



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, ROBERT ENGLISH confirm by my signature below that the City of  
Name of City Representative

Kenmore 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 <sup>1</sup>	WSDOT Region
Kenmore	522	6.21	8.23	M4		Northwest

Robert J. English  
Signature of City Representative

11/19/07  
Date

CITY ENGINEER  
Title of City Representative

<sup>1</sup> Limited access is established but access rights have not yet been entirely purchased.

**SECTION B**

**CONFIRMING ADOPTION OF REQUIRED ACCESS PERMITTING STANDARDS:**

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

KENMORE has adopted standards for access permitting on  
City or Town

streets designated as state highways in Ordinance 06-0247 adopted JUNE 22, 2006 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>).

Robert English  
Signature of City Representative

11/19/07  
Date

CITY ENGINEER  
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.

CITY OF KENMORE  
WASHINGTON  
ORDINANCE NO. 06-0247

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**AN ORDINANCE OF THE CITY OF KENMORE,  
WASHINGTON, RELATING TO STATE ROUTE 522  
ACCESS MANAGEMENT PROGRAM AND ADDING A  
NEW CHAPTER 12.85 TO THE KENMORE MUNICIPAL  
CODE.**

WHEREAS, the City desires to implement an access management program for State Route 522 consistent with Chapter 47.50 RCW and Chapters 468-51 and 468-52 WAC; and

WHEREAS, the access management program will protect and preserve the functional integrity of State Route 522 by providing for adequate safety and transportation capacity and promote the safe and efficient movement of people and goods; and

WHEREAS, the access management program will control the proliferation of connections and other access approaches to and from State Route 522;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. A new Chapter 12.85 is added to the Kenmore Municipal Code as follows:

Chapter 12.85  
State Route 522 Access Management Program

Sections:

12.85.010	Purpose
12.85.020	Applicability
12.85.030	Definitions
12.85.040	Application Process and Procedures
12.85.050	Permit Application Submittal Process
12.85.060	Fees and Surety Bond
12.85.070	Permit Application – Review and Conditions
12.85.080	Construction Requirements
12.85.090	Changes in property site use
12.85.100	Permit modification, revocation, closure of permitted connections
12.85.110	Access Control Classification and Design Standards

#### 12.85.010 Purpose

SR 522 is a state route in the city, with a functional classification of principal arterial street. The purpose of this chapter is to implement an access management program consistent with Chapter 47.50 RCW and Chapters 468-51 and 468-52 WAC; to protect and preserve the functional integrity of SR 522 by providing for adequate safety and transportation capacity; to protect the public health, safety, and welfare; and to promote the safe and efficient movement of people and goods.

The access management program, which coordinates land use planning and building permit decisions by the city and investments in the state highway system, will control the proliferation of connections and other access approaches to and from SR 522. Without such a program, the health, safety, and welfare of city residents and users of SR 522 are at risk due to the fact that uncontrolled access is a significant contributing factor to the congestion and functional deterioration of an arterial street. The access management program further will enhance the development of an effective transportation system and increase the traffic-carrying capacity of SR 522, thereby reducing traffic accidents, personal injury, and property damage or loss; mitigating environmental degradation; promoting sound economic growth and the growth management goals of the state; reducing highway maintenance costs and the necessity for costly traffic operations measures; lengthening the effective life of the transportation facility, thus preserving the public investment in such facilities; and shortening response time for emergency vehicles.

#### 12.85.020 Applicability.

A. Connections. New connections or alterations to existing connections to SR 522 require a connection permit. The use of a new connection at the location specified in the permit is not authorized until the applicant constructs or modifies the connection in accordance with permit requirements.

B. Change in Use. Where a parcel of property is already developed, but where the type of use for that development is changed, and where such change in use shall cause an increase of 10 Peak Hour trips generated from that property onto SR 522, then such change in use shall require a connection permit for its continued use of existing SR 522 street connection(s). The connection permit may require modifications to the existing connection(s).

C. Permit Modification. If a property owner or applicant holding a valid connection permit wishes to alter the permit conditions, the permit holder must apply for a permit modification. The city engineer shall have authority to approve or deny the modification application.

D. Construction Cost. The cost of construction or alteration of a connection shall be borne by the permittee.

E. Unpermitted Connection. An unpermitted connection to SR 522 that occurs after approval of this ordinance by City Council is subject to closure by the city. The city may install barriers across the connection or remove the connection. The city engineer will provide reasonable notice of the city's impending action to the owner of the property served by the connection. Cost of removal shall be paid for by the property owner.

- F. Permit Fee. The city in this chapter has established a schedule of fees for connection permits. The fee shall be non-refundable.
- G. Joint-Use Connection. The city engineer may issue a permit subject to any conditions necessary to carry out the provisions of this chapter including, but not limited to, requiring the use of a joint-use connection.
- H. Nonconforming Access Permit. The city engineer may issue a nonconforming access permit after finding that to deny an access permit would leave the property without a reasonable means of access to the public streets. Every nonconforming access permit shall specify limits on the maximum vehicular use of the connection and shall be conditioned on the availability of future alternative means of access for which access permits can be obtained.

#### 12.85.030 Definitions.

The following definitions shall apply to this chapter 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 daily traffic (ADT)" means the volume of traffic passing a point or segment of SR 522, in both directions, during a period of time, divided by the number of days in the period and factored to represent an estimate of traffic volume for an average day of the year.
- 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. "Conforming connection" means a connection that meets current city criteria pertaining to location, spacing, and design.
- E. "Connection" means approaches, driveways, turnouts, or other means of providing for the right of access to or from a controlled access street.
- F. "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 accepted by the city.
- G. "Connection permit" means a written authorization of the city for a specifically designed connection, 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.
- H. "Controlled access facility" means a transportation facility to which access is regulated by the city. Owners or occupants of abutting lands and other persons have a right of reasonable access to and from such facility at such points only and in such manner as may be determined by the city.
- I. "Development approval" means an official action by the city authorizing the developer or land owner to begin construction of any permanent improvements on the property.
- J. "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.

K. "Limited access facility" means a highway or street 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.

L. "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.

M. "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.

N. "Nonconforming connection" means a connection not meeting current city criteria pertaining to location, spacing, or design.

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

P. "Permitting authority" means the city.

Q. "Reasonable access" means an access connection that is suitable for the existing and/or proposed property use and does not adversely affect the safety, operations, or maintenance of the street.

R. "Right-of-Way" (R/W) means a general term denoting land or interest therein, acquired for or designated for transportation purposes. More specifically, the term means land in which the state of Washington, a county, or the city 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, or lands that have been dedicated for public transportation purposes.

S. "Shoulder" means the portion of the street or highway contiguous with the traveled lanes for the accommodation of stopped vehicles for emergency use, 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 in compliance with Chapter 47.17 RCW.

U. "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 permit holder to its original condition upon connection closure.

V. "Variance permit" means a special nonconforming or additional connection permit, issued for a location not normally permitted by current city standards, after an engineering study demonstrates, to the satisfaction of the city, that the connection will not adversely affect the safety, maintenance, or operation of the street or highway in accordance with its assigned classification. This permit will remain valid until modified or revoked by the city.

12.85.040 Application Process and Procedures.

- A. Early Consultation. In order to expedite the overall permit review process, the applicant is strongly encouraged to consult with the city prior to submitting an application pursuant to this chapter. The purpose of the consultation is to obtain a conceptual review of the development site plan and proposed access connections to SR522 with respect to location, quantity, spacing, and design standards. Such consultation will assist the applicant in minimizing problems and delays during the permit application process and could eliminate the need for costly changes to site plans when unpermittable connection proposals are identified early in the planning phase.
- B. 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 SR 522 for up to 10 single-family residences, a duplex, or a small multifamily complex of up to 10 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 100 or less.
  2. "Category II - minor connection" provides connection to SR 522 for medium volume traffic generators expected to have an AWDVTE of 1,500 or less, but not included in Category I.
  3. "Category III - major connection" provides connection to SR 522 for high-volume traffic generators expected to have an AWDVTE exceeding 1,500.
  4. "Category IV - temporary connection" provides a temporary, time limited connection to SR 522 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 and provisions, including limits on the maximum vehicular use of the connection, the future availability of alternate means of reasonable 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 this

section.

6. "Variance connection" means a special nonconforming or additional connection permit, issued for a location not normally permitted by city standards, after an engineering study demonstrates that the connection will not adversely affect the safety, maintenance, or operation of SR 522. This permit will remain valid until modified or revoked by the permitting authority.

7. "Median opening" includes openings requested for both new connections and existing connections. New median openings proposed as part of a new driveway connection shall be reviewed as part of the permit application review process. Request for the 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. The city shall notify affected property owners, permit holders, and tenants, in writing 30 days in advance of the closure of a median opening unless immediate closure is needed for safety or operational reasons.

#### 12.85.050 Permit Application Submittal Process.

A. Driveway connections that are part of a land use application. If the connection permit is being requested as part of an underlying development application, the issuance or denial of the connection permit shall be made in accordance with the type of decision applicable to the underlying land use application or applications.

B. Driveway connections that are not related to a land use application. If the connection permit is being requested without relation to an underlying land use application, the applicant shall file for a connection permit with the city engineer. The issuance or denial of the connection permit shall be made administratively by the city engineer, or the city engineer's designee, subject to appeal pursuant to Subsection E below.

C. Submittal Requirements for Connection Permits. If the new development will generate more than 10 Peak Hour Trips or is a change in use, each application for a connection permit, whether accompanying an underlying land use application or not, shall include a traffic impact study, as described below, the connection permit application, and additional information as required by the city engineer.

1. Traffic Impact Study. The traffic impact study, prepared by a professional engineer registered in the State of Washington, shall contain the following:
  - a. An inventory of existing traffic conditions, which shall include vehicular, pedestrian, bicycle, and transit facilities, and an evaluation thereof, plus a traffic safety and accident analysis based on the most recent three years of historical accident data.
  - b. An analysis of existing conditions including approved, but not yet built,

development and applied for, but not yet approved, development.

- c. An analysis of the changes to existing conditions that will occur with the proposed development, which includes: trip generation, modal split, distribution, assignment, and level of service analysis for intersections, adjacent to or within 250 feet of any proposed access, during peak hours and time periods as required by the city engineer.
- d. An analysis of three years of background growth, unless otherwise determined by the city engineer.
- e. A traffic signal warrant analysis of the projected impact of the proposed development upon the affected transportation corridor or intersection.
- f. Any additional information required by subsection 2(j)(5) below.

The traffic impact study shall be based on traffic counts obtained within the 12 months preceding the date the development application is deemed complete. The traffic impact study levels of service and traffic operations analysis shall be consistent with the latest Highway Capacity Manual's methodology. The city engineer reserves the right to require an applicant to provide additional data and/or analysis as part of the traffic impact study, where the city engineer determines that additional information or analysis is required to implement the standards and requirements contained in this chapter. The city engineer may waive the requirement for a traffic impact study, or limit the scope of analysis and required elements of a traffic impact study, where the city engineer determines that the potential transportation impacts on the SR 522 corridor or any of its intersections have been adequately analyzed in prior research or reports and are not projected to cause a reduction in the operating level of SR 522.

2. Connection permit application and information. The applicant shall submit a connection permit application in a form approved by the city engineer and shall provide information as required by the city engineer. A complete application shall consist of the application form; application fee; plans; traffic data; and connection information specified in this section.

- a. 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 applicant shall provide the following information, unless the city engineer determines that specific information will not be necessary. Additional information required of Category II, III, and IV permit applications is specified in this chapter. In all cases it would be prudent, prior to submittal of the application, for the applicant to inquire of the city engineer whether the application needs additional information. The city engineer 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 termination of the permit application.
- c. Provide the current complete names, mailing addresses, and telephone numbers of the property owner(s), the developer(s), the applicant, and the transportation and legal consultants representing the applicant (if any). If the

property owner desires to have a representative sign the application, a notarized letter of authorization from the applicant shall be provided with the application. When the owner or applicant is a company, corporation, or other public agency, the name, address, and telephone number of the responsible officer shall be furnished. The names of all individuals signing the application and their titles shall be typed or printed directly below the signature.

d. 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., (ITE) shall be included as appropriate. If local or special trip generation rates are used instead of the ITE rates, 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 10 or fewer units, 10 trips per day per unit may be assumed.

e. The application shall include a plan to scale showing critical dimensions, location of the property, existing conditions, and character and extent of the proposal. The location of existing and proposed on-site development with respect to the existing and proposed driveway location(s) and SR 522 shall be shown.

Minimum information on the plan shall include:

- (1) Street names.
- (2) Pavement type.
- (3) Cross section.
- (4) Posted speed limit.
- (5) The existence and location of any existing and/or future proposed public or private roads 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.

f. Property information.

- (1) Show the 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.
- (2) Show any adjacent properties that are owned or controlled by the applicant, or in which the applicant has a financial interest, and an indication of whether the properties will be accessed by means of the proposed connection(s).
- (3) Provide proof of legal ownership or legal easement.
- (4) Include a boundary survey, which may be waived for Category I connections, at the discretion of the city engineer.
- (5) Any existing or proposed parcels segregated from the applicant's property for separate development shall be clearly designated on the plan.

g. Connection location information.

- (1) Connection location by WSDOT milepost and highway engineer's station, if available.
  - (2) Location of the SR 522 centerline with respect to existing and proposed property lines.
  - (3) Distance of proposed public or private access connection to intersecting roads, streets, railroads.
  - (4) Existing or proposed median openings (crossovers) and connections on all sides of SR 522 and other roads within 660 feet of the proposed connection location.
  - (5) 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.
- h. Connection design information.
- (1) Proposed connection and approach improvements, including the driveway profile approaching SR 522, and the driveway width, radii, and angle to the street.
  - (2) Existing and proposed grading.
  - (3) Drainage calculations and other pertinent data.
  - (4) Driveway, auxiliary lanes and crossover pavement design, including subgrade, base, surface materials, and thicknesses.
  - (5) Specific requirements for design information on individual Category I permit applications may be relaxed, or waived, at the discretion of the city engineer.
- i. Joint driveway use.
- (1) 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.
  - (2) Joint driveway use serving adjoining properties is encouraged.
- j. Additional information for Category II and Category III permits. The city engineer may require the following additional information for each phase of the development. Prior to the submittal of the application, the applicant shall coordinate with the city engineer on the level of detail and the analysis techniques to be used.
- (1) Circulation plans. All parking, interior drives, and internal traffic circulation plans.
  - (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 build-out 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 SR 522 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 city engineer may require the following traffic study information:

(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 state highway.

(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 the state highway.

(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 compliance with WSDOT standards. A separate WSDOT traffic signal permit is required.

(v) Offsite improvements. A traffic analysis to determine the need for offsite related roadway and geometric improvements and mitigation requirements.

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

3. Additional information for Category IV permits. Category IV permit applications shall contain the specific dates that the connection is to be open and must contain assurances acceptable to the city that the shoulder, curbing, sidewalks, bikeways, ditch, right-of-way, and any other amenities will be restored to their original condition at the permit holder's expense upon closure of the temporary connection.

D. Variance from Access Standards. The access standards above may be modified by the city engineer on the connection permit upon a showing by the applicant of the following:

1. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions make it technically infeasible to meet new construction standards and an equivalent alternative, which can accomplish the same access management

purpose, is available.

2. A minor change to a standard is required to address a specific design or construction problem, which if not enacted, will result in an unusual hardship.

3. An alternative standard is proposed which is equal to or superior to these standards.

4. Application of the standards to the development would be grossly disproportional to the impacts created.

E. Appeals. The applicant may appeal the decision of the city engineer under the following conditions:

1. For driveway connections that are part of land use application review. The appeal of a conditioning or denial of a connection permit shall be in accordance with the procedures for an appeal of the underlying land use application.

2. For all other driveway connection permit applications. The appeal of a conditioning or denial of a connection permit shall be to the Hearing Examiner.

#### 12.85.060 Fees and Surety Bond.

A. Fee structure. The following nonrefundable fee structure is established for the processing, review and inspection of the connection permit application. 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 SR 522, the city 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's proposal that exceed the required base fees in the following schedule:

1. Category I – Base Fee for one connection:
  - a. Agricultural, forest, utility operation and maintenance \$ 50.00
  - b. Residential dwelling units (up to 10)–single connection \$ 50.00 per dwelling
  - c. Other, with 100 AWDVTE or less \$ 500.00
  - d. Fee per additional connection point \$ 50.00
2. Category II – Base Fee for one connection:
  - a. Less than 1,000 AWDVTE \$ 1,000.00
  - b. 1,000 to 1,500 AWDVTE \$ 1,500.00
  - c. Fee per additional connection point \$ 250.00
3. Category III – Base Fee for one connection:
  - a. 1,500 to 2,500 AWDVTE \$ 2,500.00
  - b. Over 2,500 AWDVTE \$ 4,000.00
  - c. Fee per additional connection point \$ 1,000.00
4. Category IV – Base Fee per connection \$ 100.00

B. Surety bond. Prior to the beginning of construction of any connection, the city may require the permit holder to provide a surety bond as specified in WAC 468-34-020(3).

12.85.070 Permit Application – Review and Conditions.

A. Application review, processing, and approval. The city engineer shall review the application. If the city engineer identifies errors in the application or needs additional information, the city engineer shall notify the applicant. The applicant shall provide such information or correct such errors within 30 days of the notification. If the applicant needs additional time to provide such information or correct errors, the applicant shall contact the city engineer in writing to request that additional time be approved. If the additional or corrected information has not been received by the city engineer within 30 days or within an approved extended time period, the application shall be terminated.

B. Review. Upon timely receipt of all required information, or upon expiration of the time period for receipt of additional or corrected information, the city engineer shall examine the location and design of the connection for consistency with current city standards pertaining to design, location, quantity, spacing and classifications. The examination shall also include an analysis of the impact of the site's existing and projected traffic on the operation and safety of SR 522.

C. Notice of Concurrence or Denial. If the city engineer concurs in the location and design of the proposed connection, the city engineer shall send written notification of that concurrence to the applicant and to the city's community development department. If the applicant has completed the voluntary conceptual review process, the written notice of concurrence shall indicate whether or not there have been any changes in the number, location, or design of the connections required by the city. No construction may commence on the city's right-of-way until all necessary permits are issued in accordance with Subsection D of this section. If the city engineer does not concur in the connection location, quantity, or design, the applicant shall be notified in writing. The notice shall state the city's intent to deny the connection as proposed in the application, and shall further state the specific reasons for the denial, the process for submitting an amended application, and the appeal process. The applicant may submit a revised application within 30 days. The submittal of a revised application within 30 days shall not require the payment of any additional application fees.

D. Permit issuance. Upon determining that the application and the location and design of the connection comply with city requirements, the city engineer shall issue the connection permit. Further, for permit applications connected with land use applications, the applicant shall receive development approval from the city's community development department.

The city engineer shall provide the applicant with the connection permit for signature, and the applicant shall sign and return the permit to the city engineer within 30 days after the mailing date. If the city engineer does not receive the signed permit back from the applicant within 30 days after the mailing date or within an agreed upon time, the permit shall be void and the application fee shall be forfeited. The permit shall not be valid and construction on the access shall not begin without a completed permit that is signed by both the city engineer and the

applicant. Additionally, the applicant shall satisfy the surety bond requirements specified in the permit prior to construction.

E. Permit conditions. Any special requirements or provisions for the connection, including off-site mitigation, shall be clearly and specifically stated in the permit. Failure by the applicant or permit holder to abide by the permit provisions and requirements 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 permit holder. The permit requirements and provisions shall be binding on the permit holder, the permit holder's successors, heirs and assigns, the permit application signatories, and all future owners and occupants of the property.

F. Nonconforming connection permits. The city engineer may issue a permit for a connection not meeting the city's location and spacing criteria standards if the city engineer 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 access to city streets or SR 522. 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 for restoring or maintaining the operational efficiency and safety of SR 522. Nonconforming connection permits shall specify conditions or limits including:

1. Traffic volume. The permit shall specify maximum vehicular usage of the connection.
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 managing the access to SR 522.

G. Variance connection permits. Variance permits may be issued, at the discretion of the city engineer, for certain connections that do not satisfy the access classification location and spacing, or that exceed the number of connections allowed by the standards adopted for SR 522. These permits may be allowed if conditions warrant and are demonstrated to the satisfaction of the city engineer by a traffic analysis, signed and sealed by a qualified professional engineer who is registered in accordance with Chapter 18.43 RCW, which is included with the connection permit application. The variance permit will remain in effect unless a new permit is required due to changes in property site use or unless permit modification, revocation, or closure of the variance permitted connection is required. The city engineer may issue a connection permit requiring a legally enforceable joint-use connection when the city engineer determines that such a permit is in the best interest of the city for restoring or maintaining the operational efficiency and safety of SR 522. Variance connection permits shall specify conditions or limits including, but not limited to:

1. Traffic volume. The permit shall specify the maximum vehicular usage of the connection.
2. 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 managing the access to

SR 522.

H. Appeals. In the event of a denial of a connection permit as proposed in the application, the applicant may appeal in accordance with the appeal rights of Section 12.85.050(E).

12.85.080 Construction Requirements.

A. Preconstruction conference. The city engineer may require a preconstruction conference prior to any work being performed on the public right-of-way. When required by provisions in the permit, the city engineer 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 90 days of the effective date of the permit, unless the city engineer approves a longer time. Construction shall be completed within 120 days of the date of issuance of the permit, unless the city engineer approves a time extension. As a condition of the permit, the city engineer may further limit construction time, if the city engineer 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 permit holder. For any permit which expires for failure to begin construction or to complete construction within the specified time limits, the city engineer may require a new application, including the payment of the required 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 SR 522 right-of-way shall conform to the provisions of the connection permit, the "*Manual on Uniform Traffic Control Devices*" (MUTCD); WSDOT's current "*Design Manual*," and WSDOT's "*Standard Specifications for Road, Bridge, and Municipal Construction*." The city may require or restrict hours of construction to minimize disruption of traffic. If construction activity within the SR 522 right-of-way causes undue disruption of traffic or creates safety hazards, or if the construction activity is not in compliance with the traffic control specifications in the permit, the city engineer shall advise the permit holder or the permit holder'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 the permit holder shall conform to MUTCD and city design and construction standards. The permit holder shall be responsible for securing any WSDOT permits needed for traffic signalization and regulatory signing and marking.

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

12.85.090 Changes in Property Site Use.

The connection permit shall be issued to the permit holder 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 permit holder, his or her assignee, or property owner to contact the city engineer to determine whether 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, 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 engineer, the permit holder, his or her assignee, or the property owner shall obtain 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 SR 522 based on objective engineering criteria or available accident data. Such data shall be provided to the property owner and/or permit holder and tenant upon written request.

B. Notification. Failure to contact the city engineer 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 and/or permit holder and tenant of intent to revoke the existing permit and closure of the connection to the property.

C. Costs. The permit holder shall be 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.

12.85.100 Permit Modification and Revocation; Closure of Permitted Connections.

A. Revocation criteria. All connection permits issued by the city remain valid until revoked. The city engineer may initiate an action to revoke any permit if significant changes have occurred in the use, design, or traffic flow of the property or of SR 522, 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; if the permit provisions were not met; or if the connection causes a safety, maintenance, or operational problem on the street.

The city engineer shall give written notice by first class U.S. mail to the permit holder, the permit holder's successors or assigns, or the property owner with a copy to the occupant, for any connection found to be in noncompliance with the conditions of the permit. The notice shall identify the deficiencies and request that they be corrected within 30 calendar days of the date of the notice. The notice shall further advise that the city's determination of noncompliance or deficiencies shall become final and conclusive 30 calendar days following the date of the notice unless the violations are corrected or an appeal is filed by the permit holder, permit holder's successor or assigns, or the property owner.

B. Costs. The permit holder, permit holder's successor or assignee, or property owner shall

be responsible for the costs of closure due to revocation of a connection permit, except when the closure is required by changes to SR 522.

C. Emergency action. This chapter shall not restrict the city engineer'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.

#### 12.85.110 Access Control Classification.

A. WSDOT has created an access control classification system consisting of five classes, where Class One is the least restrictive. WSDOT has designated SR 522 as Class Four. On all access classes, property access shall be located and designed to minimize interference with transit facilities and/or high occupancy vehicle (HOV) facilities on SR 522 where such facilities exist or where such facilities are proposed. In such cases, if reasonable access is available from the city street system, primary property access shall be provided from the city street system rather than from SR 522.

B. SR 522, with its Class Four designation, has the following functional characteristics and access control standards:

1. Functional characteristics: SR 522 has the capacity for moderate travel speeds and moderate traffic volumes for medium and short travel distances providing for intercity, intracity, and intercommunity travel needs. There is to be a reasonable balance between direct access and mobility needs. Existing level of development of the adjoining land is intensive. SR 522 is distinguished by existing or planned nonrestrictive medians. Restrictive medians may be used as operational conditions warrant to mitigate turning, weaving, and crossing conflicts. Minimum connection spacing standards should be applied if adjoining properties are redeveloped.

2. Access control design standards: The public street intersection spacing and driveway connection spacing distances specified are minimums. Greater distances may be required by the city engineer to provide desirable traffic operational and safety characteristics. If greater distances are required, the city engineer will document the reasons, based on traffic engineering principles, for such greater distances. Nonconforming permits may be issued allowing for less than minimum spacing where no other reasonable access exists. A variance connection permit may be issued where it can be substantiated by a traffic analysis, to the satisfaction of the city engineer, that allowing less than the minimum spacing or more than the maximum number of connections would not adversely affect the desired function of SR 522 and would not adversely affect the safety, maintenance or operation of SR 522.

a. Public street intersections: SR 522 should generally be capable of achieving a posted speed limit of 40 to 45 mph. In the city, where higher volumes are present or growth that will require signalization is expected in the foreseeable future, it is imperative that the location of any public access be planned carefully to ensure adequate signal progression. Where feasible, major intersecting roadways that may ultimately require signalization shall be planned with a minimum of one-half mile spacing. Addition of all new connections, public or private, that may require signalization will require an engineering analysis signed and sealed by a qualified professional engineer.

b. Private direct access:

(1) No more than one access shall be provided to an individual parcel or to contiguous parcels under the same ownership, unless it can be shown that additional access points would not adversely affect the desired function, safety, or operations on SR 522.

(2) The minimum distance to another public or private access connection shall be 250 feet. Nonconforming connection permits may be issued to provide access to parcels whose highway frontage, topography, or location would otherwise preclude issuance of a conforming connection permit.

(3) Variance permits may be allowed if conditions warrant. These conditions must be demonstrated to the satisfaction of the city engineer by a traffic analysis that is signed and sealed by a qualified professional engineer.

3. Corner clearance. Corner clearances for connections shall meet or exceed the minimum connection spacing requirements. A single connection may be placed closer to the intersection in accordance with the following criteria:

a. If, due to property size, corner clearance standards cannot be met, and where joint access connections meeting or exceeding the minimum corner clearance standards cannot be obtained, or is determined by the city engineer to be not feasible because of conflicting land use or conflicting traffic volumes or operational characteristics, then the following minimum corner clearance criteria may be used:

#### 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

b. Additional Conditions:

- (1) There shall be no more than one connection per property frontage on SR 522.
- (2) When joint or alternate access meeting or exceeding the minimum corner clearance standards becomes available, the permit holder shall close the permitted connection, unless the permit holder shows to the city engineer's satisfaction that such closure is not feasible.

Section 2. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 12<sup>th</sup> DAY OF JUNE, 2006.

CITY OF KENMORE

  
\_\_\_\_\_  
Randy Eastwood, Mayor

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Lynn Batchelor, City Clerk

Approved as to form:

  
\_\_\_\_\_  
Rod P. Kaseguma, City Attorney

<b>Filed with the City Clerk:</b>	<b>June 5, 2006</b>
<b>Passed by the City Council:</b>	<b>June 12, 2006</b>
<b>Ordinance No.</b>	<b>06-0247</b>
<b>Date of Publication:</b>	<b>June 16, 2006</b>
<b>Effective Date:</b>	<b>June 22, 2006</b>