

AGENDA ITEM FOR ADMINISTRATIVE MEETING ( ) Discussion only  
( X ) Action

FROM (DEPT/ DIVISION): County Counsel

SUBJECT: Road Gate Permit

<p>Background:</p> <p>The County received an application from property owners for the installation of gates on Pike’s Peak Road and Mormon Grade Road, at the state line location. These are Public Roads, not maintained by the county. All of the impacted property owners have signed or consented to the application for a permit. The Public Works Director is recommending the Board approve the request.</p>	<p>Requested Action:</p> <p>Approve application for placement of gates on Pike’s Peak Road and Mormon Grade Road and sign permit</p>
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ATTACHMENTS: Application

\*\*\*\*\*For Internal Use Only\*\*\*\*\*

Checkoffs:

- ( ) Dept. Heard (copy)
- ( ) Human Resources (copy)
- ( ) Fiscal
- ( X ) Legal (copy)
- ( ) (Other - List:)

To be notified of Meeting:

Needed at Meeting:

\*\*\*\*\*

Scheduled for meeting on: March 15, 2023

Action taken:

\*\*\*\*\*

Follow-up:

COUNTY ROAD GATE PERMIT

AGREEMENT

THIS AGREEMENT, made and entered into the day last signed as indicated on Page 2, by and between MIKE BACHTOLD after referred to as Owners, and UMATILLA COUNTY, a political subdivision of the State of Oregon, hereinafter referred to as County.

WITNESSETH:

WHEREAS, Owners are the record owners or leaseholders of real estate in Umatilla County, and

WHEREAS, Owners desire to have installed a gate on County Road PIKES PEAK, which is located on their property, and

WHEREAS, County desires to assist Owners in preventing unwanted trespass and illegal dumping, and

WHEREAS, ORS 368.056 allows the County governing body to issue permits for gate installations on Public Roads under the jurisdiction of the County:

NOW THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties hereto mutually agree as follows:

1. Owners agree to construct or have constructed, at no expense to the County, a gate or gates across the county road or roads at the location specified above, and to maintain said gate at no expense to the County in a condition satisfactory to the Umatilla County Director of Public Works.

2. Owners further agree to insure and assume responsibility for any liability or potential liability associated with the use of said gate by themselves, the public, or any other entity. Owners shall save and hold harmless the County from any claim or action arising out of any injury to person or to property that may occur as a result of the use of or operation of this gate. Notwithstanding the foregoing obligations of Owners with respect to the use of or operation of said gate, County acknowledges and agrees that the County remains responsible and liable for the maintenance, operation and use of the road by the public to the same extent as any County Road.

3. Owners further agree that should Owners fail for any reason to fulfill any duty or responsibility contained within this agreement to the total satisfaction of the Umatilla County Board of Commissioners, that County has the absolute right to remove said gate and to assess against and collect from Owners the cost of said removal.

IN WITNESS WHEREOF, the parties have signed this agreement this 14 day of FEBRUARY, 2023.

OWNERS

See Attachment!

UMATILLA COUNTY PUBLIC WORKS DEPARTMENT

By: \_\_\_\_\_

COUNTY ROAD GATE PERMIT

AGREEMENT

THIS AGREEMENT, made and entered into the day last signed as indicated on Page 2, by and between MIKE BAHTLOW after referred to as Owners, and UMATILLA COUNTY, a political subdivision of the State of Oregon, hereinafter referred to as County.

WITNESSETH:

WHEREAS, Owners are the record owners or leaseholders of real estate in Umatilla County, and

WHEREAS, Owners desire to have installed a gate on County Road MORMON GRADE which is located on their property, and

WHEREAS, County desires to assist Owners in preventing unwanted trespass and illegal dumping, and

WHEREAS, ORS 368.056 allows the County governing body to issue permits for gate installations on Public Roads under the jurisdiction of the County:

NOW THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties hereto mutually agree as follows:

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OWNERS

\_\_\_\_\_  
*See Attachment!*  
 \_\_\_\_\_  
 \_\_\_\_\_

UMATILLA COUNTY PUBLIC WORKS DEPARTMENT

By: \_\_\_\_\_

Dated this 14 day of FEBRUARY, 2023.

PETITIONERS

NAME

ADDRESS Kennebec T.L.

Don Deane 9503 W Metalina  
Emil W. Gould 1820 Whitman St 509-520-5821

Jack 1637 E. Duane  
Ed Backlund 919 Satterlee Sycamore 425-269-791

Mike Beckford 116 N. 125th La. Ketchikan 475-222-7  
TC Ranch by 5323 Cottonwood Rd. W. W. 509-520-2379

Matt Ferguson 785 Pines Peak Rd W 509-676-9099  
Kathy Messinger 5875 Cottonwood Rd W 509-429-1063

William Ferguson 715 Glady's Walle Ave 509-240-7854  
Russ Langley 1537 Strain Walle Walle 509-301-2034

Rob 1817 S. W. Lbur 509-386-1964  
290 Foster Rd W 509-520-5260

Liff Stegma 422 Sycamore W 509-520-1841  
Don 6143 Mill Creek 541-558-3655

Theresa 106 Strawberry Ln W 509-629-3739  
Theresa J. Jensen 60818 M. // Creek Rd W 509-676-7248

Jack R. Lane 5143 Walle Walle River Rd M. J. 541-938-6347  
Matthew Beechler PO Box 404 Ketchikan ID 509 520 1107w

Janet Backlund 775 Clay St (Walla, WA) 509 876 0912  
Mary C. Backlund 775 Clay St 509-520-2547

Heidi B. Jones-Thomas 85635 Rencken Rd 509-386-4011  
Blue Dwyer 754 Perryway Dr OR 97862  
676-7249

Nancy Lu-Moser 1128 54th St Dayton, WA 99328 (509) 200-217

Damon Kurtz 1726 S. Evergreen St Canby OR 775-420-8

Kim Lee 1726 S. Evergreen St - Canby OR 503888

Tax map	Tax lot	Name	Signature
6N37	1900	Thomas Jensen	Yes
6N37	501	Matthew Beechinor	Yes
6N37	500, 1600	TC Ranch, LLC - Thomas Beechinor	Yes
6N37	400	Kathleen Yenney	Yes - Electronic
6N37	300,301, 1800, 2000, 2100, 2200	Jon Bachtold	Yes
6N3736	1400	Jon Bachtold	Yes
6N3831	200	Jon Bachtold	Yes
6N37	101, 102	Delbert Klicker	Yes
6N37	103	Nancy Klicker	Yes
6N37	2400, 4300	Nancy Lee-Moses	Yes
6N37	2500	Dawn Thomas	Yes
6N3736	200, 300	Leroy Murray	Yes - Electronic
6N3736	100	Chris Bachtold	Yes
6N3736	1100, 2300	John Lammers	Yes
6N3831	300, 400, 900	John Lammers	Yes
6N3831	500, 600	Don Legare	Yes
6N3736	400, 500	Heidi Jones-Thomas	Yes
6N37	3800	Heidi Jones-Thomas	Yes
6N3736	800, 801, 900	Margaret Ferguson	Yes
6N37	4200	Margaret Ferguson	Yes
6N3831	700	Bruce Depping	Yes
6N3831	1000	Mkinney Family Farms, LLC	Yes
6N3736	1000	Dorothy Bosse & Elizabeth Hunter	No - Text consent
6N3736	700	Jack Lane	Yes
6N37	1700, 2300	Kathy Messinger	Yes
6N37	1000	Damon Kurtz & Kim Lee	Yes

February 13, 2023

Umatilla County Board of Commissioners Dan Doran  
John Shafer Cindy Timmons

Re: Support gating Mormon, McKay and Pikes Peak roads in Umatilla County, Oregon

Dear Board of Commissioners:

As a property owner on Pikes Peak Road, I would like to request your consideration to allow the private landowners to gate access to the Oregon portions of Mormon, McKay and Pikes Peak roads. These primitive roads are not maintained by the Umatilla County Road Department and do not provide access to any public land. The application to gate these roads is supported by all the *landowners that would be affected by the proposed gating.*

As landowners, we share a number of trespass issues in common, but I will address those that have affected us personally. We have experienced: livestock being shot and killed; illegal dumping of trash, yard waste, furniture and even abandon vehicles; bonfires set during the peak of fire season; our cabin, out buildings and equipment broken into and vandalized; bullets flying overhead from illegal target practice on the road; general trespass by some members of the public to hunt or pick mushrooms, etc.; dumping of oil on the property as a way of disposing of it after an oil change.

The popularity of four-wheeling in jeeps, pickups, ATVs and UTVs have left these roads impassable at times to landowners due to the ruts created. The off-road driving has resulted in the deposit of noxious weeds in the right-of-way necessitating weed control by us to prevent further spread onto our private rangeland.

I do not make this request lightly and understand the "politics" of this issue. Since we are at the extreme northeast end of Umatilla County, we are at a disadvantage when it comes to response time for fire or policirig. I believe that gating these roads will reduce trespass, dumping and the other activities that have had a negative impact on our property.

My family is prepared to fully participate in the gating of these roads and share in their maintenance should this board see fit to approve our request. Thank you for your time and careful consideration.



Thomas G. Beechinor TC  
Ranch LLC  
5323 Cottonwood Road  
Walla Walla, WA 99362

February 13, 2023

RE: Pikes Peak, Mormon Grade, and McKay Grade – Umatilla County

To Whom It May Concern:

I'm personally a land owner in Umatilla County and I've been going up to our property in the mountains for 50 years. I know each of these roads very well and during the last 50 years I have witnessed some very unfortunate things over the years and been told about several others during that time.

All three of these roads are primitive roads and each can be dangerous if one is not careful navigating them. In 1987 a young girl on a four-wheeler for the first time went over a cliff and died and I was there that day when Umatilla had to send the sheriff and search team to find her. Just this last summer on a Monday afternoon a truck was joy riding on Pikes Peak on the Oregon side and rolled. Two people were pinned and 2 life flight helicopters had to come to the rescue. We know one of the survivors will never be the same. Sadly late last fall a friend lost his daughter coming down Pikes Peak when they missed a turn at high speed and crashed killing my friend's daughter. Alcohol was involved in each of the 2022 incidences. Had the road been closed these tragedies would not have happened.

We have witnessed literally countless illegal target practice shooting on these roads in Oregon. More times than I can remember they have been shooting into our property. My brother and friend were nearly tragic victims of this in 2021 when two individuals were shooting downhill on Pikes Peak as bullets zoomed by their heads. It does not seem to matter that there are signs everywhere that state no trespassing, no shooting, etc. Many of the individuals that do this are careless and they act surprised when we ask them to stop and leave.

Every year after the snow melts the four wheeling crew inevitably comes up to the mountain to tear up Mormon Grade. They put huge ruts in the road making it unusable for the Land Owners that would like to use it. In order to drive it one of the Land Owners has to repair it each year. Umatilla county has not kept up these roads and I don't blame them. They have to leave Oregon and cross into Washington. The landowners are happy to keep this road up ourselves but in order to do so we need these roads closed to the public. Just last spring a 4 Runner got stuck on McKay grade and the vehicle was abandoned for months thus blocking this road from any land owner trying to use it.

Crime is a problem up there and has been. Last fall we talked to a local police officer whose family owns some land and he said there are a lot of people that go up there to do drugs so they aren't easily caught. Unfortunately for us our cabin was built in 1937 and ever since I could remember it would be broken into every year. Nearly everything of value that we had in the early 1980's was stolen. We reverted to putting steel shutters on our cabin to make it nearly impossible to break in. About a decade ago someone used a ladder to climb on our roof and used an axe to cut their way inside. In the 90's my Dad went to our property early and drove a half mile in to find a stolen truck on blocks that had been stripped. He had been there the day before and we are very thankful he didn't come upon them during the act. Another time 2 years after our trailer was stolen he caught two guys that were towing it and he

got it back. They were not sorry at all and again we feel fortunate that nothing happened to my Dad on this occasion.

Nearly every summer you will find drunk people having a campfire on the main road. It usually involves burning a pallet with nails that are left for us to run over but worst of all they do this during extremely dry times. It's really a matter of time before they start a forest fire that can't be easily stopped.

In summary, every owner of property impacted by these three roads has had enough of the tragic accidents, crime, drugs, illegal shooting, and destruction of our roads. We respectfully request that you grant our petition to permanently close these three roads.

Sincerely,



Ed Bachtold


Property Owner – Pikes Peak



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Name	Signature	Address	phone
Leroy Murray		1008 South Nowack Lane	1008 South Nowack Lane

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Name

Signature

Address

phone

Sylvia Murray

  
Sylvia R. Murray, Job # 1001126400

1008 S. Nowack In Potlatch Id 83855 1008 S. Nowack In Potlatch Id 83855

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Name	Signature	Address	phone
Robert H Yenney Trust	<i>By: Kathleen Yenney TTEE</i> <small>By: Kathleen Yenney TTEE (Feb 17, 2022 10:52 AM)</small>	1813 Pike Pl, Walla Walla, Wa 99362	1813 Pike Pl, Walla Walla, Wa 99362 509-540-2383
<hr/>			
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<hr/>			

We agree with the owners to  
have a permanent gate put up.  
Here is our contact information.

Dorothy M Bosse  
5718 N Fleming St  
Spokane, WA 99205  
509.995.3737  
dorobosse@comcast.net

Elizabeth A Hunter  
2717 Thornberry Dr.  
Bryan, TX 77808-3510  
206.713.3332  
netbosse@gmail.com

Please let me know if there is any  
additional information that will be  
helpful. I'll let you know when I'm  
in Bothell next to pick up the key.



UMATILLA COUNTY

\_\_\_\_\_  
Daniel, N. Dorran, Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
John M. Shafer, Commissioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Celinda A. Timmons, Commissioner

\_\_\_\_\_  
Date

ATTEST:  
Office of County Records

\_\_\_\_\_

9:37

5Gw



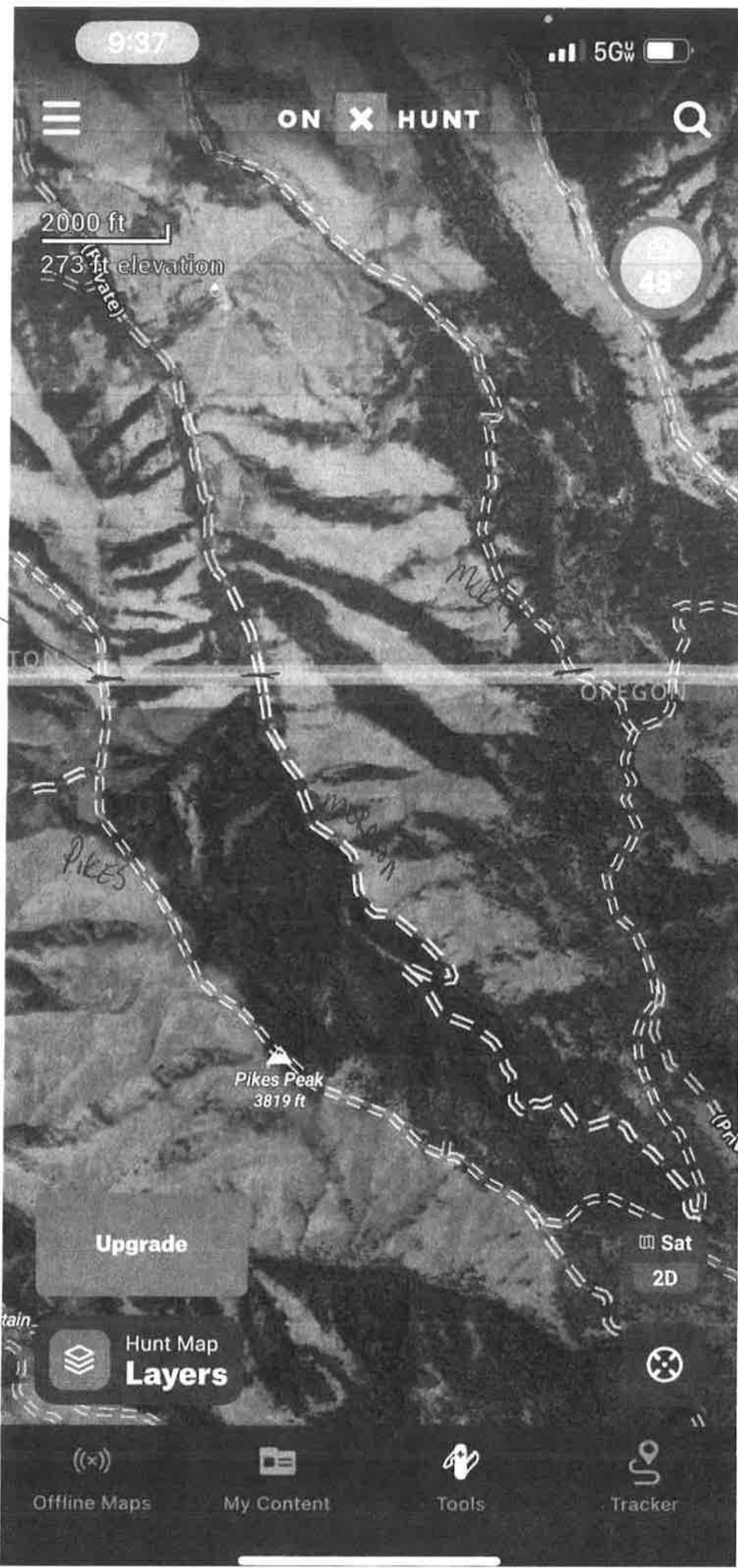
ON X HUNT



2000 ft  
273 ft elevation



GATE  
LOCATIONS



Upgrade



Hunt Map  
Layers

Sat  
2D

Offline Maps

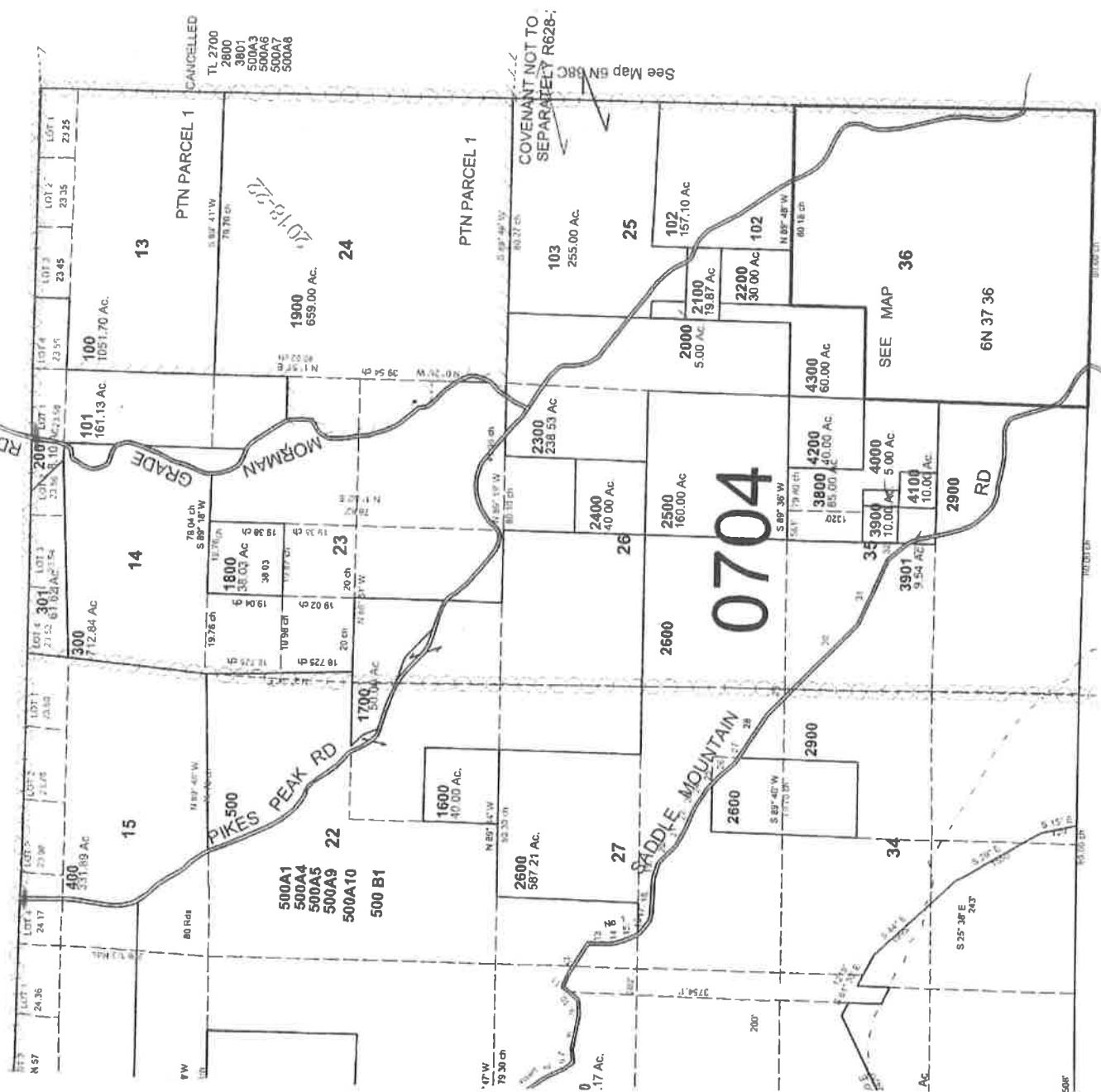
My Content

Tools

Tracker

GATE LOCATED

GATE LOCATED



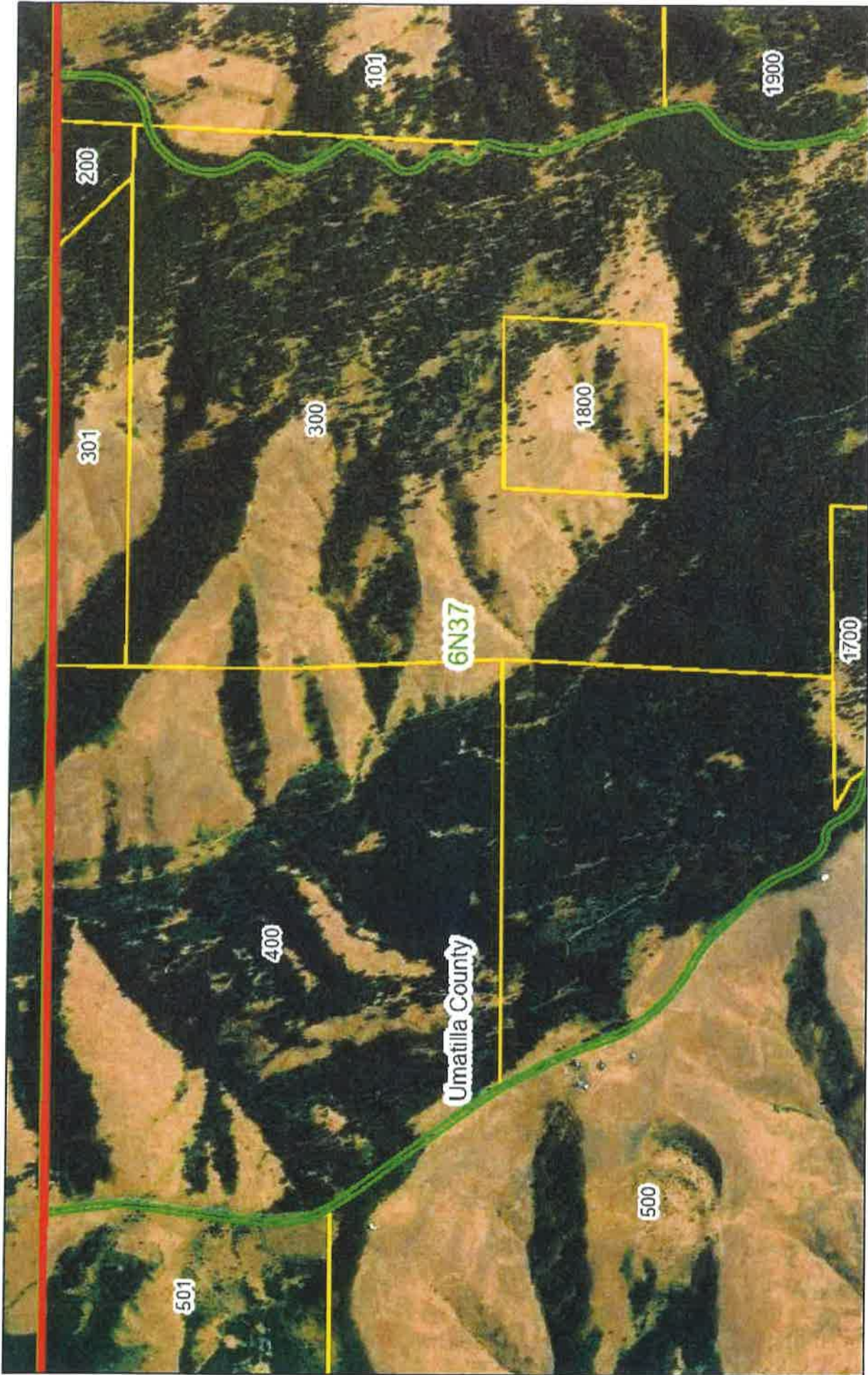
CANCELLED  
TL 2700  
2800  
3801  
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500A6  
500A7  
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COVENANT NOT TO SEPARATELY R628-1;  
See Map 6N 68C




0704

SEE MAP 36

# ArcGIS Web Map



2/14/2023, 9:47:38 AM

-  taxlot
-  mapIndex
-  CountyLines

1:18,056



OREGON DOR. GEO. Maxar