

**Town of Yarrow Point**  
 4030 95<sup>th</sup> Ave NE, Yarrow Point, Washington 98004  
[www.townhall@ci.yarrow-point.wa.us](mailto:www.townhall@ci.yarrow-point.wa.us)  
 Phone (425) 454-6994 Fax (425) 454-7899

## ENCROACHMENT AGREEMENT APPLICATION

<b>SITE ADDRESS:</b>	<b>PARCEL ID NO:</b>	
<b>LIST ALL OWNERS: (DESCRIBE WHETHER SINGLE, HUSBAND AND WIFE, CORP., CO., LLC, ETC)</b>	<b>MAILING ADDRESS:</b>	<b>PHONE:</b>
		<b>FAX:</b>
<b>FULL LEGAL DESCRIPTION: (ATTACH ADDITIONAL SHEETS AS NECESSARY OR COPY OF TITLE REPORT)</b>		
<b>ENCROACHMENT DESCRIPTION: (ATTACH PLAN)</b>		

### ***REVIEW CRITERIA***

The following review criteria are used by the Town to determine the acceptability of proposed encroachments in public rights-of-way and are based on Yarrow Point Town Code and other applicable applications. Consider:

- 1.) Impact on operations and maintenance of existing and future public/franchise utilities.
- 2.) Extent the improvements may interfere with existing or future street improvements.
- 3.) Impact to sight distance of vehicles and pedestrians.
- 4.) Impact to roadside shoulder parking.
- 5.) Impact to health and safety.
- 6.) How far the improvements will extend into the rights-of-way.
- 7.) How permanent the improvements will be.
- 8.) The extent the improvements give the general public the impression that they are excluded from using the rights-of-way.
- 9.) The extent the improvements may interfere with future private development.
- 10.) Impervious surface, walls/fences, boulders and large trees are not allowed.
- 11.) What impact the encroachments would have on views of neighbors and the general public.

### ***REVIEW PROCEDURE***

- 1.) The applicant reviews the rights-of-way encroachment review criteria and submits an application fee of **\$1,875**, plus an application for consideration to Staff at Town Hall including a drawing depicting the proposed encroachments. The drawing should include house address, north arrow, street(s) abutting the property, and a detailed description of proposed encroachments. The drawing must be prepared on 8 ½" x 11" or 8 ½" x 14" paper with a minimum 1" clear margin on all sides.
- 2.) If and when the application is approved by Staff of the various departments of the Town, the applicant shall sign and notarize an Encroachment Agreement prepared by the Town and return it for Mayor approval.
- 3.) The applicant will pay the Town an agreement fee and record the agreement or pay a fee to the Town to record the agreement.
- 4.) After the agreement is recorded the Town Clerk will provide the applicant with a copy of the recorded agreement.
- 5.) Applicant may proceed with approved encroachment upon obtaining a Rights-of-Way Use Permit for doing the work in the rights-of-way.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be met whether specified herein or not. The approval of an agreement does not presume to give authority to violate or cancel the provisions of any other State or local law regulating construction or the performance of construction.

\_\_\_\_\_  
Signature of Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Owner/Authorized Agent

**Town of Yarrow Point Ordinance No 557 – Encroachment into Public Rights-of-Way  
& Yarrow Point Municipal Code Section 12.24**

- A.) An encroachment is any intrusion, irrespective of height or size, into a sidewalk, street, or other public rights-of-way and includes, but is not limited to, fill material, retaining walls, rockeries, plants and trees either deliberately planted or growing from adjacent property, rocks, concrete, asphalt, impervious surfaces or structures and any other natural or man-made material. For purposes of this definition grass and gravel are not considered encroachments of the Town’s rights-of-ways.
- B.) An encroachment into a public rights-of-way is not allowed without an encroachment agreement.
- C.) A land owner seeking an encroachment agreement shall submit an application for a permit for encroachment into the public rights-of-way to the Town and pay the applicable fee for such permit.
- D.) A permit to encroach into the public rights-of-way will be granted to an applicant that executes an encroachment agreement and establishes that the proposed encroachment meets or exceeds the criteria, herein after set forth.
- E.) Prior to issuance of an encroachment permit an encroachment agreement shall be signed and recorded by the applicant and / or owner of the property adjacent to the Town rights-of-way and shall be recorded with the King County Records and Election Office.
- F.) An Encroachment Agreement shall:
1. Specify the type and location of materials, plants or structures allowed in the rights-of-way;
  2. Specify the rights and responsibilities of the Town and the adjacent land owner for maintenance and eventual removal of the encroachment;
  3. Make provisions for reasonable public access, including view, to the rights-of-way and to any adjacent public property;
  4. Make provisions for future access to the rights-of-way for utilities, drainage, vehicles, and pedestrians;
  5. Protect the public health and safety;
  6. State that the Town shall be entitled to revoke an encroachment agreement at any time, with or without cause and without penalty or liability, and that the property owner shall return the property to the same or better condition than existed prior to the encroachment; and
  7. Contain any other criteria deemed necessary by the Town.
- G.) No construction of encroachments shall be allowed until an encroachment permit is issued and an encroachment agreement has been signed and recorded.
- H.) An encroachment agreement does not constitute a surrender by the Town of any property rights to the Town rights-of-way.
- Code Section 12.24.020 – Existing Encroachments
- A. Existing encroachments at the time of the passage of Ordinance No 557 shall be allowed to remain, provided however that the Town shall attempt to acquire voluntarily execution of an encroachment agreement on all encroachments now existing.
- Code Section 12.24.030 – New Construction / Remodel
- A. No permits will be issued for new construction or remodel construction where encroachments presently exist in public rights-of-ways until the owner signs and records an encroachment agreement.
- Code Section 12.24.040 – Appeal
- A. Only a denial of an application for encroachment into public rights-of-way may be appealed.
- B. The appeal shall be to the Planning Commission. The decision of the Planning Commission shall be final.

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Yarrow Point Official

Date

## **Town of Yarrow Point Encroachment Agreement Application Review Criteria**

- 1.) Impact on operations and maintenance of existing and future public/franchise utilities.
- 2.) Extent the improvements may interfere with existing or future street improvements.
- 3.) Impact to sight distance of vehicles and pedestrians.
- 4.) Impact to roadside shoulder parking.
- 5.) Impact to public health and safety.
- 6.) How far the improvements will extend into the rights-of-way.
- 7.) How permanent the improvements will be.
- 8.) The extent the improvements give the general public the impression that it is excluded from using the rights-of-way.
- 9.) The extent the improvements may interfere with future private development.
- 10.) Impervious surface, walls/fences, boulders and large trees are not allowed.