



PUBLIC WORKS DEPARTMENT

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TTY Oregon Relay Service

Land of Cheese, Trees and Ocean Breeze

September 1, 2010

Updated March 1, 2012

TO: Interested Parties

FROM: Liane Welch, PE, Director of Public Works

RE: Right of Way Encroachment License Policy

Occasionally a property owner adjacent to a public road feels that they have a situation where requesting permission to place a structure or feature in a public right of way may be justified. The below policy outlines the criteria and review process for considering a right of way encroachment license request.

PRINCIPLES

- Encroachment requests are not automatic or rubber-stamped. Approval of a formal request is not a given.
- By policy after Road Department staff reaches a conclusion on whether an encroachment license can be supported or not, the Director refers a staff report to the Board of Commissioners for consideration of endorsement or not of the report. Board endorsement of a positive staff report will cause Public Works to develop a written encroachment license to be signed first by the applicant (licensee) and countersigned by the Board.
- If at any time, the County requires any improvement in the right-of-way or any lawful utility company requires use of the right of way in accordance with state law, Licensee shall remove, at their sole expense, and within thirty (30) days of receipt of written notice to do so from the County, or such lawful utility company, the permitted structure or other improvements placed on the right of way by Licensee which might impede the opening of the subject property for lawful use. This language is included in the encroachment license.
- The encroachment license does not vacate any right of way nor relinquish to the licensee any legal and authorized use of the right of way as allowed by law by the County or authorized utilities.
- Resolution of existing fences in public right of ways can be addressed by contacting the Road Department office.

PROCEDURES

1. Written request and required fee to Road Department with details and justification
2. Staff research/report development/conclusion
3. Notice of pending Board consideration to owners within 250 foot radius of request site within 2 weeks of Board consideration
4. Report to Board
5. Board consideration of Road Department report
6. If authorized (approved), Road Department drafts Encroachment License for applicant signature. Signed document returned to Road Department.
7. Board signs and license copy returned to applicant

CONSIDERATIONS

- Applicable local agency input (i.e. within a city limits)
- Utility input
- Impacts on safety and maintenance of roadway
- Any denials or pending denials (i.e. Community Development, Division of State Lands, etc.)
- No other options available to resolve the matter
- Justification presented by the applicant
- Public input

FEE

In Order #11-089, the Board of Commissioners authorized the collection of a \$1,060.00 fee to cover staff time for developing report details for Board consideration of an encroachment. This non-refundable \$1,060.00 fee is not a guarantee of approval. The fee is in the form a check for \$1,060.00 made out to "Tillamook County Road Department" that is submitted with the initial request letter to the Road Department.