

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

ENDORSED
3:40 PM Filed *Jan*
10-13, 2005
Tassi O'Neil
County Clerk

In the Matter of Setting Clear Direction)
Regarding Fences and other Improvements)
on County Road Right of Ways)

ORDER #05 - 104

This matter coming before the Tillamook County Board of Commissioners on the 12th day of October, 2005, at the request of the Tillamook County Public Works Director.

The Board of Commissioners being fully apprized of the representations of the above-named persons, and the records and files herein, find as follows:



1. A "Road" is defined in accordance with ORS 368.001 to mean the entire right of way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. "Road" includes, but is not limited to:
 - (a) Ways described as streets, highways, throughways or alleys;
 - (b) Road related structures that are in the right of way such as tunnels, culverts or similar structures; and
 - (c) Structures that provide for continuity of the right of way such as bridges.
2. In accordance with ORS 368.256, except as authorized by the County Board of Commissioners, an owner or lawful occupant of land shall not allow any structure, tree, drainage way, soil deposit or other natural or a man-made thing on that land to present a danger to or create a hazard for the public traveling on a public road by obstructing, hanging over or otherwise encroaching or threatening to encroach in any manner on a public road that is under county jurisdiction.
3. In accordance with ORS 374.305, no person, firm or corporation may place, build or construct on the right of way of any county road, any approach road, structure, pipeline, ditch, cable or wire, or any other facility, thing or appurtenance, or substantially alter any such facility, thing or appurtenance or change the manner of using any such approach road without first obtaining written permission from the County Board of Commissioners.
4. In accordance with 374.307, any person who builds or constructs on the right of way of any county road, any approach road or any other facility, thing or appurtenance without first obtaining the written permission required by ORS 374.305, the Board of Commissioners shall, after the expiration of 30 days following the transmittal of a written notice to such person, firm or corporation, at the expense of such person, firm or corporation, remove all such installations from the right of way or reconstruct, repair or maintain any such installation. If the hazard is not removed in accordance with the time set by the Commissioners, the county will remove the hazard and recover the expenses of any removal or repair from any such person, firm or corporation in any court of competent jurisdiction.

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

5. Tillamook County will comply with the intent and obligations as set forth in ORS 368.001, 368.256, 374.305 and 374.307 for all matters involving county road right of ways from this date forward. See Appendix "A" for additional guidelines.

DATED THIS 12th DAY OF October, 2005.


BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

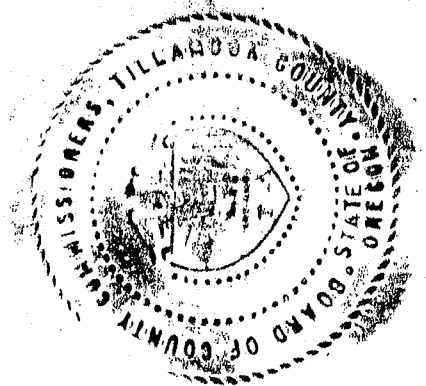
	Aye	Nay	Abstain/Absent
<u>Charles J. Hurliman, Chairperson</u> 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Tim Josi, Vice-Chair Person</u> 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Mark Labhart, Commissioner</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST: Tassi O'Neil,
County Clerk

BY: Susan L. Beckett
Special Deputy

APPROVED AS TO FORM:


William K. Sargent, County Counsel





Land of Cheese, Trees and Ocean Breeze

503 Marolf Loop Road
Tillamook, Oregon 97141

Road Department
(503) 842-3419

(503) 842-6473 FAX

Email: pubwks@co.tillamook.or.us

APPENDIX "A"
To Board Order #05 - 104

POLICY FOR FENCES AND OTHER IMPROVEMENTS IN THE COUNTY ROAD RIGHT-OF-WAY

Except as authorized by the Board of Commissioners, these guidelines apply to all new construction or reconstruction in a public road right of way. We will not apply these standards to existing fences unless they are creating either traffic or other hazard in the road right of way.

Fences:

1. Fences will normally be placed beyond the catch points of road cuts and fills, and behind the back slope of ditch lines.
2. Fences shall not interfere with required sight lines for intersections, curves, road approaches ability to maintain or in any other location that they restrict drivers' visibility of traffic or road hazards.
3. Fences shall not interfere with the operation or maintenance of drainage ditches, culverts or any other drainage facility.
4. Fences shall be a minimum of 12' from the edge of the pavement or from the edge of the traveled way on unpaved roads or on the right of way line if that distance is less than 12'.
5. Localized repairs to existing fences will be allowed, but shall be of the same materials and on the same line as the existing fences. Reconstruction of entire fencelines shall require that the fence be relocated according to these standards. Reconstruction will be when corner posts and 35% of line posts are replaced in a 1 year period.
6. When a fence is moved or rebuilt all old fence material will be removed from the road right-of-way.
7. All fences constructed under these guidelines in the right of way shall be constructed of "breakaway" materials. Concrete, masonry or other non-yielding materials will not be allowed in the public road right of way.

POLICY FOR FENCES AND OTHER IMPROVEMENTS
IN THE COUNTY ROAD RIGHT-OF-WAY

Mail Boxes:

1. U.S. Postal Mail boxes will be set in areas with road shoulder and set as far away from the traveled way as possible.
2. Mailboxes support will be constructed using breakaway material. Concrete, Masonry or other non-yielding material will not be allowed in the public road right of way.

Landscaping Materials and Retaining Walls:

1. Landscaping rock and plantings that will grow over 30" in height will not be placed within the public road right of way.
2. Retaining walls, stock watering tanks, stairways, foot bridges and similar structures will not be placed in the public right of way.

If you are thinking of doing any of this work and are not sure of the right of way width in your area you may call Public Works at 503-842-3419 and we will try to help you locate the road right of way, or you may retain a Licensed Land Surveyor to do this.