

RESOLUTION

2017 304

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF A COUNTY ROAD APPROACH POLICY

WHEREAS, RCW 36.75.130 provides that no person shall be permitted to build or have an approach to a County road without first obtaining permission from the Board of County Commissioners and provides that the Board may adopt reasonable rules for the construction of approaches and provides that the construction of approaches shall be under the supervision of the County Engineer and that the cost for the approach shall be at the expense of the person benefitted; and

WHEREAS, RCW 36.75.040 provides that it shall be the duty of the Board to perform all acts necessary and proper for the administration of the County roads; and

WHEREAS, the Board adopted a County Road Approach Policy under Resolution 2015-618, and

WHEREAS, the County Engineer recommends that certain updates be made to the previous policy; and

WHEREAS, it appears to be in the public interest that the Board delegate its authority to the County Engineer to carry out the hereinafter policy including rules, regulations and standards; NOW, THEREFORE,


BE IT RESOLVED, that the Board's County Road Approach Policy, adopted September 1, 2015, under Resolution 2015-618 be replaced with the attached County Road Approach Policy; and

BE IT FURTHER RESOLVED, that all other policies adopted under Resolution 2015-618 remain in full force and effect; and

BE IT FURTHER RESOLVED, that the County Engineer is hereby authorized to carry out the responsibilities of the Board of County Commissioners for enforcement of the rules, regulations and standards contained in the aforementioned policies.

Dated this 2nd day of May, 2017.



Chairman.


Chairman Pro-Tem.


Member.

Constituting the Board of County
Commissioners of Benton County,
Washington.

Attest:


Clerk of the Board

Orig.: Roads
c: Auditor

S. Christen

BENTON COUNTY PUBLIC WORKS DEPARTMENT
ADMINISTRATIVE POLICY AND PROCEDURE STATEMENT

A.P.P. 4

SUBJECT: County Road Approach Policy

EFFECTIVE: May 2, 2017

ISSUED BY:


County Engineer

I. Purpose

To establish a uniform practice for the issuance of permits to access the County road system from private property.

II. Policy

A. General

RCW 36.75.130 provides for the following:

1. Any persons desiring to construct an approach to the county road system shall first obtain permission from the Board of County Commissioners.
2. The board may adopt rules for the construction of approaches which may contain provisions for the construction of culverts, fills and other drainage facilities as the board deems necessary.
3. The construction of approaches, culverts, fills and other drainage facilities shall be under the supervision of the County Engineer and all such construction shall be at the expense of the person benefitted by the construction.

Benton County Resolution 2017-XXX delegates the office of the County Engineer to execute road approach permits on behalf of the Board.

B. Access

Each property owner is entitled to reasonable access to the County Road system. Access to a particular roadway and/or at a particular location may be restricted in certain circumstances including but not limited to:

- (a) Locations where limited access rights have been obtained by the County

- (b) When reasonable access can be established through other roadways or lanes, both public and private
- (c) When topographic features may cause the access to be unsafe or undesirable to the County

C. Approach Construction Required

All property owners shall be required to construct a new road approach, to County standards, any time an access point is added to the county road system or in conjunction with any construction or change in use of the property that may increase the traffic volume or change the type of traffic entering or exiting the roadway, as determined by the County Engineer.

No building permit required by the Benton County Zoning Ordinance shall be issued until the County Engineer has verified that permitted access exists or an approach permit has been issued for the intended building and conforms to the requirements herein.

In evaluating if a new road approach is required or if an existing approach must be brought up to current standards as a condition of issuing a permit required by the Benton County Zoning Ordinance the County Engineer will use the following the thresholds:

- Construction of any dwelling or accessory dwelling
- Construction of an accessory building with valuation, as determined by the Building Department, of \$25,000 or more
- Construction of any commercial, industrial or agricultural structure
- Placement or replacement of a manufactured home
- Enlarging any dwelling or accessory structure with the value of the addition being 33% or more of the current structures value -OR- Enlarging any dwelling or accessory structure's gross floor area by more than 50%, regardless of value
- Ingress or egress to a County road for commercial, industrial, or agricultural purposes other than temporary approaches

Any subdivision or modification of parcel boundaries that results in an approach serving more than a single parcel shall require to be constructed an approach for any new parcels lacking such approaches to County standards as a condition of approval.

For new joint use approaches that are not a result of a division of land, the first applicant for a road approach permit shall be required to construct the approach to County standards.

D. Permit Required, Application

All property owners constructing a new road approach or making upgrades or modifications to an existing approach shall first file an approach permit application with the office of the County Engineer. The application shall be made on forms available from the County Engineer's office. Copies of the approach permit application will be kept on hand and made available to any person requesting them at the office of the County Engineer. The County

Engineer may also make electronic copies of the application available by email or through posting on the Benton County website. Applications may also be made online through software utilized by the County Engineers office.

Incomplete applications will not be accepted.

All applications shall include a drawing, created with computer aided drafting (CAD) software or neatly hand drawn, containing the following information:

- Address and parcel number
- Property and right of way lines
- Total property area
- Dimension of the property line(s) adjacent to the County Road(s)
- Road name
- Location of the edge of pavement
- Existing site conditions including other driveways, utilities and other items that may impact the proposed approach.
- Width of approach and proposed return radii consistent with the standard plan
- Location of approach in relation to nearest property line
- Surfacing material proposed

For typical residential and minor commercial or agricultural approaches a single drawing on 8.5x11 inch paper will be sufficient. For industrial and other approaches that require more work (such as road widening or turning lanes) as a condition of approval three copies of drawings, created under the direction of a civil engineer licensed to practice in the State of Washington, shall be submitted on 22x34 inch paper.

Once a complete application has been received at the office of the County Engineer, the review period for the application will begin. The County will require a maximum of ten (10) business days to complete its review of each application. If the County Engineer determines that the proposed access is appropriate, meets guidelines to ensure public safety, and is in the best interest of the County the application will be approved and the permittee will be notified that they may proceed with their construction access.

If a Road Approach Permit is not issued, the approach permit application shall expire sixty (60) days from the date of acceptance by the County Engineer.

E. Application Review

When a completed application is received, it will be stamped with the date it is accepted by the County Engineer. The County Engineer will then have a maximum of ten (10) business days to review the application and approve the application, deny the application, request additional information, or

notify the applicant that additional review time is required. The review of the application will include:

- Ensuring the information on the application is accurate and appropriate to the subject property. Any incorrect information will be brought to the attention of the applicant for correction.
- Ensuring the site sketch is accurate as to the location and type of approach requested by the applicant. The County Engineer may aid the applicant in preparing the site sketch by providing data from the County Geographic Information System.
- A site visit to determine any conditional requirements that may need to be added to the permit. Pictures of the site should be taken for the file.

Once the review of the application is complete, the County Engineer will notify the applicant, in writing, whether or not the application has been approved. The determination of the County Engineer will be final. If approved the applicant will then proceed with construction of their construction access and pay the required permit fee.

If during the course of the review it is determined that the approach is already permitted, and conforms to all permit requirements at the time of original issuance, and the permittee is not proposing any modifications to the approach, the reviewer will notify the building department and the applicant, in writing, that no additional action is required in relation to the approach. Generally no new approach permit will be issued.

F. Construction Access

After approval of the application and prior to issuance of a Road Approach Permit the permittee shall install a temporary construction access to the site in accordance with the standards and specifications on file at the office of the County Engineer. The access shall be inspected and approved by the County Engineer before the approach permit will be issued. The permittee shall be responsible to maintain the access until the permanent approach is installed. The permittee shall also be responsible to remove any dirt, rocks and other debris tracked onto the roadway from their work site on a daily basis. Failure to remove said debris and clean the adjacent roadway may result in the County ordering said work to be done and charging the permittee for any expenses incurred. Any damage to the roadway, roadway shoulder or drainage ditch resulting from the permittee's activities shall be repaired at the permittee's sole cost and expense. All charges for cleaning or repairs shall be paid prior to final approval of the road approach permit.

G. Permit Fee

After approval of the application and prior to issuance of a road approach permit for a new approach or modifications to an existing approach the applicant shall pay a non-refundable permit fee of one hundred dollars (\$100). The fee may be waived in the following circumstances:

- The approach is existing and found to be in conformance with the standards and policies at the time of its original permitting and no modifications to that approach are proposed or required

- The approach connects directly to a private road which provides access to the County road system

When, in the opinion of the County Engineer, the application will require more than a typical review and inspection as it pertains to roadway work within the right of way (such as when road widening or turning lanes are required as a condition of approval) a fee equal to five percent (5%) of the estimated cost of construction of the improvements shall be paid after the review is complete and before a permit is issued. The fee shall be based on the estimated cost of construction as provided in written estimates from at least two reputable contractors or from a civil engineer licensed to practice in the State of Washington. The County Engineer shall make the final determination as to the accuracy of the provided estimates.

Fees must be paid at the office of the County Engineer or made online through software utilized by the Department. In person or mail in payment may be in the form of cash, personal check, money order, or cashier's check. For payment by personal check or money order, a valid Washington State driver's license is required. The applicant's driver's license number shall appear on the face of the check.

A convenience fee will be added to the cost of the permit for online payments.

If checks are returned for any reason, the review of the application will cease and permits, if issued, will become invalid until proper payment is made. Additionally, the applicant will be responsible for reimbursing the County for any returned check fees incurred.

H. Permit Issuance

After the Construction Access has been completed and the permit fees have been paid the applicant will be issued a Road Approach Permit.

Issuance of a permit grants the holder permission to construct an approach in accordance with the conditions contained on the permit including the approved site plan. The approach is not considered conforming until all conditions thereon have been satisfied, construction is accepted and the final road approach permit has been executed by the County Engineer.

I. Construction

Road approaches shall be constructed in accordance with County standards, applicable WSDOT standards (as adopted by the County), and all conditional requirements on the permit.

Pursuant to RCW 36.75.130, all costs for construction of road approaches, including excavation, compaction, culvert pipe, fills, ditches, drainage facilities, and pavement shall be at the expense of the person or persons benefitting from the approach. Unless otherwise provided herein the County will not provide any equipment, labor, or materials for construction of road approaches.

Unless otherwise noted on the permit, approaches shall be constructed within 180 days of the issuance of an approach permit. Failure to complete construction within 180 days will automatically void the approach permit. Permits may be renewed provided that a new application fee is paid, no changes to the site plan have occurred and no changes to the County Standards or policy have occurred.

In accordance with RCW 19.122.030, the property owner shall be responsible to obtain utility locates by using the statewide one-number locating service.

J. Inspection

All construction within the County right of way is subject to inspection and approval by the County Engineer. Inspection of the work may include, but is not limited to, the following:

- Verification that the geometric layout is consistent with permit requirements
- Verification and/or testing of compaction for base course and pavement within the County right of way
- Verification of layer thickness for base course and pavement within the County right of way
- Verification that all conditional requirements have been satisfied

The applicant shall request inspection either by calling the main office or utilizing the online request portal once each stage of the work is ready to be accepted. The County will schedule a time window, typically two hours, of when the approach will be inspected within the next three (3) full business days. If the inspector arrives and the work is not ready for inspection, the inspection will be failed and the applicant will be required to schedule a new inspection. If the applicant establishes a history of requesting inspections when the work to be inspected has not been completed, an additional fee may be added to the permit in order to compensate the County for costs incurred. History shall be considered two (2) or more inspections for work not ready for an inspection.

Work completed without a required prerequisite inspection being approved will be automatically failed and the County will require the permittee to demonstrate that the previous work meets all permit requirements or all such work shall be removed by the owner at their own expense.

All approaches shall pass a final inspection by the County Engineer in order for the permit to be considered valid. Final inspection shall include a review of the approach surface, size and location. All debris, including wind blow sand/dirt and debris shall be removed from the roadway, road shoulder and roadside ditch along the entire frontage of the property before final inspection will be approved.

K. Permit

Once all conditions on the Road Approach Permit have been satisfied, the final inspection has been passed, and any fee's or charges for repairs, cleaning or additional inspections have been paid the County Engineer will execute the final Road Approach Permit.

Once the permit is executed by the County Engineer, one (1) copy will be made and returned to the owner. The County Engineer will maintain the original copy in the appropriate file.

Records for each road approach will be kept on file in the office of the County Engineer. Records will consist of all applications, whether approved or not, and all permits with supporting construction records. Records will be maintained in accordance with Benton County record retention policy and applicable State Law.

L. Minimum Design Standards

The County Engineer has developed standard drawings for the various road approach types. The current versions of these drawings are available at the office of the County Engineer and are hereby incorporated as part of this policy by reference. The Board of County Commissioners reserves the right to make updates and changes to these drawings, without updating the remainder of this policy, as necessary.

All road approaches shall conform at least to the minimum design standards established by the County Engineer. However, the minimum design standards may not be sufficient for all approach types, such as those with large truck volumes. It is the sole responsibility of the permittee to provide a road approach design that is appropriate for the intended use. The County makes no certification that approaches constructed to minimum standards will be sufficient and, if due to special use of or conditions on an approach, the County Engineer may direct that additional design work be required. This may include, but not be limited to, certification of the adequacy of the approach by a licensed engineer.

The following standards shall be used in reviewing and issuing permits:

1. General Conditions

No approach shall be located as to create a hazard to motorists or pedestrians or to invite or compel illegal or unsafe traffic movements.

Approaches shall provide adequate queueing length for vehicles both entering and exiting the County roadway. This may include restrictions on placement of gates, parking, and other items that may obstruct traffic flow, on private property.

All portions of the approach, including any radius returns, shall be confined within lines that are extensions of the property boundaries though the property corners to the centerline of the roadway.

Road approaches that cross a drainage ditch may require a culvert to be installed for the full width of the approach. The culvert shall be sized appropriately for the anticipated water volume with the minimum size being 12 inch diameter. All culvert pipes shall be corrugated metal pipe (CMP) with a galvanized coating and be installed in accordance with the standards on file at the County Engineers Office. Culvert pipes shall be installed with appropriate cover for any access to the property. Filling of the ditch for access without installation of the culvert is unacceptable.

All approaches to a paved County road shall be paved with hot mix asphalt or concrete (as permitted below) to the dimensions shown on the standard plans.

Concrete approaches within the right of way are only permitted when the paved width of the roadway is at least 12 feet, as measured from the roadway centerline to the edge of pavement, at the approach location. If the paved width is less the pavement may be widened in accordance with minimum road section standards for the width of the approach (including return radii) plus appropriate pavement width transitions and the concrete may continue from that point.

Hot mix asphalt approaches shall be connected to the existing pavement with a neat, vertical, saw cut and the joint shall be tacked prior to paving.

Approaches shall be located such that they provide minimum intersection sight distances as determined in the Washington State Department of Transportation Design Manual. For the purposes of determining sight distances the following criteria shall be used:

- Design Speed (V) shall be the legal speed limit (posted or unposted)
- A sight obstruction that the driver cannot see over shall be any obstruction greater than 2 feet in height. Trees with a caliper of less than 6 inches, measured 2 feet up from the base, shall not be considered a sight obstruction when the lowest branches are a minimum of 7 feet above the edge of pavement nearest to the tree

Sight distances for approaches shall be maintained by the permittee including trimming and/or removal of vegetation. Placement of fencing or other objects in the sight triangle for an approach may result in those objects being removed or the approach being closed.

2. Approaches within an urban growth area

Approaches shall be located a minimum of 75 feet from the nearest intersecting roadway as measured from the point at which the nearest return radius of the driveway meets the pavement to the centerline of the intersecting roadway.

The total number of approaches for any one property shall be limited to three.

No more than two approaches will be permitted on any one street for any one property. Approaches must be separated by a minimum of 15 feet as measured at the right of way line.

3. Approaches outside an urban growth area

Approaches shall be located a minimum of 150 feet from the nearest intersecting roadway as measured from the point at which the nearest return radius of the driveway meets the pavement to the centerline of the intersecting roadway.

Residential approaches on lots two acres in size or less shall be limited to two on any one street. Residential approaches on lots greater than two acres in size shall be limited to three on any one street.

Farm approaches shall be limited to one approach for each residence and set of out buildings with one additional approach for a group of temporary living quarters and one additional approach for each field or portion of field, if the field is separated by a topographical barrier, abutting the roadway.

Approaches for commercial and industrial facilities shall be limited to three with no more than two on any one road.

Approaches shall be separated by a minimum of 50 feet as measured at the right of way line.

4. Residential Approaches – Width

The maximum width for a residential approach shall be as follows:

- 30 feet, exclusive of the return radii, for a home with up to a 2 car garage.
- 36 feet, exclusive of the return radii, for a home with a 3 car garage or larger

No additional width will be granted for addition of an attached or separated shop/garage. Approaches serving such buildings shall be constructed as a separate approach or connected to the existing approach outside of the right of way.

The combined width of all approaches on any one street shall not exceed 60 feet or 50% of the frontage for that street whichever is less. The combined width of all approaches for each property shall not exceed 80 feet.

5. Non-Residential Approaches – Width

Approaches for any use other than residential shall have a maximum width of 40 feet exclusive of the return radii.

Equipment crossing approaches may have a wider width as determined by the County Engineer on a case by case basis.

6. Private Road Approaches

Approaches for private roads shall be paved and constructed in accordance with the standards and specifications on file at the office of the County Engineer.

The number, width and location of approaches may be varied from the above standards when, in the opinion of the County Engineer, conditions along the County road do not permit expected vehicle or equipment type and/or traffic volumes to enter, exit or cross the road safely or if the approach would create an undesirable condition on the County road or intersecting roads.

M. Unpermitted, Non-Conforming & Non-Compliant Approaches

All access points to the county road system shall have a Road Approach Permit and shall comply with all requirements of that permit. Approaches that were constructed under previous versions of this policy, but are considered to be non-conforming approaches under that version, shall be considered unpermitted approaches.

Pursuant to RCW 36.75.130, any person failing to obtain the permission of the Board of County Commissioners prior to constructing an approach is guilty of a misdemeanor and subject to prosecution.

The Road Department will issue a warning to any property owner observed to be constructing or have constructed an unpermitted approach. The warning will give the property owner ten (10) business days in which to remove said approach or complete an approach permit application. If the property owner fails to comply with the conditions of the warning letter, the matter will be forwarded to the Benton County Sheriff Department for further action.

Upon failure of the permittee to use, occupy, or maintain an approach the County Engineer will notify the permittee verbally (if possible) and by first class letter of the non-compliance. If, after thirty (30) days the non-compliance has not been corrected, the County Engineer may order any such work to be done to bring the approach into compliance and recover the cost therefore from said permittee.

The County Engineer reserves the right to revoke or deny any and all approach permits when the approach creates a danger to the traveling public.

N. Maintenance, Replacement, Relocation

Approaches shall be maintained in a safe, smooth, and traversable condition that permits vehicles to enter and exit the roadway without impeding traffic. The County Engineer further reserves the right to periodically inspect road approaches for public safety concerns.

It shall be the responsibility of the property owner(s) to maintain the road approach(s) to their property. The County will maintain the intersecting roadway, to the edge of the paved or gravel surface, and the adjacent roadside ditch including the culvert under the approach, if one is installed. The Counties maintenance of the culvert shall be limited to periodic cleaning. The property owner shall be responsible to replace the culvert pipe when replacement is deemed necessary by the County Engineer.

For private road approaches, the County will maintain the approach, including the culvert, up to the edge of the County road right of way. The remainder of the private road shall be the responsibility of the persons utilizing the road.

Any replacement or relocation of an approach due to actions by the permittee or the permittee's failure to maintain the approach in accordance with this policy and all conditions on the permit shall be by and at the expense of the permittee.

Any replacement or relocation of an approach due to construction or maintenance by Benton County shall be by and at the expense of Benton County. Once said replacement or relocation is complete, the responsibility for maintenance shall return to the permittee.

O. Temporary Road Approaches

Temporary approaches shall be constructed to County standards and specifications. The permittee shall be responsible to construct the approach in such a manner as is appropriate for the use. The permittee shall further ensure that the approach is constructed so as to prevent dirt and debris from being tracked onto the County road, or the permittee shall be required to clean the County road of all such dirt and debris at the end of each day the approach is in use. Permittees shall further be responsible to repair all damage to the County road caused by use of the approach at the expiration of the Approach Permit.

Temporary Approach Permits shall expire when the temporary approach is removed or on the date listed on the permit, whichever is sooner. There will be no extensions for Temporary Approach Permits. The permittee shall be responsible to remove all improvements for the approach when the approach is no longer in use or on the date of expiration.

If the permittee fails to clean the roadway as required, repair damage, or remove the improvements, the County may cause this work to be completed at the permittee's expense.

P. Bonds

In lieu of actual construction of the approach the County Engineer may accept a bond in the amount of \$3000 for each residential approach or the full amount of the cost to construct the approach plus a twenty five percent (25%) administrative fee for all other approach types. Acceptance of a bond will only be considered if the permittee has made a reasonable effort to complete the approach within the time frame allotted by the permit, all work able to be completed has been completed and circumstances beyond the control of the permittee will cause the permit to lapse before the remaining work is completed.

The County Engineer shall make the determination as to whether or not to accept a bond and the bond amount.

Bonds shall be held for a period of six (6) months after which time the County may cause the work to be completed and utilize the bond to recover the cost of such.

III. Definitions

Accessory Building – Any structure, whether accompanied by a dwelling or not, that is generally not considered as housing for people. This includes, but is not limited to: shops, detached garages, pole buildings, sheds, storage buildings, carports, and covered storage areas.

Authorized Road Approach – A road approach that has been properly permitted under this or previous versions of this policy.

Conforming Road Approach – A road approach that meets all requirements, at the time of initial permitting, for location, size, spacing, site distance, and geometric elements.

County Engineer – The person appointed by the Board of County Commissioners to serve as the County Road Engineer in accordance with RCW, or their designee.

County Road System – All roadways, whether paved or unpaved, designated for use by the public, and maintained by the Benton County Public Works Department.

Design Standards – Drawings and specifications regarding the construction of a road approach on file at the office of the County Engineer.

Footprint – The square foot area of a building actually in contact with the ground.

Gross Floor Area – The total square foot area of a building, including all levels below, on, or above the ground.

Intersection – The general area where a roadway is met or crossed at a common elevation by another roadway.

Joint Use Approach – A single road approach that serves more than one property or home. Private road connections to the county road system are considered joint use approaches.

Limited Access Rights – A covenant or restriction placed on a parcel of land that limits the number and/or location of approaches to the County road. Such restrictions may be via Benton County Resolution, Ordinance, as a condition on a plat or short plat or as a result of negotiations for the purchase of right of way.

Nonconforming Road Approach – A road approach that does not meet requirements, at the time of initial permitting, for location, size, spacing, site distance, and geometric elements.

Permit – Written approval issued by the office of the County Engineer authorizing access from private property to the county road system.

Permittee – The permit applicant and their heirs, successors and assigns. The Permittee will typically be the current property owner or leaseholder.

Private Road – A roadway serving more than one property, constructed within a private easement for ingress and egress for those properties. A road shall only be considered a private road if it has a name or alphanumeric designation by the Benton County Planning Department. Private roads are connected to the county road system through a joint use approach.

RCW – Revised Code of Washington.

Temporary Road Approach – A road approach designated for a specific use and conditioned to be open for a specific period of time with the right of way to be restored to its original condition upon closure of the approach. Temporary road approaches generally have less stringent design and construction requirements due to their temporary nature.

WSDOT – Washington State Department of Transportation.