charged a fee for any gate permit.

Section 3. Gate permits shall be issued to private party applicants only upon a showing that:

1. The road is a dead-end road;
2. The road is not generally used by the public;
3. The gate will not restrict access to any parcels owned by others unless the owners have joined in the request;
4. The gate will not restrict access to public land; and

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5. It otherwise appears to be in the public interest to allow the gating of the road.

Section 4. Gate permits issued to public agencies, such as the Oregon Department of Fish and Wildlife and the Oregon Department of Forestry for such reasons as protection of fish and wildlife, prevention of forest fires and protection of watersheds, shall be issued only upon a showing that the public interest in restricting access outweighs the burdens imposed upon the public and private landowners, if any, affected by erection of a gate. Gate permits granted under this provision may be issued upon a seasonal basis to reflect seasonal needs of public agencies, such as protection of fish and wildlife, forest or watershed resources, and shall be issued for the minimum time period necessary to achieve the sought after benefits.

Section 5. For the purposes of this Resolution, the term "public agency" shall refer to agencies of federal, state and local government. Special districts, such as road districts, are specifically excluded from that definition.

DATED this 29th day of August, 1990.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Lois Bristow Prante
LOIS BRISTOW PRANTE, Commissioner

Tom Throop
TOM THROOP, Chair

Dick Maudlin
DICK MAUDLIN, Commissioner

ATTEST:

Andrea L. Blum
Recording Secretary