



## **CROW WING COUNTY POLICY**

### **DRIVEWAY/ENTRANCE ACCESS TO ROADS UNDER COUNTY JURISDICTION**

**County Board Approved: July 8, 2008**

**Revised: April 23, 2019**

#### **BACKGROUND**

The Crow Wing County (CWC) Board of Commissioners adopted the policy for driveway/entrance access onto roads where CWC is the road authority.

Minnesota State Statute designates CWC as the road authority of publically platted and Board approved county maintained roads.

CWC has acquired controlled rights of access on many sections of the highway system. Anyone contemplating acquisition or development of property adjacent to a CWC maintained road that will require access to a road should determine what limitations are in force before proceeding with plans.

#### **PURPOSE**

This policy has been prepared in the interest of public safety, efficient maintenance operations and as a guide for public agencies and private owners in preparing plans and applications for driveway/entrance access to roads under CWC's jurisdiction. Reviewing, inspecting and authorizing driveway/entrance access connections will be on a case-by-case basis, determined by the CWC Highway Department.

This policy does not cover applications for new roadway connections, certain commercial accesses or specialty accesses. Some accesses may require additional information and requirements. CWC's Subdivision Ordinance, [www.crowwing.us/DocumentView.aspx?DID=1486](http://www.crowwing.us/DocumentView.aspx?DID=1486) and CWC's Access Management for Roads Under County Jurisdiction provides better information about these particular cases and their requirements.



## OVERVIEW OF PROCESS

- All driveway/entrance accesses within a CWC maintained road right of way require an Entrance Permit Application, including temporary accesses. Parties wishing to construct a driveway/entrance access within a County maintained road right of way must complete an Entrance Permit Application
  - Applications are at <https://www.crowwing.us/157/Permits-Fees-Services>
- Once an application is received, the Highway Department will contact the applicant within five (5) business days.
- The Highway Department may require an onsite meeting to determine eligibility, location of the driveway/approach access and determine if a culvert and/or special provisions are required.
- If a culvert is not required, notification to the applicant will take place and they may begin construction. If a culvert is required, the applicant will receive notice. Once the applicant receives notice, it is the applicant's responsibility to notify the Highway Department of when they would like delivery of the culvert.
- Once approved, construction may begin. All required permits and all related costs are the responsibility of the owner(s).
- Delivery of the culvert will take place within two (2) business days of the applicant notifying the Highway Department of the anticipated construction date.
- CWC Highway Department personnel will place the culvert in the ditch bottom, centered on the marking device set by the applicant. Once the culvert is in place, the applicant is responsible for the culvert.
- After the driveway/entrance access's construction is complete, and establishment of substantial vegetation is present (as defined in the construction section of this policy), the applicant shall notify the CWC Highway Department that the work is complete and ready for final inspection.
- The Highway Department will perform an onsite inspection within five (5) business days verifying the following:
  - ✓ Entrance is in the proper location
  - ✓ Culvert is not damaged and is installed correctly
  - ✓ Driving surface has a minimum of 3" of gravel
  - ✓ Slopes are 4 feet horizontal to 1 foot of rise
  - ✓ Slopes have a minimum 4" of topsoil
  - ✓ All disturbed areas have 4" of vegetation established
  - ✓ No washouts or hazards present
  - ✓ Entrance meets the road at a 90 degree angle and slopes away from the road for 15'

If the above criteria are completed satisfactorily, the deposit will be released according to the current CWC Fee schedule.

Applicants have one year from issuance of the permit to complete the work according to CWC specifications. If after one year the work is not completed to specifications, CWC may make repairs or remove the approach. At this time, the deposit will be forfeited and an additional assessment for completing the work may take place.



## REQUIREMENTS PRIOR TO APPROVAL

- The Engineer reserves the right to approve or deny any driveway/entrance access request on a case-by-case basis; based on a hardship, lot size, public safety, environmental concern etc.
- An Entrance Permit Application to construct a driveway/entrance access along CWC Roads shall commence by the applicant furnishing the CWC Highway Department with a completed driveway/entrance access permit form.
- Applicants are encouraged to complete and submit the Entrance Permit Application for Permit to Construct Driveway/Entrance access online using the CWC Highway Department's website, <https://www.crowwing.us/157/Permits-Fees-Services>. Applicants may also print the permit, hand deliver or mail it to the Highway Department at 16589 CR 142 Brainerd, MN 56401, with the deposit.
- Work under this application shall not commence until approval of the application and the issuance of a permit is complete.
- The required deposit amount is on the application form and is required at the time of the application's submittal.
- A sketch or GIS map must accompany the permit.
- If a lot split is pending, submitting a recorded document with the permit is required.
- All culverts placed within the CWC Road right of ways must receive approval from the CWC Highway Department before installation.
- A driveway/entrance access permit may be required if a property changes use and the change results in significant traffic count increases, safety concerns and/or relocation of the driveway/entrance and/or modification.
- CWC Highway Department authorization is required for modifications to a driveway/entrance access prior to, during and/or after construction if the finished access is different from what was approved on the driveway/entrance permit.

## GENERAL DRIVEWAY/ENTRANCE CONSTRUCTION DESIGN GUIDELINES

It is the applicant's responsibility to verify that the chosen location is in fact on their property. The County's approval of an access location is by no means an authorization to utilize another individual's property for access.

If intentionally utilizing another landowner's property, providing a recorded easement and/or Certificate of Survey showing such approval is required with the Entrance Permit Application for Permit to Construct a Driveway/Entrance Access.

## APPROVAL CONSIDERATION GUIDELINES

- A driveway/entrance access permit is not required for surface treatments such as adding gravel or paving without widening.
- The CWC Highway Department will supply and replace existing county approved culverts that fail because of normal use and life expectancy, at no cost to property owner.
- If a property owner wishes to add an access, widen an existing access or lengthen an existing culvert, an Entrance Permit Application for Permit to Construct a Driveway/Entrance Access is required.
- If a property abuts two or more roads, access shall be from the lesser traveled publically platted/maintained road.
- Aligning driveway/entrance accesses with entrances on opposing sides of an undivided roadway shall take place where possible.
- The driveway/entrance access placement cannot be closer than 325 feet from the centerline of an intersecting road, highway or railroad, or closer than 125 feet (preferably 325 feet) to another driveway. Please see Crow Wing County Access Management Policy for greater detail of requirements.
- Driveway/entrance access located on roads with horizontal and vertical curves must be within the sight distance requirements for oncoming traffic in both directions as determined by the CWC Highway Department.
- All driveway/entrance accesses shall be at right angles to the highway for a distance of at least 15 feet from the shoulder line of the road.
- Residential driveway/entrance accesses shall not exceed 20 feet in width. Commercial driveway/entrances accesses shall not exceed 32 feet in width.
- Allowing a maximum of one driveway/entrance access per platted lot, 40-acre tract, or parcel will be the standard, unless specific criteria detailed in the Access Management Policy are met.
- In cases where it is practical, multiple lots shall share the same driveway/entrance access point at the lot line in the road right of way, when there is insufficient sight distance, safety concerns, insufficient storm water/snow capacity storage, inadequate driveway/entrance access spacing distance between accesses, etc.

## NO NET GAIN ACCESSES

Parcels or lots with existing accesses have the option to move or remove an existing approach as long as it meets the criteria set forth in this policy and has approval from CWC. The intent is to allow property owners flexibility to move or reconfigure their entrance access, without increasing the number of access points on CWC roadways.



## **REQUIREMENTS AFTER THE APPLICATION'S APPROVAL: CONSTRUCTION**

- Once delivery of the culvert takes place, the applicant must commence dirt work and cover the culvert with substantial amounts of dirt, covering the culvert and ensuring safe slopes for ATVs and snowmobiles as soon as possible.
- Applicants shall use flags and other traffic control devices and follow all procedures to protect traffic and people at all times in accordance with the Minnesota Manual on Uniform Traffic Control Devices when working in the road right of way.
- The area on the road right of way other than that of the driveway itself will normally be in the form of a ditch. In urban areas (curb & gutter), the applicant is responsible for any removal and installation of conforming surmountable, drive over curb and curb ends. All curbs must meet and be constructed in accordance with CWC standards and specifications. Wedges installed along the curb's gutter can only be temporary for thirty days. Installation of a surmountable, drive over curb is required for new driveway/entrances accesses with existing curb lines. On urban roadways (concrete curb & gutter), any proposed driveway/entrance access shall be located to avoid drainage structure (catch basin, manholes, etc.) locations.
- Driveway/entrance accesses shall drain away from the road's shoulder for a distance of 15 feet with a fall of six (6) inches when possible.
- The driveway/entrance access's side slopes (top of the driveway/entrance to the ditch bottom) shall have a minimum slope no steeper than one foot vertically to four feet horizontally (1:4).
- The finished side slopes shall have a minimum of four (4) inches of topsoil, with a seed mixture meeting specifications defined by CWC.
- Erosion control must be used and remain in place until substantial vegetation is established. Substantial vegetation is vegetation that completely covers all disturbed areas within the road right of way, excluding the driving surface. Substantial vegetation is dense vegetation that stands four (4) inches tall and will reasonably withstand washouts caused by rain or snow runoff.
- The surface of the driveway must contain at least three (3) inches of compacted Class #5 or #1 gravel base. Recycled asphalt, recycled concrete, iron ore tailings and granite chip products are acceptable. Finished surfaces of asphalt or concrete are acceptable as long as they have a minimum of three (3) inches of gravel base under them.
- No foreign material, such as dirt, gravel, bituminous, wood chips rocks, etc. shall be left or deposited on the road during construction of driveway or installation of drainage facilities.



- Debris removal and roadside cleaning must take place each day after work is complete. If vehicle tracking of material onto the roadway from the approach or site occurs, a rock or woodchip top layer is required to reduce tracking onto the roadway.
- Completion of any remedial work after inspection-by the CWC Highway Department must take place immediately or the CWC Highway Department will correct the issue and deduct the costs incurred from the applicant's deposit. If the cost is greater than the deposit, the applicant is subject to direct invoicing for the work and/or other means.
- Applicants must obtain written permission from the CWC Highway Department before making any changes or alterations to driveway/entrance accesses if different from what was specified initially in the application.

#### **ADDITIONAL INFORMATION**

- All deposits and fees will follow the most current CWC Fee Schedule.
- The initial site inspection, prior to driveway/entrance application's approval will be considered incidental to the initiation of the driveway/entrance access permit process.
- Substantial completion of all access work must take place within one year from the application's date. If the project is not complete; meaning it is unfinished, conditions set with the permit's issuance are not met, it does not meet standards set by this policy and/or the CWC Access Management Policy within one year, forfeiture of the deposit-takes place, the permit becomes void and the driveway/entrance access becomes non-compliant.
  - Removal of non-compliant driveway/entrances accesses may take place if deemed a hazard by CWC. If the cost is greater than the deposit, the applicant is subject to direct invoicing for the work and/or other means by CWC.

#### **FINAL APPROVAL/RETURN OF DEPOSIT**

Applicants must notify the CWC Highway Department that the driveway/entrance access is ready for final inspection. CWC staff will inspect the driveway/entrance access within five (5)-business days. If the access is deemed satisfactorily complete, return of the deposit, to the property owner at the time of completion will take place. Inspections will not take place during the winter/snow season.

Return of the driveway/entrance access's deposit will be to the property owner at the time of substantial completion, not necessarily the original applicant if the property changes ownership.



## **ADDITIONAL CONSIDERATIONS**

The County Highway Department can authorize a permit when encountering certain hardships such as water crossings, landlocked property, temporary access, safety concerns, etc.

Authorizing these requests is on a case-by-case basis and can take extra time to determine the appropriate solution. In addition, criteria for authorizing an additional access may be based on the considerations below:

- Average daily traffic counts;
- System continuity;
- Dead end roads/roads with no outlet;
- Adequacy of storm water/snow storage needs;
- Public safety;
- Lot/parcel configuration;
- Availability of accesses;
- Alternative accesses;
- Internal continuity and operation;
- Environmental & site specific situations;
- Access to agricultural lands for limited agricultural use only. These accesses are for limited, intermittent farm use implements and not frequent ingress and egress.
- Any and all others circumstances may be considerations.

The process to apply for an additional approach will follow the guidelines of the Entrance Permit Application for Permit to Construct a Driveway/Entrance.

## **APPLICANT APPEAL DECISION**

An applicant whose access plan is not approved, or is approved with conditions not agreed to by the applicant, shall have 30 calendar days to appeal the decision in writing to the CWC Highway Engineer, stating the reasons for which an appeal should be approved.

## **SPECIAL CIRCUMSTANCES**

The local agency may impose conditions on the approval of any appeal as necessary to effect compliance with the spirit and intent of this policy.



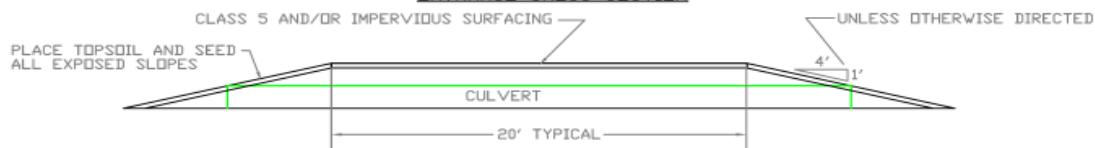
## ATTACHMENT A

### CROW WING COUNTY HIGHWAY DEPARTMENT ENTRANCE CONSTRUCTION INFORMATION

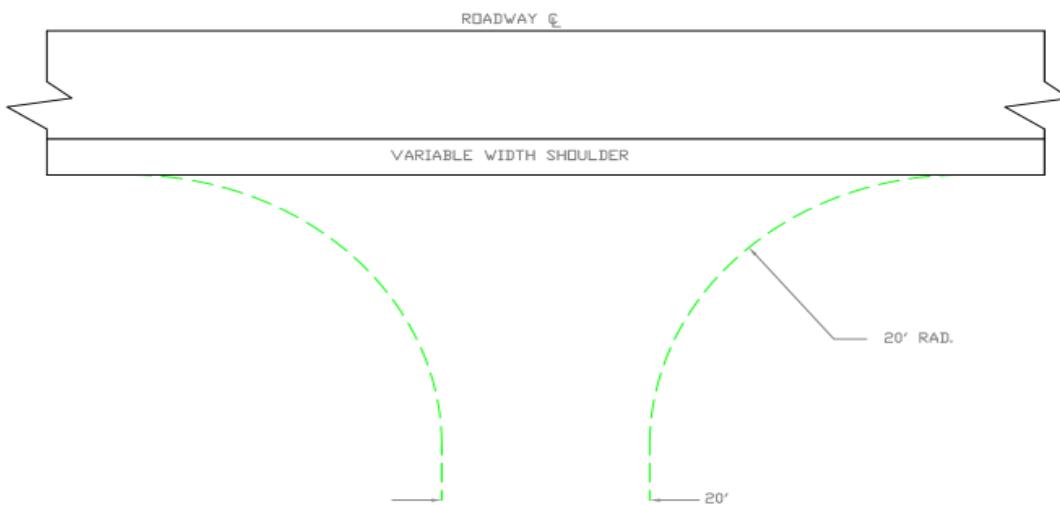
#### COUNTY JURISDICTION ROADWAY CROSS-SECTION



#### ENTRANCE CROSS-SECTION



#### PLAN VIEW



NOTE: Dependent upon roadway shoulder width, topography and other variables, Crow Wing County may require or allow dimensions different than those shown.

September, 2013