

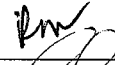



Shoreline Policy and Procedure – Encroachments in the Right-of-Way

Category and Number: Administrative Rule -12.120515	Receiving Number: 6852	
Code and statutory authority: SMC 12: 12.15.200 and 20.30.280	Authorized: Effective Date: May 15, 2012	
Supersedes: N/A		
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1.0 PURPOSE

The purpose of this policy is to provide clarification as to when and how to apply the permitting requirements in Section 12.15.030 C SMC to encroachments in the right-of-way that were placed without benefit of a Right-of-Way Site Permit and provide for consistency in the application of code requirements for the unpermitted encroachments. This policy is intended to provide guidance and direction to internal staff on when encroachments must be relocated.

2.0 DEPARTMENTS AFFECTED

Public Works
Planning & Community Development
Customer Response Team

3.0 DEFINITIONS

Encroachments are structures or obstructions in the public right-of-way generally consisting of fences (wood, wrought iron), walls (brick, block or masonry), decorative structures (planters, masonry mailbox structures, pillars, columns, lighting fixtures, steps, paving), and any other permanent or semi-permanent above-grade improvements constructed or placed in the public right-of-way by private property owners without a permit

Pre-existing encroachments are encroachments that were not installed or significantly modified within the 1 year of identification of the encroachment.

4.0 APPLICABLE CODE SECTIONS

12.15.030 C SMC

5.0 BACKGROUND

There are numerous existing encroachments throughout the City, many of which predate incorporation and/or the adoption of current ordinances. It does not serve the best interest of citizens nor is it an effective use of resources to actively enforce removal of all encroachments. The issue of encroachments and the need to remove or not remove encroachments affects several departments or activities within the City.

- Applications for permits identify existing encroachments that may or may not be related to the development proposal
- Design of capital projects encounters private improvements that encroach into the right of way
- Residents or other individuals identify encroachments installed by neighbors or other property holders
- City staff identify encroachments during other field activities or investigations

6.0 PROCESS

- A. The city will require removal of any pre-existing encroachment that
 1. Impacts safety such as limiting site distance or creating a roadside hazard
 2. Is identified through a development permit and the development triggers frontage improvements
 3. Impacts the design or construction of a capital improvement project
 4. Is installed or significantly modified within 1 year of the date the encroachment is identified.
- B. Encroachments that do not meet the criteria for removal may remain.
- C. If the City allows any encroachment to remain in the right-of-way, a right of way site permit will be required only when a periodic use fee is required as defined in 12.15.030.C.4.

7.0 PROCEDURE

When encroachments into the right-of-way are identified the following actions should be taken:

- A. Safety concerns.
 1. CRT, PCD and PW can all conduct the safety assessment
 2. If there is uncertainty regarding safety, the City Engineer will make the final determination.
 3. Those requiring removal for safety reasons will be managed through CRT and Code Enforcement.
- B. Other encroachments that require removal will be managed and coordinated as follows:
 1. In each instance, the department needs to notify the property owner of the encroachment and include documentation into the appropriate database system (e.g. Hansen).

2. Public Works will coordinate notification and removal for encroachments associated with capital projects.
3. For development permits Public Works or Planning and Community Development will notify the property owner as part of the permit process.
4. Encroachments that have been installed or significantly modified within 1 year should be removed through CRT and Code Enforcement.

C. Encroachments should be reviewed for a Right-of Way-Site Permit under SMC 12.15.030.

1. Pre-existing encroachments that do not trigger a periodic use fee per 12.15.030.C.4 will not be required to obtain a Right-of-Way Site Permit.
2. Right-of-Way Site Permits are administered by Public Works. Review for conformance with the adjacent land use designation will be performed by the Planning & Community Development.

