



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, Brandon Mawseth confirm by my signature below that the City of
Name of City Representative

East Wenatchee 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	Planned Access Classification	Established Access Classification	WSDOT Region
East Wenatchee	28	2.296	3.076	M4		LP	North Central
East Wenatchee	28 Couplet	4.25	4.58	M5			North Central

Brandon Mawseth
Signature of City Representative

11-27-07
Date

Street Superintendent
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, Brandon Mauseth confirm by my signature below that
Name of City Representative

East Wenatchee has adopted standards for access permitting on
City or Town

streets designated as state highways in Ordinance 95-14 adopted November 6th, 1995 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>).

Brandon Mauseth
Signature of City Representative

11-27-07
Date

Street Superintendent
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.

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

ORDINANCE NO. 95-14

AN ORDINANCE OF THE CITY OF EAST WENATCHEE, WASHINGTON ADDING A NEW CHAPTER **10.48** TO THE EAST WENATCHEE MUNICIPAL CODE, REGULATING INGRESS AND EGRESS TO ~~THE~~ STATE HIGHWAY SYSTEM, WITHIN ~~THE~~ CITY LIMITS OF THE CITY OF EAST WENATCHEE; CONTAINING A SEVERABILITY CLAUSE AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of East Wenatchee is required by Chapter **47.50** RCW to adopt standards for access permitting on streets designated as state highways which meet or exceed the WSDOT standards, and

WHEREAS, the WSDOT rules adopted in chapters **468-51** and **468-52** WAC contain the recommended and adequate provisions for access control that have been included within this ordinance, and

WHEREAS, the provisions of this ordinance are supported by the findings of **47.50.010** which strive to protect the public **health**, safety, and welfare, to preserve the **functional** integrity of the state highway system, to promote the safe and efficient movement of people and goods **within** the state, to enhance the development of an effective transportation system, and to increase the traffic carrying capacity of the state highway system, and

WHEREAS, the City Council of the City of East Wenatchee concurs with these findings and finds that it is in the interest of the City to pass these rules; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF EAST WENATCHEE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. A new chapter **10.48** entitled "**Highway Access**"⁷¹ is hereby added to the East **Wenatchee** Municipal Code to read as follows:

Chapter **10.48** · Highway Access'

- 10.48.010 Purpose
- 10.48.020 Designation **Of Responsible** Official
- 10.48.030 Definitions
- 10.48.040 General Provisions
- 10.48.050 Connection Categories
- 10.48.060 Conceptual Review
- 10.48.070 Connection Spacing And Standards
- 10.48.080 Application Requirements And Procedures
- 10.48.090 Fees And Surety Bond

- 10.48.100 Application Submittal, Review, Conditions
- 10.48.110 Construction Requirements
- 10.48.120 Nonconforming Connection Permits
- 10.48.130 Changes In Property Site Use
- 10.48.140 Permit Modification, Revocation, Closure Of Permitted Connection
- 10.48.150 Closure Of Unpermitted Connections
- 10.48.160 Department Construction Projects
- 10.48.170 Appeals
- 10.48.180 Violation And Penalty

10.48.010 - Purpose. This ordinance is adopted to implement Chapter **47.50** RCW for the regulation and control of vehicular access and connection points of ingress to, and egress **from**, the state highway system within the incorporated areas of the City of East Wenatchee. This ordinance describes the review process, and requirements for closure of unpermitted and nonconforming connections to the state highway system with-in the City limits. This ordinance is intended to assist the City in the promotion of the public health, safety and welfare and to create harmony and regularity in regard to access to state highways.

10.48.020 Designation of responsible official The City Street Superintendent is the City **Official** responsible for the enforcement and interpretation of this ordinance.

10.48.030 Definitions. For the purposes of this ordinance, the following definitions of the terms shall apply unless the context clearly indicates otherwise:

- A. "**Application**" means an application form supplied by the City and completed by the applicant, a certified check or money order for the required application fee, and related property site, driveway, roadway, and **traffic** information.
- B. "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 the proposed development.
- C. "Conforming **connection**" means a connection that meets current location, spacing, and design criteria.
- D. "Connection" means approaches, driveways, turnouts, or other means of providing for the right of access to or from controlled access facilities on the state highway system.
- E. "Connection category" means a **permit** category of all state highway connections, in accordance with the type of property served and the estimated **traffic** generated by the applicant's site, based on rates listed in section **10.48.050** of this chapter and developed by the department.

- F. **“Connection permit”** means a written authorization **given** by the City for specifically designed connection to the state highway 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 City.
- G. **“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 governmental entity having jurisdiction over the facility. Owners or occupants of abutting lands and other persons have a right of access to and **from** such facility at such points only, and in such manner as may be determined by the governmental entity.
- H. **“Department”** means the Washington State Department of Transportation.
- I. **“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.
- J. **“Governmental entity”** for the purpose of this chapter means, a unit of local government or officially designated transportation authority that has the responsibility for planning, construction, operation, maintenance, or jurisdiction over transportation facilities.
- K. **“Joint use connection”** means a single connection point that serves as a connection to more than one property or development, including those in different ownership's or in which access rights are provided in the legal descriptions.
- L. **“Limited access facility”** means a highway or street especially designed 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.
- M. **“Median”** means the portion of a divided highway or divided connection 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.
- N. **“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 highway, 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 the property and **U-turn** maneuvers, but not allowing for left turns or cross movements out of the property.

- O. "Nonconforming connection" means a connection not meeting the standards for spacing, or design criteria that are established in section 10.48.050 of this chapter.
- P. "Permit" means written approval issued by the City, subject to conditions stated therein, authorizing construction, reconstruction, maintenance, or reclassification of a state highway connection and associated traffic control devices on or to the department's or City's right of way.
- Q. "Permitting authority" means the department for areas in unincorporated areas or a city or town within incorporated areas which are authorized to regulate access to state highways pursuant to chapter 47.24 RCW.
- R. "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 department, a county, or a municipality owns the 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.
- S. "Shoulder" means the portion of the highway contiguous with the traveled lanes for the accommodation of vehicles stopped for emergency use, and for lateral support of base and surface courses, and for other uses as allowed by law.
- T. "State highway system" means all roads, streets, and highways designated as state routes pursuant to chapter 47.17 RCW.
- U. "Temporary connection⁷" means a permitted connection to a right of way for a specific property use, which is conditioned to be open for a specific purpose and traffic volume and for a specific period of time. The right of way is to be restored by the permittee to its original condition upon connection closure.
- V. "City" is The City of East Wenatchee

10.48.040 General Provisions.

- A. When connection permits are required. Every owner of property which abuts a state highway 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 state highway system.
 - 1. The right of access to the state highway may be restricted **if**, pursuant to local regulation, reasonable access to the state highway can be provided by way of another public road which abuts the property.

2. All new connections, including alterations and improvements to existing connections to state highways, 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.
 3. The alteration or closure of any existing access connection caused by changes to the 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.
 4. Use of a new connection at the location specified in the permit is not authorized until the permittee constructs or modifies the connection, in accordance with the permit requirements.
 5. If a property owner or permittee **holding** a valid connection permit 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.
- B. Responsibility for other approvals. Connection permits authorize construction improvements to be built by the permittee on City or department 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 or state highway right of way, if the applicant's property does not abut the right of way.
- C. Cost of construction.
1. 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.
 2. 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 enhancements or modifications to the altered, relocated or replaced connection desired by the permittee shall be the responsibility of the permittee.
- D. City responsibility. The City has the responsibility to issue permits and authority to approve, disapprove, and revoke such permits, and to close connections, with cause.

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

- A. "Category I - **minimum** connection" provides connection to the state highway 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 **trip** ends (AWDVTE) of one hundred or less.
- B. "Category II - minor connection" provides connection to the state highway system for medium volume **traffic** generators expected to have an AWDVTE of one thousand five hundred or less, but not included in Category I.
- C. "Category III - major connection" provides connection to the state highway system for high volume **traffic** generators expected to have an AWDVTE exceeding one thousand five hundred.
- D. "Category IV - temporary connection" provides a temporary, time limited, connection to the state highway 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, at **it's** sole discretion, reserves the right to remove any temporary connection 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.
- E. "**Nonconforming** connection⁷" 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 and 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**

10.48.060 Conceptual Review. 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.

- A. Prior to **filing** a connection permit application and prior to receipt of development approval, all permit applicants are strongly encouraged to request, in writing, a conceptual review of the site plan and proposed connection locations with the City.
- B. Those applicants applying for Category II and Category III connections are required to go through the conceptual review process as described herein.
- C. The conceptual review does not constitute final City approval of the location and design of the connection.
- D. The City shall establish the date for a conceptual review meeting if it is determined to be necessary. The meeting is 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 all local and state governmental land use and transportation planning authorities will be invited to attend.
- E. 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 conceptual review findings, provided all needed information to complete the review has been received **from** the applicant. These findings are non-binding on the City and the developer.
- F. Additional detailed information received during the application process, changes in the proposed development, or changes in the existing or planned operational characteristics of the state highway 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. These findings can indicate coordination of connection location, vehicle quantity, and design with the City and can serve **as** the preliminary City findings on the proposed connections.

10.48.060 Connection Spacing And Standards. All new connections shall conform to the classification of that section of highway, as determined by the department, and as a **minimum** shall meet spacing and standards requirements as set forth in Chapter 468-52 WAC as the same now exists or **as** may be hereafter amended and which is adopted herein by this reference. The City shall review and interpret the classification and spacing requirements for each application after consultation with the department.

10.48.080 Application Requirements And Procedures.

- A. The appropriate application form is available **from** the City Street Supervisor's Office. The application shall consist of the form provided by the City, application fee, plans, traffic data, and connection information specified in this **section**. All connection and roadway design documents for Category **II** and **III** permits shall bear the seal and signature of a professional engineer, registered in accordance with chapter **18.43** RCW.
- B. The following information is required of all applicants for all permit categories, unless the City 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 chapter. The City 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 Section **10.48.100** of this chapter, shall result in withdrawal of the permit application.
1. Identification and signature of property owner and applicant. The complete names, mailing addresses, and telephone numbers of the property **owner(s)**, **developer(s)**, applicant, and the transportation and legal consultants representing the applicant (if any) shall be provided as part of the application. If the property owner desires to have a representative sign the application, a notarized letter of authorization from the applicant is to be provided with the application.
 2. When the owner or applicant is a company, corporation, or other public agency, the name, address and telephone number of the responsible officer or officers shall be furnished. The names and titles of all individuals signing the application shall be typed or printed directly below the signature.
 3. 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 on site retail marketing is proposed.
 4. Site plan. The application shall include a plan to scale, or a schematic drawing showing critical dimensions (allowable in category I permits only), the location of

the property, and existing conditions, character and extent of work proposed. The location of existing and proposed on-site development, with respect **to the** existing and proposed driveway **location(s)** and the highway, shall be shown. **Minimum** information on the plan shall include:

- a. Road information.
 - i. State route number.
 - ii. County or local road name.
 - iii. Highway pavement type.
 - iv. Cross section.
 - v. Posted speed limit.
 - vi. The existence and location of any existing **and/or** 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.
- b. Property information.
 - i. 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.
 - ii. Any adjacent properties that will be accessed by means of the proposed **connection(s)**.
 - iii. 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 City.
 - iv. Any existing or proposed parcels segregated **from** the applicant's property, for separate development, shall be clearly designated on the plan.
- c. Connection location information.
 - i. The proposed connection milepost and highway engineer's station, if available.
 - ii. Location of the highway centerline with respect to existing and proposed property lines;

- iii. Distance of proposed public or private access connection to intersecting roads, streets and railroads.
 - iv. Existing or proposed median openings (crossovers) and connections on all sides of the state highway, and other roads located **within** six hundred sixty feet of the proposed connection.
 - v. Location of existing or proposed public or private retaining walls, fences, poles, sidewalks, bike paths, drainage structures, **easements, traffic** control devices, fire hydrants, utilities, or other physical features, such as trees, landscaping, green belts, and wetlands, that could affect driveway location.
 - vi. It shall be the responsibility of the applicant to physically **identify** in the field, the location of the proposed connection.
- d. Connection design information.
- i. Proposed connection and approach improvements including its profile approaching the state highway, width, radii, angle to the highway, auxiliary pavement.
 - ii. Existing and proposed grading (or contouring that affects the natural drainage pattern or runoff impacting the state highway and the proposed connection).
 - iii. Drainage calculations and other pertinent data.
 - iv. Driveway, auxiliary lanes and cross sections of the pavement design, including **subgrade**, base, surface materials, and thickness'.
 - v. Specific requirements for design information on individual Category I permit applications may be relaxed, or waived, at the discretion of the **City**.
- e. Joint driveway use.
- i. 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, which shall be approved by the City Attorney, for all property owners on joint driveway usage.

- ii. Joint driveway use serving adjoining properties is encouraged on all highways.
- C. 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.
 - 1. Circulation plans. Plans that include all parking, interior drives, and internal traffic circulation information.
 - 2. 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.
 - 3. Traffic control devices and illumination. Proposed **traffic** control devices and lighting locations.
 - 4. Sight distance. Analysis of horizontal and vertical sight distance on the state highway, with respect to the proposed connection.
 - 5. 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:
 - a. Turning movements. Vehicle turning movements for present and **future traffic** conditions.
 - b. 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 state highway.
 - c. 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 the state highway.
 - d. 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 department standards. A separate department **traffic** signal permit is required.

- e. Off site improvements. A traffic analysis to determine the need for off site related roadway and geometric improvements and mitigation requirements.
 - f. Traffic control plan. A traffic control plan **conforming** to current standards as set forth in the "Manual on Uniform **Traffic** Control Devices", current edition or as amended, which is hereby adopted by this reference as if fully set forth herein. The plan must document how the permittee will provide for safe and efficient movement on the state highway system, during the construction of the connection.
- D. 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 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.

10.48.090 Fees And Surety Bond

- A. Developer Agreement. Due to the potential complexity of Category **II** and Category **III** connection proposals, and required mitigation measures that may involve construction on the state highway, 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, specifications, 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 proposal that exceed the required base fee established in this section.
- B. Fees and Surety Bond. The base fee to accompany the application for all categories of connections is \$25.00. Prior to the beginning of construction of any Category **II** or Category **III** **connection**, the City may require the permittee to provide a surety bond in a form approved by the City Council and satisfactory to the City Attorney.

10.48.100 Application Submittal. Review. Conditions.

- A. Application Submittal. The application shall be submitted to the City Street Department office. 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 City Street Department office.

- B. Application **review**, processing, and approval. Upon receipt of the application, it shall be reviewed, consistent with the provisions of this chapter. If the City identifies errors in the application, or if additional information is required, the City will notify the applicant. 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 City, in writing, to request additional time be approved.

If the additional or corrected information has not been received by the City within thirty days, or within the approved time period agreed to, the application will be deemed immediately void and a new application must be submitted.

1. 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 Street Department 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 state highway.
2. Concurrence or denial, notice. If the City concurs with the location and design of the proposed connection, written notification of that concurrence will be sent to the applicant. **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 City. No construction may commence on the City's, or the department's right of way until **all** necessary City and governmental permits are issued. **If the** City does not concur in the connection location, quantity, or design, the applicant shall be **notified**, in writing, indicating the City'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 City 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. Submittal of a revised permit is not a prerequisite for a request for an appeal pursuant to this chapter.
3. Permit issuance. The City 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 chapter, and after the applicant has received development approval, or, other interagency coordination procedures in effect are satisfied for development approval.

4. Appeal. In the event of a denial of a connection, as proposed in the application, the applicant may apply for an appeal pursuant to this chapter.
- C. 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 City 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 signatories, and **all future** owners and occupants of the property. The applicant may challenge the permit conditions by applying for an appeal pursuant to this chapter.

10.48.110 Construction Requirements.

- A. Preconstruction conference. The City may require a Preconstruction conference prior to any work being performed on the City's, or the department's, right of way. When required by provisions in the permit, the City 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.
- B. 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 City, or a time extension is requested by the applicant, and approved by the City. 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 City.

As a condition of the permit, the City may **further** limit construction time, if the City 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 City may require a new application fee prior to the initiation of any construction.

- C. 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.
- D. Disruption of traffic. All construction **and/or maintenance** within the City's, or the department'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**, or department, may require or restrict hours of construction, to minimize disruption of

traffic on the state highway system. If construction activity within the City's, or the department's, right of way causes undue disruption of **traffic** or creates safety hazards on a state highway, or if the construction activity is not in compliance with the traffic control specifications in the permit, the City 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.

- E. Traffic signals and other **traffic** control devices. **Traffic** signals and other traffic control devices installed by permittee shall conform to MUTCD, and City and department design and construction standards. The permittee is responsible for securing any state and local permits needed for traffic signalization, and regulatory signing and marking.
- F. 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 by a professional engineer, registered in accordance with Chapter **18.43** RCW, and certification that connection construction is in accordance with permit provisions and appropriate department standards. The City may, but is not required to, do the inspection at the applicant's expense, as provided in the developer agreement.

10.48.120 Nonconforming Connection Permits. The City may issue a permit for a connection not meeting the Department and 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 public road system. The City will consult with the Department before issuing any nonconforming connection permit. The City may issue a connection permit requiring a legally enforceable joint-use connection, when determined to be in the best interest of the City, or state, for restoring or maintaining the operational efficiency and safety of the state highway. Nonconforming connection permits shall **specify** conditions or limits including:

- A. **Traffic** volume. The **maximum** vehicular usage of the connection shall be specified in the permit.
- B. 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.
- C. 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.

10.48.130 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 City, to determine if **further** analysis is needed to determine if the change is significant and would require a new permit **and/or** 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 City, the permittee shall acquire a new permit, prior to the initiation of any on-site construction to the connection or to the property.

- A. 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 state highway system.
- B. Notification. Failure to contact the City to determine the need for connection modifications or to apply for a new permit for such modifications, prior to **initiation** of 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.
- C. 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 use on the property.

10.48.140 Permit Modification. Revocation. Closure Of Permitted Connection.

- A. Revocation criteria. All connection permits issued by the City, prior to the effective date of this ordinance, remain valid until revoked.

The City 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 state highway system. The process to be followed by the City in the revocation of permits, shall be consistent with the requirements this chapter.

- B. Notification, correction of deficiencies. The City 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 chapter. 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 City'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 an appeal pursuant to section **10.48.170** of this chapter is requested by the permittee, permittee's successor or assigns, or the property owner.
- C. Costs. The permittee, assignee, successor, or property owner shall be responsible for the costs of closure, due to revocation of a connection permit, pursuant to this chapter.
- D. Emergency action. This chapter shall not restrict the City's right to take immediate remedial action, including the closure of a connection, if there is an immediate and serious danger to public health, **safety**, and welfare, pursuant to Chapter **47.32** RCW. In such event, the City shall **conform** to the provisions for emergency adjudicative proceedings in RCW **34.05.479** which is hereby adopted by this reference as if **fully** set forth as it now exists or may hereafter be amended.

10.48.150 Closure Of Unpermitted Connections. Closure criteria, permit requirements. Any unpermitted connections to the state highway system, which were in existence on the effective date of this ordinance shall not require the issuance of a permit, and may continue to provide connection to the state highway system, unless the property owner had received written notification **from** the City initiating connection closure prior to the effective date of this ordinance, or unless the City determines that the unpermitted connection does not meet minimum acceptable standards of highway safety. The City 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 state highway to which it provides access. If a permit is not obtained, the City may initiate action to close the unpermitted connection point, pursuant to RCW **47.50.040**. Any unpermitted connection opened subsequent to the effective date of this ordinance, is subject to closure by the City. The process to be followed, by the City, in the closure of an unpermitted connection, shall as follows:

- A. Notification. The City shall serve written notice, by personal service or regular US mail upon the property owner of a connection to a state highway which is found by the City to be unpermitted. This notice shall clearly describe the highway connection violation and shall establish a thirty day time limit for either applying for a connection permit or requesting an appeal, pursuant to section **10.48.170**. The sole issue to be determined at the appeal, is whether a permit should be required. The notice will **further** advise the property owner that failure to act in either of the prescribed ways, within the time period, will result in City closure of the unpermitted connection.

- B. 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 revise the permit application, or appeal the decision pursuant to this chapter, within thirty days. Failure to act in either of those prescribed ways 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 City, the existing connection may continue to be used for a specified period of time, determined by the City, or until the connection specified in the permit application is constructed.
- C. Approval Conditions. Modifications, relocation, or closure of unpermitted connections may be required by the City, as a requirement of permit approval, subject to the appeal process set forth in this chapter.

10.48.160 Department Construction Projects. During construction of department projects, connections will be provided as replacements for existing approved permitted connections, that are consistent with all current department spacing, location, and design standards, based on the following conditions:

- A. Nonconforming connections. All nonconforming connection will be examined to determine if the construction project will require relocation, alteration, or closure of the connection to make it conforming.
- B. Application of current standards. The number and location of connections shall be modified to the maximum extent possible to meet current department spacing, location, and design standards. Where current department standards cannot be met, the connection shall be classified as nonconforming.
- C. New connections, modifications. The department shall allow new or require modification of existing connections if a connection permit application is made and approved.
- D. Replacement of existing connection. When connections are made as part of a department construction project replacing existing connection points without material differences, no additional permit shall be required.
- E. New connection--Cost. The construction of new connection points, if approved by the department, shall be done at the owner's expense by either the department's contractor as part of the roadway improvement or by the owner's contractor at the department's option.
- F. Modification--Cost. If the modification of the connection point is more extensive than the routine replacement of an existing connection, the owner shall also participate in the differential cost.

G. Work by permittee's contractor. The department shall require that work done by the owner's contractor be accomplished at the completion of the department's contract or be scheduled so as not to interfere with the department's contractor. The department may require a surety bond prior to construction of the connection in accordance with Section **10.48.090**.

10.48.170 Appeals.

- A. Application. Any person who is the recipient, or otherwise has standing to challenge the denial of a permit application pursuant to this chapter; a permit, with conditions pursuant to this chapter; a notice of permit modification, revocation, or closure of permitted **connection** pursuant to this chapter; or notice of closure of an unpermitted connection, pursuant to this chapter, may appeal the decision to the Board of Adjustment within **30** days of the written determination of the City.
- B. Conduct. The Board of Adjustment shall consider the appeal at the next regularly scheduled meeting and shall review the record provided by **staff and** render a decision and deliver same to applicant within **10** days of the hearing. Decisions of the Board shall be **binding** and final. Appeals **from** the Board decision shall be made to the Douglas County Superior Court within 20 days of the date of the written decision of the Board.

10.48.180 Violation - Penalty.

- A Any person who shall violate any of the provisions of this chapter or who shall fail to comply with any order made thereunder, and **from** which no appeal has been taken, or who shall fail to comply with such order as **affirmed** or modified by the board of adjustment, or by a court of competent jurisdiction, within the time fixed therein, shall severally and for each such violation and noncompliance, respectively, be guilty of a misdemeanor.

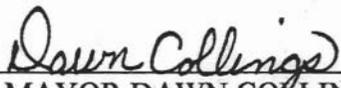
The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each **10** days that prohibited conditions are maintained shall constitute a separate offense.

- B. The instigation of misdemeanor proceedings in accordance with subsection A of this section shall not prevent the city **from** exercising all available civil remedies to force removal of prohibited conditions.

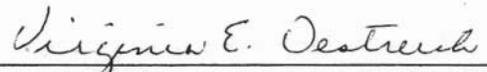
Section 2 Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not **affect** the validity or the constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. This chapter shall become effective from and after its passage by the Council, approval by the Mayor, and five days after publication as required by law.

APPROVED:


MAYOR DAWN COLLINGS

ATTEST/AUTHENTICATED


CITY CLERK, VIRGINIA OESTREICH

**APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY**

By: _____

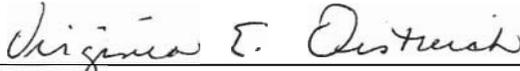
FILED WITH THE CITY CLERK:	_____ 11/6/95
PASSED BY THE CITY COUNCIL:	_____ 11/6/95
PUBLISHED:	_____ 11/8/95
EFFECTIVE DATE:	_____ 11/14/95
ORDINANCE NO.	95- _____ 14

SUMMARY OF ORDINANCE NO. 95-14
OF THE CITY OF EAST WENATCHEE, WASHINGTON

On the 6th day of November, 1995 the City Council of the City of East Wenatchee, Washington, passed Ordinance No. 95-14. A summary of the content of said ordinance, consisting of the title provides as follows:

AN ORDINANCE OF THE CITY OF EAST WENATCHEE, WASHINGTON, ADDING A NEW CHAPTER 10.48 TO THE EAST WENATCHEE MUNICIPAL **CODE**, REGULATING INGRESS **AND** EGRESS TO THE STATE HIGHWAY SYSTEM, WITHIN THE CITY LIMITS OF THE CITY OF EAST WENATCHEE. CONTAINING A SEVERABILITY CLAUSE AND SETTING AN EFFECTIVE DATE.

DATED **this 6th day of November, 1995.**



Virginia E. Oestreich
City Clerk/Treasurer

Publish: 11/9/95
Effective: 11/14/95