



Instructions: If your jurisdiction has adopted the required access permitting standards described in the enclosed letter, please complete Section A. If not, please complete Section B. 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 CONFIRMING ADOPTION OF REQUIRED ACCESS PERMITTING STANDARDS:

I, Scott D. Smith confirm by my signature below that City of Mill Creek has adopted standards for access permitting on streets designated as state highways in Ordinance see below adopted and 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: Scott Smith, Date: 10/16/07, Title of City Representative: Interim Public Works Director

SECTION B 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.

Access points and the associated Land development process is administered through the Mill Creek Municipal Code Titles 14-18 and the adopted Comprehensive Plan. These documents are available online at www.cityofmillcreek.com - 10/2

Houser, Karena

From: Houser, Karena
Sent: Wednesday, November 07, 2007 10:20 AM
To: 'Scott Smith'
Cc: Pazooki, Ramin
Subject: RE: Example Ordinance

Hi Scott,
 Thanks for clarifying and for giving us an opportunity to take a look at the draft language. Our Access and Hearings Engineer just has one suggestion -- referencing RCW 47.50 (not just RCW 47). Have a great day!
 Karena

From: Scott Smith [mailto:scott@cityofmillcreek.com]
Sent: Tuesday, November 06, 2007 1:56 PM
To: Houser, Karena
Cc: Pazooki, Ramin
Subject: RE: Example Ordinance

Since Mill Creek is a very planned community, we tend to handle land development a little differently than other jurisdictions. Per Mill Creek Municipal Code Section 17.22.120 all developments must also be consistent with the adopted Comprehensive Plan, which is where we address a lot of the specific "Mill Creeky" design criteria.

We are just about to amend the Comp Plan for a zoning change, and could easily modify our access policies in the Transportation chapter. Attached is the proposed change, which is highlighted. FYI - any change to the Comp Plan must be adopted by the City Council with an Ordinance.

Let me know if this would meet your needs, thanks for your help.

Scott Smith, P.E.
 Assistant City Engineer
 City of Mill Creek Public Works Department
 15728 Main Street
 Mill Creek, WA 98012
 425-921-5708 (direct)
 425-745-9650 (fax)

From: Houser, Karena [mailto:HouserK@wsdot.wa.gov]
Sent: Tuesday, November 06, 2007 11:33 AM
To: Scott Smith
Cc: Pazooki, Ramin
Subject: Example Ordinance

Hi Scott!
 I guess I do have your email address!

All of the examples I have seen from other cities for establishing access permitting standards for state managed access highways within city boundaries in accordance with RCW 47.50.030(3) have involved adopting the standards into the city code. You might want to check with your legal counsel about whether adopting the standards in your comprehensive plan as you have suggested is sufficient to meet the statutory requirement.

The most common approach cities have taken to meet this requirement seems to be adopting by reference

the access permitting standards detailed in the Washington State Administrative Code (WAC 468-51 and 468-52). An example of this approach is the City of Port Orchard ordinance (attached). I'm also attaching a copy of the applicable WAC for quick reference. Other cities, such as the City of Waitsburg, have adopted the state administrative code by reference with these additional clarifying provisions:

"Definitions. For purposes of this Ordinance and of the regulations adopted by reference, the term "government entity" means the City of Waitsburg. Where there is any reference to "the department" in the administrative and procedural sections adopted by reference, that reference shall be deemed to mean the City for purposes of this Ordinance.

Fees. All fees due and payable in connection access permitting shall be paid to the City."

A few cities have adopted ordinances that repeat in full many of the provisions of the administrative code while modifying some of the provisions based on local preference.

I hope these examples are helpful and I encourage you to review them with your legal counsel. As I mentioned on the phone, Ramin Pazooki of the Northwest Region Office may be able to be of additional assistance (206-440-4710) as you consider how to best meet the requirements of this state law. Thanks for your attention to this issue - we appreciate it!

Karena Houser

WSDOT Policy Development & Regional Coordination
310 Maple Park Avenue SE (PO Box 47370)
Olympia, WA 98504-7370
(360) 705-7876

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