

Received
12/31/07



Instructions: If your jurisdiction has adopted the required access permitting standards described in the enclosed letter, please complete Sections A and B. If not, please complete Sections A and C. Please submit the completed form with original signatures no later than November 30, 2007 to: Karena Houser, WSDOT Policy Development & Regional Coordination, PO Box 47370, Olympia, WA, 98504-7370. Thank you!

**SECTION A
CONCURRING WITH THE REPORTED MANAGED ACCESS CLASSIFICATION**

I, Don MacDonald confirm by my signature below that the City of
Name of City Representative

Cheney concurs with the following classifications assigned to the managed access state highways within its boundaries:

City	State Route	Beginning Milepost	Ending Milepost	Current Access Classification	Established Access Classification ¹	WSDOT Region
Cheney	904	9.09	9.12	M2		Eastern
Cheney	904	9.12	12.22	M5		Eastern
Cheney	904	12.22	12.50	M2		Eastern

Don MacDonald
Signature of City Representative

11/30/07
Date

Director of Public Works
Title of City Representative

¹ Limited access is established but access rights have not yet been entirely purchased.

SECTION B

CONFIRMING ADOPTION OF REQUIRED ACCESS PERMITTING STANDARDS:

I, _____ confirm by my signature below that
Name of City Representative

_____ has adopted standards for access permitting on
City or Town

streets designated as state highways in Ordinance _____ adopted _____, _____ and
Number Month and Day Year

that these standards meet or exceed the access standards adopted by the Washington State Transportation in
Chapters 468-51 and 52 of the Washington Administrative Code (<http://apps.leg.wa.gov/wac>).

Signature of City Representative Date

Title of City Representative

SECTION C

DETAILING PROGRESS TOWARD ADOPTING REQUIRED STANDARDS:

Please briefly describe (1) why your jurisdiction has not yet adopted the required access permitting standards for managed access state highways within city boundaries, (2) where your jurisdiction is in the process of adopting the required standards, and (3) what date you anticipate the required standards will be adopted.

The City of Cheney Adopted Ordinance Q-52 on April 11, 1995. Since this time we have noted new WAC sections that will require an amendment to our Ordinance and are unable to sign Section B as stated. The City will review these changes and amend Chapter 12.62 accordingly.

**CITY OF CHENEY, WASHINGTON
ORDINANCE NO. Q-52**

AN ORDINANCE RELATING TO THE ISSUANCE OF A PERMIT REGULATING ACCESS AND CONNECTION TO THE CITY'S ROADWAY SYSTEM WHICH ENCOMPASSES ALL STREETS AND ARTERIALS WITHIN THE CHENEY CITY LIMITS, AS WELL AS ALL PORTIONS OF STATE ROUTE 904 THAT ARE WITHIN THE CHENEY CITY LIMITS, AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.

THE CITY COUNCIL OF THE CITY OF CHENEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Title 12 of the Cheney Municipal Code is amended for the purpose of adding Chapter 12.62 to be titled "Access and Connection Permits," and shall read as follows:

12.62.010 Purpose. This ordinance is adopted in part to implement Chapter 47.50 RCW and the provisions of Chapter 468-51 and Chapter 468-52 of the Washington Administrative Code for the regulation and control of vehicular access and connection points of ingress to, and egress from, all portions of State Route 904 that are within the Cheney city limits. This ordinance shall also provide for the regulation and control of vehicular access and connection to the streets and arterials within the Cheney city limits. This ordinance describes the access and connection permit application process and procedures, including a pre-application conceptual review process, and requirements for closure of unpermitted and nonconforming connections.

12.62.020 Definitions.

(a) "Access classification" means the classification of a state highway based on factors such as the volume of traffic. The classes are arranged from Class One with the most restrictive access control, to Class Five with the least restrictive access control. State Route 904 within the Cheney city limits is a Class Five highway.

(b) "Application" means an application form supplied by the city and completed by the applicant, payment for the required application fee, and related property site, driveway, roadway, and traffic information.

(c) "Average Weekday Vehicle Trip Ends (AWDVTE)" means the estimated total of all trips entering plus all trips leaving the applicant's site based on the final stage of proposed development.

(d) "City" means the incorporated boundaries of Cheney, Washington.

(e) "Conforming connection" means a connection that meets current location, spacing, and design criteria.

(f) "Connection" means approaches, driveways, turnouts, or other means of providing right of access to or from controlled access facilities on the city's roadway system.

(g) "Connection category" means a permit category for all roadway connections, in accordance with the type of property served and the estimated traffic generated by the applicant's site based on rates accepted by the city.

(h) "Connection permit" means a written authorization given by the city for a specifically designed connection to the city's roadway system at a specific location for a specific type and intensity of property use and specific volume of traffic for the proposed connection, based on the final stage of proposed development of the applicant's property. The actual form used for this authorization will be determined by the Director.

(i) "Controlled access facility" means a transportation facility (excluding limited access facilities as defined in chapter 47.52 RCW) to which access is regulated by the city. Owners or occupants of abutting lands and other persons have a right of access to and from such a facility at such points only and in such manner as may be determined by the city.

(j) "Department" means the Washington State Department of Transportation.

(k) "Development approval" means an official action by a governmental land use planning authority authorizing the developer or land owner to begin construction of any permanent improvements on the property.

(l) "Director" means the Director of Public Works for the City of Cheney or the assigned designee of the Director.

(m) "Joint use connection" means a single connection point that serves as a connection to more than one property or development, including those in different ownerships or in which access rights are provided in the legal descriptions.

(n) "Limited access facility" means a roadway especially designed or designated for through traffic, and over, from, or to which owners or occupants of abutting land, or other persons have no right or easement, or only a limited right or easement of access, light, view or air by reason of the fact that their property abuts upon such limited access facility, or for any other reason to accomplish the purpose of a limited access facility.

(o) "Median" means the portion of a divided roadway separating vehicular traffic traveling in opposite directions; not including speed change lanes, storage lanes for left turning or U-turning vehicles, or two way left turn lanes.

(p) "Median opening" means either a full opening in a continuous median for the specific purpose of allowing vehicles to make a left turn maneuver into or out of a property abutting the roadway, to facilitate U-turns, or to allow for a vehicle to totally cross the road, or a directional opening allowing for left turn maneuvers into movements out of the property.

(q) "Nonconforming connection" means a connection not meeting current city location, spacing, or design criteria.

(r) "Permit" means written approval issued by the Director subject to conditions stated therein authorizing construction, reconstruction, maintenance, or reclassification of a roadway connection and associated traffic control devices on or to the city's right of way.

(s) "Right of way (R/W)" means a general term denoting land or interest therein, acquired for or designated for transportation purposes. More specifically, land in which the city owns a fee simple title, has an easement devoted to or required for use as a public road and appurtenant facilities, or has established ownership by prescriptive right pursuant to RCW 47.04.040, or lands that have been dedicated for public transportation purposes.

(t) "Roadway(s) or Roadway system" means for the purpose of this ordinance, all city streets and arterials, as well as all portions of State Route 904 within the Cheney city limits.

(u) "Shoulder" means the portion of a roadway contiguous with the traveled lanes for the accommodation of stopped vehicles for emergency use, and for lateral support of base and surface courses and for other uses as allowed by law.

(v) "State highway system" means all roads, streets, and highways designated as state routes pursuant to chapter 47.17 RCW.

(w) "State Route 904" means those portions of the state highway system that are within the Cheney city limits which extend from Mile Post 9.97 to Mile Post 12.22.

(x) "Temporary connection" means a permitted connection for a specific property use, conditioned to be open for a specific purpose and traffic volume for a specific period of time with the right of way to be restored by the permittee to its original condition upon connection closure.

12.62.030 General Provisions.

(1) When Connection Permits Are Required: Every owner of property which abuts a roadway where limited access rights have not been acquired, has a right to reasonable access, but may not have the right to a particular means of access to the roadway system. The right of access to the roadway may be restricted if, pursuant to local regulation, reasonable access to the roadway can be provided by way of another public road which abuts the property. All new connections including alterations and improvements to existing connections to roadways shall require a connection permit. Such permits, if issued, shall be issued only after issuance of development approval where such approval is required, unless other interagency coordination procedures are in effect. The alteration or closure of any existing access connection caused by changes to character, intensity of development, or use of the property served by the connection or the construction of any new access connection shall not be initiated prior to obtaining a connection permit from the city. Use of a new connection at the location specified in the permit is not authorized until the permittee constructs or modifies the connections in accordance with the permit requirements. If a property owner or permittee holding a valid connection permits wishes to change the character, use or intensity of the property or development served by the connection, the city must be contacted to determine whether a new connection permit would be required.

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(2) Responsibility For Other Approvals: Connection permits authorize construction improvements to be built by the permittee on city right of way. It is the responsibility of the applicant or permittee to obtain any other local permits or other agency approvals that may be required, including satisfaction of all environmental regulations. It is also the responsibility of the applicant to acquire any property rights necessary to provide continuity from the applicant's property to the city right of way if the applicant's property does not abut the right of way.

(3) Cost of Construction:

(a) Permittee. The cost of construction or modification of a connection shall be the responsibility of the permittee, including the cost of modification of any connection required as a result of changes in property site use.

(b) City. Existing permitted connections impacted by the city's work program and which, in the consideration of the city, necessitate modification, relocation, or replacement in order to meet current city connection location, quantity, spacing and design standards, shall be modified relocated or replaced in kind by the city at no cost to the permittee. The cost of further enhancements or modification to the altered, relocated or replaced connections desired by the permittee shall be the responsibility of the permittee.

(4) City responsibility. The Director has the responsibility to issue permits and authority to approve, disapprove, and revoke such permits, and to close connections, with cause.

12.62.040 Connection Categories. All connections, public or private shall be determined by the city to be in one of the following categories:

(1) "Category I-minimum connection" provides connection to the roadway system for up to ten single family residences, a duplex, or a small multi-family complex of up to ten dwelling units, which use a common connection. The category shall also apply to permanent connections to agricultural and forest lands, including field entrances; connections for the operation, maintenance, and repair of utilities; and connections serving other low volume traffic generators expected to have an average weekday vehicle trips ends (AWDVTE) of one hundred or less.

(2) "Category II-minor connection" provides connections to the roadway system for medium volume traffic generators expected to have an AWDVTE of one thousand five hundred or less, but not included in Category I.

(3) "Category III-major connection" provides connection to the roadway system for high volume traffic generators expected to have an AWDVTE exceeding one thousand five hundred.

(4) "Category IV-temporary connection" provides a temporary, time limited, connection to the roadway system for a specific property for a specific use with a specific traffic volume. Such uses include, but are not limited to, logging, forest land clearing, temporary agricultural uses, temporary construction, and temporary emergency access. The city reserves the right to remove any temporary connection at its sole discretion and at the expense of the property owner after the expiration of the permit. Further, a temporary connection permit does not bind the city in any way, to the future issuance of a permanent connection permit at the temporary connection location.

(5) "Nonconforming connection" designation may be issued for Category I through IV permits after an analysis and determination by the city that a conforming connection cannot be made and a finding that the denial of a connection would leave the property without a reasonable means of access to the public road system. In such instances, the permit shall be noted as nonconforming and contain specific restrictions provisions, including limits on the maximum vehicular use of the connection, the future availability of alternate means of access for which a conforming connection permit could be obtained, the removal of the nonconforming connection at the time the conforming access is available, and other conditions as necessary to carry out the provisions of chapter 47.50 RCW.

(6) "Median Opening" includes openings requested for both new connections and for existing connections. New median openings proposed as part of a new driveway connection shall be reviewed as part of the permit application review process. Requests for construction of new median openings to serve existing permitted connections shall require a reevaluation of the location, quantity, design of existing connection, and traffic at the existing connections. The property owner must file a new connection permit application, for the proper connection category, showing the new proposed median opening location and design and its relationship to the existing or modified driveway connections. Nothing contained herein shall be construed to prohibit the city from closing an existing median opening where operational or safety reasons require the action.

12.62.050 Conceptual Review: Prior to filing a connection permit application and prior to receipt of development approval, all permit applicants, but in particular those applying for Category II and Category III connections, are strongly encouraged to request, in writing, a conceptual review of the site plan and proposed connection locations with the city. The purpose of the conceptual review is to expedite the overall review process by establishing the permit category, number, type, and general location of connections to the property early in the planning stages of a proposed development or a proposed significant change in property site use, or to determine that the connection as requested cannot be permitted. The conceptual review does not constitute final city approval of the location and design of the connection. If deemed appropriate, especially on the more complex proposals, the city shall establish the date for a conceptual review meeting to be held within two weeks of the receipt of the written request, unless a later date is requested by the applicant. If a meeting is scheduled, representatives of the local governmental land use planning authority will be invited to attend. Within four weeks following the conceptual review meeting, or receipt of the request if no meeting is scheduled, the city will provide the applicant written notice of the city's conceptual review findings, provided all needed information to complete the review has been received from the applicant. These findings are nonbinding on the city and the developer. Additional detailed information received during the application process, changes in the proposed development, or changes in the existing or planning operational characteristics of the city's roadway system may necessitate modifications of the connections agreed to in the conceptual approval. The conceptual review findings can be used by the developer in the site plan review/approval process with the local government having jurisdiction over the development as indicating coordination of connection location, quantity, and design with the city and of preliminary city findings on the proposed connections.

12.62.060 Access & Connection Standards: All connections shall conform to the following standards for the city's roadway system. For State Route 904, which is a Class Five highway, the standards were determined by the department:

CITY STREETS AND ARTERIALS

Criteria			Guidelines	
			Two Way	One Way
Connection Width	Res	SF (two way drives) MF	15'-18' 20'-24'	10' 15'-18'
	Com Sm Com Lg Ind Lt Ind Hv	Local or Collector/Arterial	24'/30' 24'/30' 24'/30' 30'/40'	18' 20'/24' 18'/24' 18'/30'
	Res	Measured from BCR to the beginning of the driveway throat.	50' See Note 1	
	Com Ind		150' See Note 2	
	Distance between Connections	SF MF Com Sm Com Lg Ind Lt Ind Hv	Local or Collector/Arterial See Note 3	10' 100' 100' 200' 100' 200'
Connection Design			Wings	Radius
	SF MF Com Sm	Wings are measured from throat to end of wing.	10' 10' 10'	no no no
	Com Lg		no	25'-35'
			See Note 5	
	Ind Lt Ind Lg		10' no	15' 30'
			See Note 5 & 6	
Grades			Maximum Approach	Maximum Difference
		Driveway Vol. >750 Driveway Vol. <750	+/- 3% +/- 6%	5% 9%
Angle	SF		Two Way 45 Deg	One Way 45 Deg
	MF Com Ind		90 deg	90 deg
Number of Connections	Res		Maximum of 40% of lineal frontage using the length of only one street on a double-frontage lot.	
	Com and Ind	25 mph or less > 25 mph > 35 mph	2 per parcel 1 per 100 ft.; joint use may be required As approved by PWD	

(CITY STREETS AND ARTERIALS continued)

- Note 1: Residential development with greater than 750 vpd on the driveway should use commercial guidelines.
 Note 2: If less than 150 ft, encourage right turn in and right turn out.
 Note 3: This criteria is constrained by the fronting dimensions of the parcel. Joint driveways should be encouraged.
 Note 5: Use a typical street/intersection standard with curb returns.
 Note 6: For commercial uses within heavy industrial area, use small commercial criteria.

STATE ROUTE 904 WITHIN CITY LIMITS

CONNECTION STANDARDS		
Posted Speed	Minimum Private Connection Spacing	Minimum Public Intersection Spacing
MPH	Feet	Miles
35 or less	Rural: 250 Urban: 125	0.5
36 - 45	Rural: 330 Urban: 250	0.5
Over 45	Rural: 660 Urban: 330	1.0

CORNER CLEARANCE AT INTERSECTIONS		
With Restrictive Median		
Position	Access Allowed	Minimum (feet)
Approaching intersection	Right In/Right Out	115
Approaching intersection	Right In Only	75
Departing intersection	Right In/Right Out	230*
Departing intersection	Right Out Only	100
Without Restrictive Median		
Position	Access Allowed	Minimum (feet)
Approaching intersection	Full Access	230*
Approaching intersection	Right In Only	100
Departing intersection	Full Access	230*
Departing intersection	Right Out Only	100

*For speeds less than 35 MPH, 125 feet may be used.

12.62.070 Application Requirements And Procedures.

(1) Connection Permit Application And Information: The appropriate application form and the application information are available from the Cheney Department of Public Works, 112 Anderson Road. A complete application packet shall consist of the application form; application fee; plans; traffic data; and connection information specified herein. All connection and roadway design documents in Category II and III permits shall bear the seal and signature of a professional engineer, registered in accordance with chapter 18.43 RCW.

(2) Information Required - All Permits: The following information is required of all applicants for all permit categories, unless the Director determines that specific information will not be required on individual applications. Additional information required of Category II, III, and IV permit applications is specified in this ordinance. In all cases, it would be prudent, prior to submittal of the application, for the applicant to inquire of the Director whether the application needs additional information. The Director reserves the right to request clarification or additional information during the application review process. Failure to provide the requested information within the time limits specified in the request shall result in the withdrawal of the permit application.

(a) Identification and signature of property owner and applicant. The current complete names, mailing addresses, and telephone numbers of the property owner(s), the developer(s), the applicant, the transportation and legal consultants representing the applicant (if any), and the City's representative(s) responsible for processing the development's approval shall be provided as part of the application.

(b) Property uses and traffic information. The ultimate planned property uses shall be indicated in sufficient detail to determine the appropriate permit classification. Estimated average weekday vehicle trip ends to be generated by the development, based on the planned property use, consistent with the latest trip generation information published by the Institute of Transportation Engineers, Washington, D.C., shall be included as appropriate. If local or special trip generation rates are used, the latest and best information shall be used and all documentation for the rate development shall be submitted with the application. For residential developments with ten or fewer units, ten trips per day per unit may be assumed. The requirement for an average weekday vehicle trip ends estimate may be waived for agricultural uses where no retail marketing is proposed.

(c) Site plan. The application shall include a plan to scale, or a schematic drawing showing critical dimensions (allowable on Category I permits only), the location of the property, and existing conditions and the character and extent of work proposed. The location of existing and proposed on-site development with respect to the existing and proposed connections. Minimum information on the plan shall include:

(i) Road information.

- Roadway name.
- Pavement type.
- Cross section.
- Posted speed limit.
- The existence and location of any existing and/or future proposed public or private road abutting or entering the

property; the horizontal and vertical curvature of the road(s) noting the location of existing and proposed connections and any other pertinent information.

(ii) Property information.

- Location of all existing and proposed buildings, and other structures, such as gasoline pumps, lights, trees, etc. with respect to the existing and proposed property and right of way lines.
- Any adjacent properties that are owned or controlled by the applicant, or in which the applicant has a financial interest, and indicate whether these properties will be accessed by means of the proposed connections(s).
- The application shall include a boundary survey. The requirement for a boundary survey may be waived for Category I connections, at the discretion of the Director.
- Any existing or proposed parcels segregated from the applicant's property for separate development also shall be clearly designated on the plan.

(iii) Connection location information.

- The location of the proposed connection which may include the milepost and/or station, if available.
- Location of the road centerline with respect to existing and proposed property lines.
- Distance of proposed public or private access connection to intersecting roads, streets, railroads.
- Existing or proposed median openings (crossovers) and connections on all sides of the roadway and any other roads within six hundred sixty feet of the proposed connection location in urban areas.
- Location of existing or proposed public or private retaining walls, fences, poles, sidewalks, bike paths, drainage structures and easements, traffic control devices, fire hydrants, utilities, or other physical features, such as trees, landscaping, green belts, and wetlands, that could affect driveway location.
- It shall be the responsibility of the applicant to physically identify the location of the proposed connection at the proposed site.

(iv) Connection design information.

- Proposed connection and approach improvements including its profile approaching the roadway, width, radii, angle to the roadway, auxiliary pavement.
- Existing and proposed grading (or contouring that affects the natural drainage pattern or runoff impacting the roadway and the proposed connection).
- Drainage calculations and other pertinent data.
- Driveway, auxiliary lanes and crossover pavement design, including subgrade, base, surface materials, and thicknesses.

- Specific requirements for design information on individual Category I permit applications may be relaxed, or waived, at the discretion of the Director.

(v) Joint driveway use.

- If the driveway is to serve more than one property, the plan shall detail information for all properties using the connection and the application shall include copies of legally enforceable agreements of concurrence for all property owners on joint driveway usage.
- Joint driveway use serving adjoining properties is encouraged on all roadways and may be required on some roadways such as SR 904 in conformance with rules adopted by the department for some state highways.

(3) Additional information required, Category II and Category III permits. The following is a list of additional information that may be required for each phase of the development from the applicant. Prior to the submittal of the application, the applicant shall coordinate with the appropriate designated department of the city on the level of detail and the analysis techniques to be used.

(a) Circulation plans. All parking, interior drives, and internal traffic circulation plans.

(b) Connection users. All internal and external adjacent parcels which will use the requested connection. All existing and proposed connecting roadways and potential means of alternate access through the final buildout stage of development shall be shown on the plans submitted with the application.

(c) Traffic control devices and illumination. Proposed traffic control devices and lighting locations.

(d) Sight distance. Analysis of horizontal and vertical sight distance on the roadway with respect to the proposed connection.

(e) Traffic data and analysis. Traffic data submitted by the applicant shall be signed and sealed by a qualified professional engineer, registered in accordance with chapter 18.43 RCW. The following traffic study information may be required:

(i) Turning movements. Vehicle turning movements for present and future traffic conditions.

(ii) Volume and type. Amount and type of traffic that will be generated by the proposed development including a breakdown of anticipated peak hour traffic and an analysis of the impact on the level of service on the roadway.

(iii) Parking and circulation. Analysis of off-street parking and traffic circulation, including distances to secondary access points on the connection roadway and their impact on the operation of other adjoining roadways.

(iv) Traffic signal data. If a traffic signal is requested, the following studies may be required: Traffic signal warrants; phasing and timing analysis; signal progression analysis; signalization, signing, and lighting plans in conformance with city and where applicable, department standards. In such a case, a separate department traffic signal permit is required.

(v) Off site improvements. A traffic analysis to determine the need for off site related roadway and geometric improvements and mitigation requirements.

(vi) Traffic control plan. A traffic control plan conforming to current city standards set forth in the "Manual on Uniform Traffic Control Devices," documenting how the permittee will provide for safe and efficient movement on the roadway system within the city during the construction of the connection.

(4) Additional information required, Category IV permits. Permit applications must contain the specific dates that the connection is to be open and must contain assurances acceptable to the city and where applicable the department that the shoulder, curbing, sidewalks, bikeways, ditch, right of way, and any other amenities will be restored to their original condition at the permittee's expense upon closure of the temporary connection.

12.62.080 Fees and Surety Bond.

(1) Fee structure. The following nonrefundable fee structure is established for city application processing, review and inspection. Full payment of base fees must accompany the permit application. Due to the potential complexity of Category II and Category III connection proposals, and required mitigation measures that may involve construction on the city's roadway system, the city or department may require a developer agreement in addition to the connection permit. The developer agreement may include, but is not limited to: Plans; specification; maintenance requirements; bonding requirements; inspection requirements; division of costs by the parties, where applicable; and provisions for payment by the applicant of actual costs incurred by the city in the review and administration of the applicant's proposal that exceed the required base fees in the following schedule:

(a) Category I base fees for one connection.

- | | |
|---|-------------------------|
| (i) Field (agricultural), forest lands, utility operation and maintenance. | \$50 |
| (ii) Residential dwelling units (up to 10) utilizing a single connection point. | \$ 50 per dwelling unit |
| (iii) Other, with 100 AWDVTE or less. | \$500 |
| (iv) Fee per additional connection point | \$50 |

(b) Category II base fees for one connection.

- | | |
|----------------------------|--------|
| (i) Less than 1,000 AWDVTE | \$1000 |
|----------------------------|--------|

(ii) 1,000 to 1,500 AWDVTE	\$1500
(iii) Fee per additional connection point	\$250
<u>(c) Category III base fees for one connection.</u>	
(i) 1,500 to 2,500 AWDVTE	\$2500
(ii) Over 2,500 AWDVTE	\$4000
(iii) Fee per additional connection point	\$100
<u>(d) Category IV base fee per connection.</u>	\$100

(2) Surety bond. Prior to the beginning of construction under any of the above connection categories, the city may require the permittee to provide a surety bond.

12.62.090 Application submittal, review, conditions.

(1) Application submittal. The application shall be submitted to the Cheney Department of Public Works. The application shall be properly prepared, clearly completed and signed. Information on the specific number of copies to be provided and other submittal information is available from the Department of Public Works.

(2) Application review, processing, and approval. Upon receipt of the application, the application shall be reviewed consistent with the provisions of this ordinance. If the Director identifies errors in the application or if additional information is required, the applicant will be notified. Applicants must provide such information or correct errors within thirty days of the notification. If the applicant determines that the time to provide additional or corrected information is insufficient, the applicant shall contact the Director in writing to request additional time be approved. If the additional or corrected information has not been received by the Director within thirty days or the approved time period agreed to, the application will be withdrawn.

(a) Review. Upon timely receipt of all required information, or upon expiration of the time period for receipt of additional or corrected information, the location and design of the connection shall be examined for consistency with current city location, quantity, spacing, classifications, and design standards. The review shall also include an analysis of the impact of the site's existing and projected traffic on the operation and safety of the city's roadway system.

(b) Concurrence or denial, notice. If the Director concurs in the location and design of the proposed connection, written notification of that concurrence will be sent to the applicant and to the city planning and building department. If the applicant has gone through the voluntary conceptual review process, the written notice of concurrence will indicate whether or not there have been any changes in the number, location, or design of the connection required by the Director. No construction may commence on the city's right of way until all necessary city and any other required governmental permits are issued. If the Director does not concur in the connection location, quantity, or design, both the applicant and the city planning and building department shall be notified, in writing, indicating the Director's intent to deny the

connection as proposed in the application. The written notification shall state the specific reasons for the intent to deny the connection, the process for submitting an amended application, and the appeal rights of the applicant. The applicant may submit a revised application within thirty days based on the Director's comments and concerns as stated in the notification. The submittal of a revised application within thirty days shall not require the payment of any additional application fees.

(c) Permit issuance. The Director shall issue the connection permit after review and concurrence that the application and the location and design of the connection comply with the requirements of this ordinance, and after either:

(i) The applicant has received development approval from the city planning and building department; or

(ii) Other interagency coordination procedures in effect are satisfied for development approval by the city planning and building department.

(3) Permit conditions. Any special requirements or provisions for the connection including off site mitigation shall be clearly and specifically identified as part of the permit. Failure by the applicant or permittee to abide by the permit provisions shall be sufficient cause for the Director to initiate action to alter the connection or to revoke the permit and close the connection at the expense of the permittee. The permit requirements shall be binding on the permittee, the permittee's successors, heirs and assigns, the permit application signators, and all future owners and occupants of the property.

12.62.100 Construction requirements.

(1) Preconstruction conference. The Director may require a preconstruction conference prior to any work being performed on the city's right of way. When required by provisions in the permit, the Director will schedule a preconstruction conference. The preconstruction conference should be attended by the necessary personnel to assure compliance with the terms and provisions of the permit.

(2) Time limit. Substantial construction of the connection shall begin within ninety days of the effective date of the permit, unless a longer time is approved by the Director or a time extension is requested by the applicant and approved by the Director. Construction shall be completed within one hundred twenty days of the date of issuance of the permit, unless a time extension is approved by the Director. As a condition of the permit, the Director may further limit construction time, if the Director determines that such limitation is warranted. Failure to comply with the time limits specified in the permit shall result in an automatic expiration of the permit following written notification to the permittee. For any permit which expires for failure to begin construction or to complete construction within the specified time limits, the Director may require a new application, including the payment of the required application fee prior to the initiation of any construction.

(3) Posting of permit. The approved connection permit shall be displayed in a prominent location, protected from the weather, within the vicinity of the connection construction.

(4) Disruption of traffic. All construction and/or maintenance within the city's right of way shall conform to the provisions of the connection permit, the "Manual on Uniform Traffic Control Devices" (MUTCD); the department's current "Design Manual," the current "Standard Specifications for Road, Bridge,

and Municipal Construction" and city construction standards. The city may require or restrict hours of construction to minimize disruption of traffic on the city roadway system. If construction activity within the city's right of way causes undue disruption of traffic or creates safety hazards on a roadway, or if the construction activity is not in compliance with the traffic control specifications in the permit, the Director shall advise the permittee or the permittee's contractor of the need for immediate corrective action, and may order immediate suspension of all or part of the work if deemed necessary. Failure to comply with this provision may result in permit modification or revocation.

(5) Traffic signals and other traffic control devices. Traffic signals and other traffic control devices installed by permittee shall conform to MUTCD and city and/or department design and construction standards. The permittee is responsible for securing any state permits needed for traffic signalization and regulatory signing and marking.

(6) Connection construction inspection. For Category II and Category III connections, the city may require the permittee, the developer, or landowner to provide inspection of construction and certification that connection construction is in accordance with permit provisions and appropriate department standards by a professional engineer, registered in accordance with Chapter 18.43 RCW, or the Director may do the inspection at the applicant's expense, as provided in the developer agreement.

12.62.110 Nonconforming Connection Permits. The Director may issue a permit for a connection not meeting city location and spacing criteria standards if it finds that a conforming connection is not attainable at the time of the permit application submittal and that denial would leave the property without a reasonable means of connection to the city's roadway system. The Director may issue a connection permit requiring a legally enforceable joint-use connection when determined to be in the best interest of the city for restoring or maintaining the operational efficiency and safety of the city's roadway system. Nonconforming connection permits shall specify conditions or limits including:

(1) Traffic volume. The maximum vehicular usage of the connection shall be specified in the permit.

(2) Future alternate access. The permit shall specify that a conforming connection be constructed when future alternate means of access become available, and that the nonconforming connection be removed.

(3) Users. The permit shall specify the properties to be served by the connection; and any other conditions as necessary to carry out the provisions of Chapter 47.50 RCW or any applicable City ordinances.

12.62.120 Changes in property site use. The connection permit is issued to the permittee for a particular type of land use generating specific projected traffic volumes at the final stage of proposed development. Any changes made in the use, intensity of development, type of traffic, or traffic flow of the property requires the permittee, their assignee, or property owner to contact the Director to determine if further analysis is needed to determine if the change is significant and would require a new permit and modifications to the connection. An engineering study, signed and sealed by a professional engineer registered in accordance with Chapter 18.43 RCW, may be required to document the extent of the change. If modification of the existing connection is required, based on a significant change as determined by the Director, the permittee shall acquire a new permit prior to the initiation of any on-site construction to the connection or to the property.

(1) Significant change. A significant change is one that would cause a change in the category of the connection permit or one that causes an operational, safety, or maintenance problem on the city's roadway system.

(2) Notification. Failure to contact the Director to determine the need for connection modifications or to apply for a new permit for such modifications prior to initiation or property improvements, land use changes or traffic flow alteration actions shall result in notification to the property owner of intent to revoke the existing permit and closure of the connection to the property.

(3) Costs. The permittee is responsible for all costs associated with connection removal, relocation or modification caused by increased or altered traffic flows necessitated by changes to facilities, use, or to the nature of the business on the property.

12.62.130 Permit modification, revocation, closure or permitted connections.

(1) Revocation criteria. All connection permits issued prior to the effective date of this ordinance remain valid until revoked. The Director may initiate action to revoke any permit if significant changes have occurred in the use, design, or traffic flow of the property requiring the relocation, alteration or closure of the connection; if the connection was not constructed at the location or to the design specified in the permit; or if the permit provisions were not met; or if the connection causes a safety or operational problem on the city's roadway system. The process to be followed by the Director in the revocation of permits shall be consistent with the requirements of this ordinance. The notification process is as follows:

(a) Notification, correction of deficiencies. The Director shall serve notice, to the permittee, permittee's successors or assigns, or property owner with a copy to the occupant, for any connection found to be in noncompliance with the conditions of the permit or this ordinance. The notice will identify and request that the deficiencies be corrected within thirty days of service of the notice. The notice shall further advise that the Director's determination of noncompliance or deficiencies shall become final and conclusive thirty calendar days following service of the notice unless the violations are corrected or the permittee submits a schedule for correcting said violations in a timely manner that is acceptable to the Director.

(2) Costs. The permittee, assignee, or property owner shall be responsible for the costs of closure due to revocation of a connection permit pursuant to this ordinance.

(3) Emergency action. This ordinance shall not restrict the Director's right to take immediate remedial action, including the closure of a connection if there is an immediate and serious danger to the public health, safety, and welfare, pursuant to Chapter 47.32 RCW.

12.62.140 Closure of unpermitted connections. Closure criteria, permit requirements. Any unpermitted connections to the city's roadway system which were in existence on July 1, 1990, shall not require the issuance of a permit and may continue to provide connection to the city's roadway system, unless the property owner had received written notification initiating connection closure from the Director prior to July 1, 1990, or unless the Director determines that the unpermitted connection does not meet minimum acceptable standards of roadway safety. The Director may require that a permit be obtained if a significant change occurs in the use, design, or traffic flow of the connection or of the city's roadway system to which it provides access. If a permit is not obtained, the Director may initiate action to close the unpermitted

connection point pursuant to RCW 47.50.040 or any applicable City ordinances. Any unpermitted connection opened subsequent to July 1, 1990, is subject to closure by the Director. The process to be followed by the city in the closure of an unpermitted connection shall be consistent with this ordinance. The notification process is as follows:

(1) Notification. The Director shall serve notice, in accordance with rules adopted under this ordinance, upon the property owner of a connection to the city's roadway system which is found by the Director to be unpermitted. This notice shall clearly describe the roadway connection violation and shall establish a thirty day time limit for either applying for a connection permit or requesting an extension of the thirty day time limit which must be approved by the Director. The notice will further advise the property owner that failure to act in either of the prescribed ways will result in city closure of the unpermitted connection.

(2) Permit application. If a permit application is filed within the thirty days, and the application is denied, the city shall notify the property owner of the denial. The property owner may then proceed with the permit application revision process set forth in his ordinance. Failure to act in this prescribed way within the time period set forth in the rules will result in city closure of the unpermitted connection. If the location and design of the connection in the permit application are acceptable to the Director, the existing connection may continue to be used for a specified period of time or until the connection specified in the permit application is constructed.

(3) Approval conditions. Modifications, relocation, or closure of unpermitted connections may be required by the Director as a requirement of permit approval, subject to the adjudicative proceedings provisions of this ordinance.

Section 2. This ordinance shall be in full force and effective five (5) days after passage, approval and publication.

Introduced this 11th day of April, 1995

Passed by the City Council this 25th day of April, 1995

Approved by the Mayor this 25th day of April, 1995

Mayor



Attest:

City Clerk

Approved as to form

City Attorney

