

RESOLUTION NO. 2287
Amendment to Ravalli County Access Encroachment

RESCINDS RESOLUTION NO. 2023

WHEREAS, the BOARD OF COUNTY COMMISSIONERS met after proper public notice to discuss and amend the Ravalli County Access Encroachment Policy on August 28, 2008; and

WHEREAS, Section 7-14-2102 MCA provides that 'each BOARD OF COUNTY COMMISSIONERS may in its discretion do whatever may be necessary for the best interest of the county roads and the road districts';

THEREFORE BE IT RESOLVED THAT THE ACCESS ENCROACHMENT BE AMENDED, WITH AN EFFECTIVE DATE OF AUGUST 28, 2008.

BE IT FURTHER RESOLVED THAT RESOLUTION NO. 2023 BE RESCINDED.

PASSED AND APPROVED THIS 29TH DAY OF SEPTEMBER, 2008.
BOARD OF RAVALLI COUNTY COMMISSIONERS

- Absent -

Carlotta Grandstaff, Chairman

James E. Rokosch

James E. Rokosch, Member

- Absent -

Alan Thompson, Member

Greg Chilcott

Greg Chilcott, Member

Kathleen Driscoll

Kathleen Driscoll, Member

Attest: *Regina Plettenberg*

Clerk & Recorder

Attachments: 13 Page Access Encroachment (Policy)



Return: Commissioners

RAVALLI COUNTY ROAD & BRIDGE DEPARTMENT

~ POLICY ~

ACCESS ENCROACHMENT

To facilitate the beneficial public use of Ravalli County roadway rights-of-way, consistent with Montana State Law, the Board of County Commissioners has adopted this policy for the management of private access encroachments within those county roadway rights-of-way. The intent of this policy is to provide for the construction and improvement of these accesses in accordance with the design standards, specifications and procedures adopted by the county; to protect the health and safety of the public; to provide for public safety and the preservation of roadway investments; and to minimize conflicts between public roadways and private approaches. Through the provisions of this policy, the Road & Bridge Department will administer the standards necessary to protect public health and safety, maintain a reasonable level of traffic flow, maintain roadway drainage and preserve functional levels of service for public roadways while meeting regional, local and private transportation demands and interests.

SECTION I INTRODUCTION

A) AUTHORITY

Pursuant to the resolution of the Board of County Commissioners and applicable Montana State Law, specifically 7-14-2101 and 7-14-2102 MCA, the Road & Bridge Department shall regulate, permit and manage vehicular access to and from a county roadway, from or to any property adjoining the county roadway.

B) IMPLEMENTATION

Upon the effective date of this policy no person shall construct, reconstruct, improve or expand any access providing direct movement to or from any roadway operated by the Ravalli County Road & Bridge Department (RCRBD) without possession of a permit approved and issued by the RCRBD. Any permit issued shall constitute an obligation by the OWNER to perform all work in compliance with the terms of the permit and associated design and construction standards.

Access permits shall be issued only in accordance with this policy. No verbal or other informal approval shall be considered valid. In no event shall an access be allowed or permitted if it is determined to compromise public health or safety.

Vehicular access to or from any property adjoining a Ravalli County roadway shall be achieved only through **a designed, constructed and approved access.**

SECTION II ADMINISTRATION

A) OBTAINING A PERMIT

Persons wishing to apply for direct access to a county roadway shall contact the RCRBD, which may require any of the following items, when necessary, for the evaluation of an access: A) roadway and access approach plan and profile, B) complete drainage plan of the site showing impact to the roadway right-of-way, C) site map detailing utility locations before and after development in and along the roadway, D) a subdivision development plan, E) a property map identifying any other access or abutting public roadways, and F) a proposed access design.

In applying for and accepting the issuance of a permit, the OWNER shall certify that they have read and agree to all of the terms and conditions of this policy.

Upon receipt of a permit application, the RCRBD will employ this policy in the review of the application and will work cooperatively with the OWNER to attempt to resolve any issue prior to taking final action. The responsibility of meeting the provisions of this policy, however, is entirely that of the OWNER. A permit application shall conform to all sections of this policy. The RCRBD will typically act upon an application within two (2) weeks by transmittal of an approved permit, the issuance of a preliminary or construction permit or denial of the application. Before denying an application, the RCRBD will discuss the issue with the OWNER and will attempt to resolve the reasons for the decision.

B) PERFORMANCE GUARANTEE

The OWNER shall post a performance guarantee, in the form of a cash deposit or irrevocable surety, in the amount of \$500.00, at the time of application. The performance guarantee shall be returned to the OWNER upon the successful completion of the approach, as inspected and approved by the COUNTY. The OWNER shall agree that any performance guarantees that are forfeited shall be forfeited not as a penalty but in liquidation of damages sustained by the COUNTY.

C) PRELIMINARY APPROACH PERMITS

The OWNER may apply for a Preliminary Approach Permit to determine an acceptable location for access onto a county roadway. The RCRBD will review the proposal and may grant conceptual approval. The RCRBD is not responsible for determining the location or design of access onto county roadways. The OWNER shall be responsible for clearly demonstrating that the approach would be consistent with adopted design standards. The OWNER is encouraged to obtain the assistance of a licensed civil engineer. An Access Encroachment Permit fee is payable at the time of application. The RCRBD may forward proposals to the county's consulting engineer for further review. The OWNER shall be responsible for the total cost of review. Upon approval, the exact location and design of the access shall be identified on all subsequent plan submittals.

A preliminary approach permit may remain valid for up to twenty-four (24) months and may be converted to a standard permit, at a reduced rate, upon final plat approval, provided that no change to design or location has occurred.

D) CONSTRUCTION OF ACCESS

The approach permit shall be deemed expired and void if the construction of the access has not been completed before the expiration date identified on the permit. When the OWNER is unable to complete construction within that schedule, they may request an extension from the RCRBD. Any request for an extension must be submitted to the RCRBD before the permit expiration date.

The anticipated dates of construction shall be included in the application. The OWNER shall notify the RCRBD at least forty-eight (48) hours prior to any activity within the public roadway right-of-way. The access shall be completed in a timely and safe manner, within the time schedule identified on the permit.

The RCRBD will perform inspection of the construction process, and of the completed access, to ensure that all permit terms and conditions are achieved.

The construction of the access and its appurtenances as required by the terms and conditions of the permit shall be completed at the expense of the OWNER.

The RCRBD may order a halt to any unauthorized access construction or use.

The RCRBD may order minor amendments to address site-specific conditions.

A COPY OF THE APPROVED PERMIT SHALL BE AVAILABLE FOR ON-SITE REVIEW AT ALL TIMES DURING CONSTRUCTION ACTIVITY.

FINAL INSPECTION

The OWNER shall request of the COUNTY a final inspection of the installation immediately upon completion of construction. The OWNER agrees to perform, at the OWNER's expense, any correction or modification determined necessary by the COUNTY. Failure to successfully complete construction and request final inspection within one year of the date of application shall be considered abandonment of the access and shall result in termination of the permit and the forfeiture of any cash deposits or performance guarantees. The OWNER shall be, and shall remain, responsible for any expense incurred by the COUNTY to remove the access and to restore the roadway easement to its original condition.

TRAFFIC CONTROL

Adequate construction signing, in conformance with the Manual on Uniform Traffic Control Devices, is required at all times during construction. This may include, but is not limited to, the use of signs, barricades and flaggers. The RCRBD and its employees shall be held harmless against any action for personal injury or property damage sustained through the exercise of an access permit.

LOCATION OF UTILITIES

The OWNER shall be responsible for identifying the location of existing utility installations by contacting the Utility Notification Center prior to construction.

INSURANCE AND LICENSE

The OWNER shall provide a current Certificate of Public Liability Insurance in the amount of \$1,000,000.00, naming Ravalli County as insured; or shall employ an excavation contractor licensed by the State Of Montana and possessing such insurance coverage to perform any work within the county roadway right-of-way. **The OWNER shall provide proof of such insurance at the time of application.**

E) USE OF ACCESS

It is the responsibility of the OWNER to ensure that the use of the access is not, and does not become, in violation of terms and conditions of this policy or the conditions identified in the approved permit. The terms and conditions of the permit are binding upon all owners, assigns, successors-in-interest and heirs.

When any change occurs in the use of the property that results in changes in the use or operation of any access onto a county roadway and the access no longer conforms to this policy or the conditions identified in the approved permit, the reconstruction or relocation of the access will be required. The OWNER shall be responsible for all costs associated with reconstruction or other modification of the access and shall apply for required permits, in advance of those activities.

When, in the course of roadway activity performed by the RCRBD, it becomes necessary to reconstruct, relocate or otherwise amend an existing and approved access, the RCRBD will initiate appropriate contact, procedure and agreement.

F) EXISTING ACCESSES

An access to a county roadway that was appropriately established prior to the adoption of this policy may remain as if permitted under this policy provided that 1) the access is operated and maintained in conformance to this policy, 2) the access provides service only to the adjacent property(s) and in the **same function and capacity** as may exist at the time of the adoption of this policy, and 3) the access does not compromise the safety of roadway users. It is the intent, and shall be the practice, to apply the provisions of this policy to new accesses onto county roadways and to existing accesses only as defined herein.

When any change occurs in the use of the property that results in changes in the use or operation of any access onto a county roadway and the access no longer conforms with this policy or the conditions identified in the approved permit, the reconstruction or relocation of the access will be required. The OWNER shall be responsible for all costs associated with reconstruction or other modification of the access and shall apply for required permits, in advance of those activities.

G) ILLEGAL ENCROACHMENT

Pursuant to Montana State Law, specifically 7-14-2134 through 7-14-2137 MCA, the RCRBD shall remove or cause the removal of any highway encroachment not specifically permitted under the provisions of this policy. The OWNER shall be sent a written notice of any illegal encroachment, access location or use, and a ten (10) day notification of any pending action, after which the RCRBD may install barriers across or remove any access not conforming to this policy. In the event the encroachment presents an immediate hazard to roadway users, the COUNTY may remove the encroachment without notification. The OWNER shall be responsible for any expense incurred by the COUNTY in such removal.

H) CONFORMANCE OF SUBDIVISIONS

Upon the effective date of this policy, no person(s) may submit an application for the subdivision of property abutting a county roadway unless the subdivision development plan provides that all parcels created by the subdivision will have access to the roadway system in conformance with this policy and the Ravalli County Subdivision Regulations. Direct access from the subdivision to the county roadway system shall be permitted only if the access approach meets the requirements of this policy. Dependant upon the functional classification of the roadway, direct access from subdivision parcels to a county roadway may not be permitted. Newly created subdivision parcels may be required to access only onto internal subdivision streets and not directly onto a county roadway.

I) PERMIT FEES

The Ravalli County Board of County Commissioners has approved a schedule of fees for permits issued pursuant to this policy. At the time of adoption of this policy, the fee for Access Encroachment permits is \$125.00 for each installation.

Additional fees may be assessed for review by the county's consulting engineer.

J) OWNER RESPONSIBILITY

The OWNER, their successors-in-interest or assigns of the property served by the access shall be responsible for continuously meeting the terms and conditions of the permit. The OWNER shall alone be responsible for maintaining the access in a responsible, safe and operational condition, as determined by the COUNTY.

An access permit shall be considered in full force and effect from the time of approval until the permit is terminated by the COUNTY or abandoned by the OWNER. The COUNTY may terminate a permit should the OWNER fail to continuously conform to the terms and conditions of the permit. In the event of termination or abandonment, the OWNER shall be responsible for the removal of the access and for restoring the roadway easement to its original condition.

Should the OWNER fail to effectively remove the access and restore the easement, the COUNTY may cause the work to be performed. The OWNER shall alone be responsible for all expenses incurred by the COUNTY for such action and for any damage to the roadway resulting from any action or inaction by the OWNER.

The OWNER shall be responsible for the removal of snow from the approach even when deposited onto the access in the course of county roadway snow removal.

SNOW SHALL NOT BE DEPOSITED ONTO OR ACROSS A COUNTY ROADWAY.

In accepting a permit, the OWNER, their successors or assigns, agrees to hold the COUNTY harmless in any claim or action arising from the performance of any work, material, installation, maintenance or operation of the access, or from the occupancy of the public easement. The OWNER additionally agrees, in the event of suit resulting from such, shall defend the same at their expense.

K) TRAFFIC IMPACT ANALYSIS

The OWNER of any development that increases traffic volumes by 25% or more, or that potentially may exceed or compromise the geometric design or structural capacity of the existing county roadway(s), as determined by and at the discretion of the COUNTY, shall provide, through a licensed civil engineer, a comprehensive study and subsequent design proposal for review by the COUNTY. The study and subsequent review may include but may not be limited to 1) geometric design and alignment, 2) traffic control devices, 3) structural capacity of the existing roadway, 4) pavement or surface condition of the existing roadway, 5) pedestrian traffic facilities and 6) other public safety concerns. The OWNER shall alone be responsible for all costs associated with the Traffic Impact Analysis, the design and review process and the construction of any improvements recommended or identified through the analysis and as approved or directed by the COUNTY.

SECTION III ACCESS CONTROL STANDARDS

To provide for the effective management and functional integrity of the county roadway system, to maintain desirable traffic flow and reduce potential conflict, and to enhance the safety of roadway users while providing for reasonable access to county roadways from adjacent property, the following guidelines establish levels of access control applied to Ravalli County roadways, based upon the functional classification assigned to a roadway or a roadway segment.

These are considered to be minimum guidelines. Consideration may be given to access locations where existing topography, property limits and roadway design considerations may limit strict compliance with these standards. The access should serve as many parcels as possible to reduce the demand for additional public roadways and for additional direct access to county roadways.

The separation of accesses is measured from the centerline of the approach.

A) MAJOR COLLECTOR ROADWAY

PRIVATE DIRECT ACCESS

No more than one access shall be permitted or provided to an individual parcel, or contiguous parcels under the same ownership, unless it is demonstrated that 1) the additional access would not compromise the safety of county roadway users or the operation of the county roadway, 2) allowing only one access for the parcel would conflict with established local safety regulations, and 3) that the additional access would not be detrimental to the public health and safety.

SEPARATION OF ACCESSES

All private accesses, intersecting public roadways and other direct access to major collector county roadways shall be separated by a minimum of **600** feet.

Where high traffic volumes exist on the county roadway, or substantial increases in traffic are anticipated, accesses should be separated by a minimum of 900 feet.

B) MINOR COLLECTOR ROADWAYS

PRIVATE DIRECT ACCESS

No more than one access shall be permitted or provided to an individual parcel, or contiguous parcels under the same ownership, unless it is demonstrated that 1) the additional access would not compromise the safety of county roadway users or the operation of the county roadway, 2) allowing only one access for the parcel would conflict with established local safety regulations, and 3) that the additional access would not be detrimental to the public health and safety.

SEPARATION OF ACCESSES

All private accesses, intersecting public roadways and other direct access to minor collector county roadways shall be separated by a minimum of **300** feet.

C) LOCAL ACCESS ROADWAYS

PRIVATE DIRECT ACCESS

One direct access to a county roadway will be permitted or provided to each individual parcel, or to contiguous parcels under the same ownership, when it is demonstrated there will not be significant safety or operational concerns and the separation of the accesses is consistent with the requirements of this policy.

SEPARATION OF ACCESSES

All private accesses, intersecting public roadways and other direct access to any local access county roadway shall be separated by a minimum of **150** feet.

SECTION IV DESIGN STANDARDS & SPECIFICATIONS

All private access onto Ravalli County roadways shall be designed and located in conformance with the standards established in this policy. The design of all accesses shall be consistent with the adopted roadway design standards. The OWNER shall alone be responsible for ensuring compliance with these standards.

Ravalli County has adopted AASHTO standards for the design of roadways. All work performed, and all materials installed, within Ravalli County rights-of-way shall conform to the **MONTANA PUBLIC WORKS STANDARD SPECIFICATIONS**. Any access that is not constructed in conformance with these standards **will not be approved**. The OWNER shall be alone responsible for ensuring that all installations are designed and constructed in conformance with these standards.

A) WIDTH OF ACCESS

The width of an access is measured outside of the approach radius.

Single Family Residential - minimum of 16 feet to maximum of 20 feet.

Multi-Family Residential - minimum of 18 feet to maximum of 22 feet.

Commercial / Industrial - minimum of 28 feet to maximum of 32 feet.

When a subdivision access, or another public roadway, intersects with a county roadway, the access width shall be determined through the AASHTO standards.

Refer to the drainage chapter of this policy for approach culvert requirements.

B) ALIGNMENT

All approaches shall intersect the county roadway at a ninety (90) degree angle.

In the event existing topography or other legitimate physical conditions may preclude a ninety degree intersection, the OWNER may, through a licensed civil engineer, apply for an exception to this standard. The engineer shall provide a signed and stamped design of the access for review by the COUNTY. In no instance shall an approach intersect the county roadway at less than sixty (60) degrees. The OWNER shall alone be responsible for all costs relating to the review of the proposed design, including those of the county's consulting engineer.

C) APPROACH RADIUS

At the intersection with a county roadway, all residential approaches shall have an equivalent radius of 15 feet minimum to 25 feet maximum. All approaches intended for commercial or industrial use, or that may routinely serve over-size vehicles, shall have an equivalent radius of 35 feet minimum to 45 feet maximum.

The limit of the radius shall be at least five feet from the adjoining property line.

D) SURFACING

All access approaches onto paved county roadways shall be surfaced with a commercial hot-plant asphalt concrete pavement, consistent with the adopted roadway design and construction standards. Typically, a two (2) inch asphalt pavement over a four (4) inch crushed, graded and compacted aggregate base would be considered appropriate for the section within the county right-of-way.

All approaches onto gravel roadways shall be surfaced with a crushed aggregate material, graded, shaped and compacted to match the county roadway surface. Private approaches shall be constructed in conformance to these standards from the edge of the intersected roadway to the outer limit of the roadway easement.

Materials shall be placed and compacted consistent with approved standards.

Subdivision or other public roadway access shall be designed and constructed in accordance with adopted design standards and the Subdivision Regulations.

E) MAIL DELIVERY TURN-OUTS

All mail receptacles shall be installed, in accordance with AASHTO and USPS standards, in a location that facilitates delivery without compromising the safe and efficient movement of traffic on the county roadway. When a turn-out is required, it shall be constructed in accordance with approved design standards.

F) SPEED CHANGE LANES

Speed change lanes (auxiliary lanes) may be required to provide for the safe exit and entry of vehicles using an access and to provide for safe and efficient travel upon, and operation of, the county roadway. The demand for additional lanes is typically identified through a **TRAFFIC IMPACT ANALYSIS** performed as a condition of a subdivision or another significant development. The conduct of an impact statement shall be consistent with adopted roadway design standards, the criteria established by the INSTITUTE OF TRANSPORTATION ENGINEERS and the Ravalli County Subdivision Regulations. When an impact study is required, the OWNER shall provide, through a licensed civil engineer, a comprehensive study and subsequent design proposal for review by the COUNTY. The OWNER shall alone be responsible for all costs associated with this review process and the construction of any roadway improvements recommended through the study.

G) SIGHT DISTANCE

Permits shall not be issued for any approach that allows any turning movement where the sight distance is not sufficient to provide for the safe and efficient movement of traffic exiting from or entering a county roadway, or encountering the access while upon the county roadway. The OWNER shall be responsible for clearly demonstrating that the approach conforms to the following criteria.

RESIDENTIAL ACCESS

The **STOPPING SIGHT DISTANCE** as determined through AASHTO design standards and as summarized below, shall be used to identify the appropriate distance. Where a proposed approach does not **clearly meet this standard**, the OWNER shall alone be responsible for 1) identifying an alternative location for review by the COUNTY, or 2) through a licensed civil engineer, designing and proposing the effective mitigation of a substandard location. That proposal shall be reviewed by the COUNTY and may be reviewed by the county's consulting engineer. The OWNER shall be responsible for all costs associated with this review process. The COUNTY has no obligation to approve an approach location. The OWNER is responsible for conformance with this policy. The schedules below identify minimum values. At the discretion of the RCRBD, an approach with site-specific sight distance concerns or questions may be reviewed by the county's consulting engineer, at the OWNERS expense. The project OWNER may benefit from having a licensed engineer provide a design.

LOCAL ACCESS LOW-VOLUME ROADWAY

POSTED SPEED (MPH)	35	45	55
REQUIRED SIGHT DISTANCE (IN FEET)	250	350	470

LOCAL ACCESS ROADWAY / MINOR COLLECTOR ROADWAY

POSTED SPEED (MPH)	35	45	55
REQUIRED SIGHT DISTANCE (IN FEET)	305	425	570

MAJOR COLLECTOR ROADWAY

POSTED SPEED (MPH)	35	45	55
REQUIRED SIGHT DISTANCE (IN FEET)	360	495	645

For roadways with a posted speed limit other than those above, the next highest category shall be used to determine the appropriate sight distance requirement.

For calculating this sight distance, the height of the driver's eye level shall be 3.5 feet from the surface level and the object height shall be 2.0 feet. The driver's eye shall be assumed to be from the centerline of the inside lane of the approach.

COMMERCIAL / INDUSTRIAL ACCESS

For commercial and industrial approaches, the sight distance requirements shall be designed through application of AASHTO standards. The appropriate sight distance is dependent upon several criteria including 1) the posted speed limit and design speed of the county roadway, 2) the design vehicle anticipated to use the approach, and 3) the width and turning radius of the access approach.

Access to agricultural concerns or any other land use where over-size vehicles may enter the county roadway shall be considered in this classification. The OWNER shall, through a licensed civil engineer, provide an approach design consistent with adopted roadway design standards, for review by the COUNTY. The OWNER shall be alone responsible for all costs associated with this review process including the cost of a review by the county's consulting civil engineer.

The design vehicle shall be the largest vehicle anticipated to use the access.

SUBDIVISION ACCESS

The access roadways for any development processed through the Ravalli County Subdivision Regulations shall be designed as a part of the development project. This design shall include a review of the existing sight distance at the county roadway and any improvements necessary to meet the criteria of the adopted roadway design standards. The COUNTY may review and grant conditional approval of a proposed access; however, the approach design shall be included in the preliminary and final designs of the subdivision project and shall be constructed prior to the commencement of any subdivision construction activity.

A temporary, or construction, access may be approved for the project, provided that all appropriate drainage, roadway preservation, erosion and traffic control measures are installed and maintained throughout the construction process.

H) DRAINAGE

County roadway drainage systems are designed exclusively for the management of storm-water related to the operation of the roadway and are neither designed nor intended to accommodate storm-water from adjacent property. No access roadway or any other construction on adjacent property shall discharge storm-water, beyond natural, undeveloped levels, into or upon the roadway easement.

The OWNER shall clearly demonstrate that water from adjacent property will be effectively controlled outside of the roadway easement. The **discharge of water into or upon a public roadway easement is a violation of Montana State Law.**

Drainage structures and storm-water management systems for adjacent property shall not compromise the drainage systems of the county roadway and shall be designed and constructed consistent with storm-water management standards.

APPROACH CULVERTS

All approaches to a county roadway shall be constructed with a drainage pipe, or culvert, unless the RCRBD determines that such installation is not required.

Approach culverts shall have a minimum twelve (12) equivalent inch diameter and shall be installed in a manner that facilitates the existing drainage system. All approach culverts shall be installed with a tapered end section with a taper of not less than 33 degrees, with the in-slopes of the approach graded to match.

Approach culverts shall be of a type specifically designed for roadway construction purposes. Materials that would typically be approved for installation within the county roadway easement include 1) reinforced concrete pipe, 2) corrugated steel pipe, and 3) corrugated (lined) high-density plastic pipe. All culverts shall have a minimum crushed aggregate cover of one foot in depth, or to the depth recommended by the manufacturer, which ever is greater. All culverts shall be designed and installed to accommodate the existing storm-water capacity of the roadside drainage facility. The OWNER shall be alone responsible for the design and installation of drainage culverts and shall be responsible for any and all damage to the county roadway system arising from an improperly designed or constructed structure, or any other detrimental action.

MANAGEMENT OF EASEMENTS

The RCRBD will manage and operate the roadway drainage system within the roadway easement; however, the OWNER is alone responsible for the repair and replacement of an approach that becomes under disrepair, provided that no action of the RCRBD is directly responsible for that condition. Should the roadway be reconstructed or other improvements become necessary, to the extent that the roadside drainage capacity is affected, the RCRBD will provide for replacement of existing drainage structures. Upon completion of that action, the OWNER shall again be responsible for that installation, in conformance with this policy.

Nothing shall be placed within the roadside drainage areas which would restrict or otherwise compromise the transfer of storm-water. No landscaping shall be permitted within the roadway easement, other than low-growth native grasses.

FIXED OBSTACLES PROHIBITED

Concrete or rock headwalls, abutments, or any other structure representing a fixed obstacle encroachment is prohibited within the county roadway easement.

GATES

An access that has a gate across it shall be designed so that the longest vehicle using the access can completely clear the traveled way when the gate is closed.

Gates or other fixed obstacles are not permitted within the roadway easement.

The **MANAGEMENT OF ROADWAY EASEMENTS** policy, adopted by the Board of County Commissioners in December 2005, provides additional information on the regulation, management and operation of county roadway rights-of-way.

I) ADDITIONAL DESIGN ELEMENTS

APPROACH GRADES

Within the roadway easement, the access shall be graded to slope away from the edge of the county roadway, a slope not less than 2% and not greater than 4%.

Outside the easement, the access shall be constructed at a grade that achieves appropriate drainage and that allows for safe approach to the county roadway.

The grade of a subdivision access shall conform to the Subdivision Regulations.

SLOPES

All fill slopes and cut slopes shall be constructed consistent with the adopted roadway design standards. All slopes within the roadway easement shall be at least 3 feet (H) to one foot (V) (3:1) with 4:1 or flatter slopes whenever possible.

The approach slope shall be graded to blend with the existing roadway slope.

All disturbed slopes and other exposed soils shall be stabilized with desirable vegetative ground cover. Temporary erosion control measures may be required to be maintained until permanent ground cover has been effectively established.

J) APPLICATION OF STANDARDS

The judgment of the RCRBD shall be the determining basis of decisions for approval or denial of requests for access to county roadways. The RCRBD will work with the OWNER to identify and resolve site-specific issues relative to the design of an access. In the event of significant deviation from adopted standards, the OWNER may be required to request an exception to the standards, through a licensed civil engineer. The RCRBD may forward the request to the county's consulting engineer for further review and opinion. The OWNER shall be responsible for all costs associated with this review process.

SECTION V APPEALS

The OWNER may appeal an RCRBD action or decision directly to the Board of County Commissioners. Any appeal **shall be in writing** and shall state 1) the specific action or decision being appealed, 2) the reasons why the action or decision is being contested, and 3) the specific article of this policy that is being appealed. All appeals shall be made within thirty (30) days of the RCRBD action.