Structures in the Right of Way - Code Implementation Policy

The purpose of the following Implementation Policy is to differentiate between the letter of the law and the spirit of the law regarding the implementation of Article 4 of the Coos County Code; particularly as it relates to fences and other structures in the right of way.

Coos County Code Article 4 may need minor revision from time to time, but it is understood generally to be needed in some situations. For instance, if a landowner is unwilling to accommodate the needs of safety or maintenance as identified by the Roadmaster, then the code provides a mechanism for enforcement action.

In most cases, however, enforcement will likely not be required because most landowners are willing to accommodate the needs of public roads in the county. The code should always be interpreted as emphasizing right-of-way safety, sound road maintenance, individual land rights, and good relations between the County and landowners.

1. Any perceived violation of County Code as it pertains to structures in the right of way should begin with a landowner conversation. In this context concerns may be addressed, and the landowner afforded an opportunity to take corrective measures of their own volition in cases where the violating structure is at odds with safety, maintenance, or other identifiable concerns.

2. The County will pursue issuing permits for existing structures within county rights-of-way, provided structures are 10 feet or more from the travel way, including the shoulder. The County may issue permits for existing structures less than 10 feet from the travel way, including the shoulder, based on a determination by the Roadmaster. In all cases referenced in this section, the permit will require the landowner to maintain vegetation between the structure and the travel way.

3. Permits are not required for emergency repair to structures in the right of way due to damage caused by vehicular traffic, livestock breakage, or other such event, provided such repair area is less than 100 feet in length and no work will be performed in the travel way.

4. Implementation of the code will be prioritized to address structures that interfere with safety, maintenance or other identifiable concerns regarding the right of way.

5. The County will develop an appeal process for right-of-way permit denials, with final review by the Board of Commissioners.

6. Permits to construct in rights of way will generally be issued, unless deemed impermissible due to safety, maintenance, or other identifiable concerns. Such permits will define placement of the structure.

7. Citations will not be issued without reasonable efforts to first secure cooperation from the landowner.

8. Every reasonable attempt shall be made to consider and respect longevity of a structure, subject to the foregoing provisions of this Implementation Policy.