

DRAFT

Chapter 12.08 - HIGHWAY APPROACHES*

Sections:

12.08.010 – Purpose

12.08.020 – Regulations adopted -Scope – Conformance required

12.08.030 – Access

12.08.040 – Approach Construction Required

12.08.050 – Permit Required, Application Review

12.08.060 – Permit Fees

12.08.070 – Inspections

12.08.080 – Construction- Requirements

12.08.090 – Construction - Improper

12.08.100 – Responsibility for Cost

12.08.110 – Maintenance

12.08.120 – Expectations

12.08.010 – Purpose.

The purpose of this chapter is to provide reasonable rules for the construction of road approaches from abutting property to county roads pursuant to RCW 36.75.130 et seq. This chapter requires permits, provides for inspection of proposed and actual construction of said approaches, and provides penalties for violations of this chapter.

12.08.0210 - Regulations adopted—Scope—Conformance required.

The following rules and regulations for the location and construction of approaches to county roads in Mason County are adopted ~~on as of~~ 2021 December 24, 1973. These amended regulations shall supersede all prior regulations and practices in Mason County and shall govern all approaches, including but not necessarily limited to driveways and private access roads, ~~not approved by the board prior to the date hereof.~~

~~The construction of all approaches to county roads in Mason County, Washington, shall comply with these regulations and with~~ Any person wishing to construct or modify an approach onto any mason county roadway shall obtain a permit for such work within the right-of-way from the Public Works Department and shall comply with these regulations, county road standards and Chapter 36.75 RCW. Sections 36.75.130, 36.75.140 and 36.75.150.

The County Engineer or their designee shall be authorized to issue permits for road approaches to county roads; provided that the applicant complies with appropriate rules, regulations and conditional requirements of the issued permit.

The county may limit the number, width, location and configuration of driveway(s) to provide access to any property, as may be necessary in the public interest for reasons of safety.

12.08.030 – 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:

1. Locations where limited access rights have been obtained by the county.
2. When reasonable access can be established through other roadways or lanes.

DRAFT

both public and private.

3. When topographic features may cause the access to be unsafe or undesirable to the county.

12.08.0420 -- 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.

A building permit issued by the Mason County Building Department shall not pass a final inspection until the County Engineer or their designee has verified that permitted access exists or an approach permit has been issued for the intended use.

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 Mason County Building Department, the County Engineer or their designee, will use the following thresholds:

- Construction of any dwelling or accessory dwelling
- Construction of any commercial or industrial structure
- Placement or replacement of a manufactured home
- Ingress or egress to a county road for commercial or industrial purposes other than temporary approaches

Any subdivision or modification of parcel boundaries that results in an approach serving more than a single parcel shall be required to construct one approach, unless circumstances warrant more than one (sight distance, topography, etc.) for the new parcels lacking an approach to county standards as a condition of approval and must be surveyed and recorded with the Mason County Auditor's Department. A road approach permit will need to be issued and pass final inspection as part of this process.

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.

12.08.050 - Permit Required, Application Review

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 Public Works Department. The application forms are available from the department and online.

Applications that are turned in incomplete will not be accepted and returned to applicant.

When a completed application is received, the County Engineer or their designee, will review the application and approve, deny or request additional information. Public Works will make every effort to complete the application review and inspection process within 7-10 business days.

The review of the application will include:

DRAFT

- Ensuring the information on the application is accurate and appropriate to the subject property.
- Ensuring the site sketch is accurate as to the location and type of approach requested by the applicant.
- A site visit to determine any conditional requirements that may need to be added to the permit (the access shall be marked by the applicant).

If approved, the applicant will then proceed with construction of their access if the required permit fees have been paid. If not approved, the County Engineer or their designee will notify the applicant.

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 update the current County permitting program and notify applicant that no additional action is required in relation to the approach. Generally, no new approach permit will be issued.

12.08.060 - Permit required fees.—Bond or cash deposit required.

No new approach or alteration of an existing approach to any County road shall be constructed ~~and no alteration shall be effected on any existing approach to a county road unless and~~ until the person benefitted by or desiring such approach ~~shall have~~has been issued a permit by the ~~Mason County engineer~~Public Works Department on a form which will be provided; except that the ~~C~~eounty may alter or improve any existing approach to a county road when such alteration or improvement is necessary to the proper maintenance of the county road.

After approval of the permit for a new approach or modification to an existing approach the applicant shall pay a non-refundable permit fee of \$200 dollars.

The fee may be waived in the following circumstances:

- The approach is existing and found to be in conformance with the standard and policies at the time of its original permitting and no modifications to the approach are proposed or required.
- The approach connects directly to a private road which provide access to the County road system

If the permit expires or the work has not been completed after 360-days the applicant shall re-apply and pay the permit fee again.

In addition to the permit fee, a bond (or cash deposit) may be required in an amount to be determined by the County Engineer or designee.

~~A bond (or cash deposit) may be required in an amount to be determined by the engineer. Such bond (or cash deposit) shall accompany each application, whether the work is to be done by the applicant or by the county (see Section 12.08.060), and will be retained until the work is approved by the engineer.~~

DRAFT

12.08.070 – Inspection.

All construction within the county right of way is subject to inspection and approval by the County Engineer or their designee for the permit to be considered valid. 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.

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 an inspection by calling or emailing the Public Works Department when their access is ready for inspection. If 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 hundred dollars (\$100) fee may be added to the permit in order to compensate the County for costs incurred.

Work completed without a required prerequisite inspection being approved will be automatically failed and Public Works 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.

Records for each road approach will be kept on file in the Public Works Department. Records will consist of all applications, whether approved or not, and all permits with supporting construction records. Records will be maintained in accordance with Mason County record retention policy and applicable state laws.

12.08.030 – Responsibility for cost.

~~All costs of construction of approaches to any county road shall be at the expense of the person benefitted by or desiring such approach and all work shall be done in accordance with specific requirements stipulated by the board and issued by the Mason County road department.~~

12.08.0480 - Construction—Requirements.

~~General features of construction shall be as follows: After approval of permit application and permit fee has been paid, the applicant will be issued the permit. The permittee shall install the access per their permit requirements and current minimum standard specifications~~

~~(a) The approach shall cause no interruption of or interference with roadway drainage. Culverts where required shall be twelve inches in diameter or larger as may be required for passage of normal storm drainage. Culvert pipe shall be laid true to line and grade and~~

DRAFT

~~minimum cover shall be six inches. Size, location, distance from shoulder of roadway and elevation of culvert pipe shall be as determined by the county engineer.~~

~~(b) — No approach shall be less than fifteen feet in width out to a point five feet from the shoulder of the county road, and no approach culvert shall be less than twenty feet in length.~~

~~(c) — The grade of the approach shall slope down from the shoulder of the road at a rate not less than three-eighths inch per foot and not more than one inch per foot for a distance of five feet from the roadway shoulder. The approach shall be so constructed that no water from the approach will drain onto the roadway.~~

~~(d) — The general grade of the approach shall be the most favorable to permit safe ingress and egress to and from the roadway consistent with local conditions of grade and terrain.~~

~~(e) — Approaches shall be surfaced with a material which will not spill, wash, track or otherwise come onto the roadway to an extent which will interfere with normal traffic thereon. (Suitable gravel surfacing is acceptable.)~~

These minimum standard specifications may not be sufficient for all approach types. It is the sole responsibility of the permittee to provide a road approach design that is appropriate for the intended use. Public Works 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 and their designee 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.

All approaches shall pass a final inspection by the County Engineer or their designee in order for the permit to be finalized. 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.

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 and paid prior to final approval of the road approach permit.

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.

12.08.09050 - Construction—Improper.

~~Approaches improperly constructed shall be corrected at the expense of the person benefitted by or desiring the approach.~~

All access points to the county road system shall have a 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 the current version, shall be considered unpermitted approaches when changing property use and will need to re-apply.

Pursuant to RCW 36.75.130, any person failing to obtain the permission from the Public Works Department prior to constructing an approach is guilty of a misdemeanor and subject to prosecution.

The Public Works Department will issue a warning to any property owner observed to be constructing or have constructed an unpermitted approach. The warning will give the

DRAFT

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 Mason County Sheriff Department for further action.

Upon failure of the permittee to use, occupy, or maintain an approach the County Engineer or their designee 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 or their designee may order any such work to be done to remove the approach.

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

In addition to all other enforcement actions authorized under the code, any person, firm, partnership, association, joint venture, corporation or other legal entity who fails to correct an approach will be required to compensate the county for the removal of the approach. Compensation shall include administration time as well as equipment and materials to remove or improve the approach. Reimbursement shall be made to the Public Works Department.

12.08.060 – Construction—By county—Charges.

~~At the option of the applicant for an approach to a county road, the Mason County road department will, at the expense of the applicant, construct approaches out to the limit of the county right-of-way. At the time of application for permit, the applicant shall deposit with the Mason County road department a sum to be determined by the county engineer. Costs will be charged as follows:~~

~~(1) —Twelve inch diameter culvert and fill across normal roadway ditch only, seven dollars and fifty cents per linear foot of pipe; special surfacing not included;~~

~~(2) —Larger pipe, special appurtenances and significant excavation or embankment beyond normal roadway ditch, actual payroll, equipment, and material costs plus normal fringe benefits, handling charges and overhead.~~

~~Construction by the county will be at the convenience of the county, with due consideration for urgency of the applicant's need.~~

~~When mutually agreeable, between the owner and the county, a paved valley may be constructed in lieu of the culverts as required herein.~~

12.08.070 – Maintenance.

~~The maintenance of approaches outside the roadway limits of the county road is the responsibility of the person whose property is served by the approach.~~

~~Clearing of snow from approaches is the responsibility of the property owner.~~

12.08.100 - Responsibility for Cost.

Pursuant to RCW 36.75.130, all costs of construction and maintenance of approaches to any county road shall be at the expense of the person benefitted by or desiring such approach and all work shall be done in accordance with specific requirements stipulated by the County Engineer or their designee and permit issued by the Public Works Department.

DRAFT

12.08.110 - Maintenance.

The maintenance of ~~a~~-an approaches ~~es outside the roadway limits of the county road~~ off of a county-maintained road is the responsibility of the person, whose property is served by the approach, including culvert replacements.

In the event a culvert needs emergency maintenance or replacement, to preserve a County road, or, if, because of a County road or maintenance project, a culvert needs to be relocated or removed, the County will be responsible for the cost. In the event a culvert needs replacement due to age or damage, it is the property owner's responsibility.

If a culvert is causing damage to a County road, the County may opt to replace the culvert, and back charge the property owner associated costs.

Clearing of snow from approaches is the responsibility of the property owner.

12.08.12080 - Expectations.

~~Where the board finds that extraordinary hardship will result from strict compliance with all details of construction enumerated herein, it may permit deviations therefrom in a manner not to the detriment of the county road and traffic thereon.~~

Nothing in these regulations shall be construed to prohibit the County from building approaches to replace existing approaches during reconstruction or ~~major~~-maintenance of any county road, or providing necessary access to property adjacent to roads constructed on new alignment. The construction of approaches on new construction shall be as agreed-negotiated by the County and the property owner at the time right-of-way is secured for the improvement.