

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

In the Matter of Establishing Immunity )  
from Certain Personal Injury or ) ORDER  
Property Damage Claims Described in ) #24-016  
ORS 105.668 as Amended by Senate )  
Bill 1576 )

This matter came before the Tillamook County Board of Commissioners on April 10, 2024. The Board of Commissioners, being fully apprised of the records and files herein, finds as follows:

1. The Board of Commissioners finds that the Oregon Legislature enacted Senate Bill (SB) 1576 in its 2024 Regular Session.
2. ORS 105.668, as amended by SB 1576, limits private claims or rights of action based on negligence for personal injury or property damage resulting from "use of a trail that is in a public easement or in an unimproved right of way, or from use of structures in the public easement or unimproved right of way, by a user on foot, on a horse or on a bicycle or other nonmotorized vehicle or conveyance" (ORS 105.668).
3. The Board of Commissioners finds that ORS 105.668 applies automatically to cities with a population of 500,000 or more and allows other local governments to opt to limit liability in the manner established by the law.
4. The Board of Commissioners finds that Tillamook County will limit its liability from certain claims by opting in to the immunity provided for in ORS 105.668.

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

5. **Immunity:** Pursuant to ORS 105.668(3)(a) and (b), Tillamook County, on behalf of itself and its officers, employees and agents, hereby opts to limit liability in the manner established by ORS 105.668(2) with respect to personal injury or property damage resulting from use of a trail that is in a public easement or in an unimproved right of way, or from use of structures in the public easement or unimproved right of way, with respect to claimants who may be a user on foot, on a horse or on a bicycle or other nonmotorized vehicle or conveyance.

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6. **Extended Immunity:** Pursuant to ORS 105.668(3)(c) and (d), Tillamook County further opts to extend the immunity adopted in Section 5 of this Order to:
- a. The owner of land abutting public easements and unimproved right of ways located within the County.
  - b. Any nonprofit corporation and its volunteers for the construction and maintenance of trails or structures in a public easement or unimproved right of way located within the County.
7. This Order shall take effect immediately upon its adoption.

DATED THIS 10<sup>th</sup> DAY OF April, 2024.

THE BOARD OF COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

	Aye	Nay	Abstain/Absent
<u>MFB</u> Mary Faith Bell, Chair	<u>Y</u>	<u>—</u>	<u>/</u>
<u>DO</u> Doug Olson, Vice-Chair	<u>X</u>	<u>—</u>	<u>/</u>
<u>ES</u> Erin D. Skaar, Commissioner	<u>✓</u>	<u>—</u>	<u>/</u>

ATTEST: Christy Nyseth,  
County Clerk

By: Tetra Garland  
Special Deputy

APPROVED AS TO FORM:

WKS  
William K. Sargent, County Counsel

