

1 AN ORDINANCE REPEALING AND REPLACING ORDINANCE 99-207 RELATING TO PRIVATE  
2 ROADWAYS ESTABLISHING STANDARDS AND PROVIDING FOR PENALTIES.

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4 BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF COWLITZ COUNTY, WASHINGTON:  
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7 **11.36.010. Title.** This Chapter shall be known and may be cited as the Cowlitz County Private  
8 Roadway Ordinance.

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10 **11.36.020. Authority and Purposes.** The Board of County Commissioners, under the following  
11 specific authorizations, adopts this ordinance:  
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13 To guide and regulate the physical development of land to ensure appropriate standards of environment  
14 for living and the operation of commerce, industry, agriculture and recreation, as provided in Revised  
15 Code of Washington, Section 36.70.010, through the adoption of official controls that will further the  
16 objectives and goals of the comprehensive plan, pursuant to Revised Code Washington 36.70.550;  
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18 To adopt reasonable rules for the construction of approaches to county roads when persons propose to  
19 build or construct an approach from any abutting property to a private road, as provided in Revised  
20 Code of Washington Section 36.75.130;  
21

22 To ensure that appropriate provisions are made for public health, safety, and general welfare, for  
23 streets or roads and pedestrian access during the process of subdividing land, pursuant to Revised  
24 Code of Washington Section 58.17.110;  
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26 To ensure the appropriateness of fire department access pursuant to Cowlitz County Building Code  
27 CCC 16.05 which includes adoption by reference the 2006 edition of the International Fire Code, as  
28 published by the International Code Council and as now or hereafter amended by the Washington State  
29 Building Code Council, and with the addition of Appendix D or as hereafter amended;  
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31 To provide for implementation of the county's policies to ensure adequate road designs and signing to  
32 avoid traffic hazards and the disruption of the regular flow of traffic and to reduce adverse impacts, as  
33 more fully specified in Cowlitz County Code development standards;  
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35 To provide for simultaneous, coordinated review of private road development proposals for  
36 conformance with the requirements of other county codes;  
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38 In addition to the purposes inherent in the state statutes identified in this section, it is the purpose and  
39 objective of this ordinance to adopt specific standards for the development of private roadways and  
40 bridges to provide for minimally acceptable safety and accessibility for private, commercial and  
41 emergency vehicles and other uses and users of the road. These regulations are designed to ensure  
42 that the standards of construction utilized in the unincorporated area of the county are consistent with  
43 minimum acceptable standards.  
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45 **11.36.030. Applicability.** The provisions of this Chapter shall apply in the unincorporated areas of  
46 Cowlitz County, except where areas are designated as urban residential (low or high density) or  
47 suburban residential within the Cowlitz County's Comprehensive Plan or identified as zoned urban or  
48 suburban residential on the Cowlitz County's Zoning Land Use Map and as described within the Cowlitz  
49 County's Land Use and Development Code Chapter 18.10. No private roadway or private bridge shall  
50 hereafter be constructed except in conformity with this Chapter. All new Type I, Type II, or Type III,  
51 roadways and bridges shall comply with all construction and development standards of this Chapter.

52 Applications on file with the Department that have been deemed complete shall be subject to the  
53 ordinances and regulations in effect at the time of the application.

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56 **11.36.040. Definitions.** Unless the context clearly requires otherwise, the following definitions shall  
57 apply in this Chapter:

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“AASHTO” means American Association of State Highway and Transportation Officials.

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“Accessory Dwelling Units (ADU)” means habitable dwelling units that are accessory and subordinate in  
62 use to the main dwelling unit. Accessory dwelling units are not to be considered in the total count of  
63 dwelling units on a private roadway. Accessory dwelling units are not considered temporary dwelling  
64 units as per Cowlitz County Code Chapter 18.44.

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“All Weather Surface” means a graveled or paved surface.

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“Alteration” means work conducted on an existing permitted roadway that alters the specifications under  
69 which the roadway was approved and which are not considered maintenance and repair.

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“Board” means the Cowlitz County Board of Commissioners.

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“Bona Fide” means the existing or proposed roadway is or will be used, in good faith, for genuine  
74 logging practices or agricultural purposes not for single-family residential use, residential development  
75 or other uses.

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“Bridge Barrier” means a structure or assembly that is designed to keep a vehicle on the driving surface  
78 of a bridge or other elevated driving surface.

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“Comprehensive Plan” means the comprehensive plan of Cowlitz County as it currently exists or as  
81 hereafter adopted and/or amended.

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“Day” means the days that the Department of Building and Planning are open for business.

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“Department” means the Cowlitz County Department of Building and Planning.

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“Department of Ecology Stormwater Management Manual” means the manual for Western Washington,  
88 as adopted by the County.

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90

“Director” means the Director of the Department of Building and Planning or his or her duly authorized  
91 representative.

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“Driveway” means a vehicular access for one or two lots. Driveways are not considered private  
94 roadways.

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“Dwelling Unit” means the primary dwelling unit, multi-family unit(s) or single-family residence on a lot.  
97 Dwelling unit does not include an ADU.

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“Lot” means a lot, tract or parcel of land the boundaries of which are as described in the records of the  
100 Cowlitz County Auditor.

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“Maintenance or Repair” means an activity that includes periodic cleaning or resurfacing, and/or  
103 restores the character, scope, size, design of an existing permitted private roadway or bridge to its

104 previously authorized and undamaged condition, provided any such roadway or bridge does not extend  
105 outside the previously disturbed area and only when maintenance or repair results in no additional  
106 disturbance within a water body, wetland or their associated buffer(s).

107  
108 “MUTCD” means Manual on Uniform Traffic Control Devices 2003 edition or as amended, which  
109 defines the standards used by road managers nationwide to install and maintain traffic control devices  
110 on all streets and highways. The MUTCD is published by the Federal Highway Administration (FHWA)  
111 under 23 Code of Federal Regulations (CFR), Part 655, Subpart F.

112  
113 “Nonconforming Private Roadway” means a private roadway that fails to meet one or more of the  
114 physical requirements or standards specified in this Chapter.

115  
116 “Non-Exempt Roadways/Bridges, Exempt Land Division” means a nonconforming pre-existing private  
117 roadway/bridge, pre-existing bona fide logging roadway, and/or a pre-existing bona fide agricultural  
118 roadway that is proposed to service those lots that are considered exempt land divisions as identified in  
119 the Large Lot Subdivision Ordinance, Cowlitz County Code Chapter 19.38.505.F and H, lands that are  
120 owner segregated into tracts 10 acres or greater with the intent or purpose for future subdivision or  
121 large tract rural residential development, and/or lands that are boundary line adjusted with the intent or  
122 purpose of future subdivision or rural residential development; such roadways and/or bridges shall not  
123 be considered exempt from the provisions of this Chapter.

124  
125 “Private Roadway” means any vehicular access way, designed or intended to serve three or more lots  
126 or dwelling units or any commercial business, which has not been dedicated as a public roadway;  
127 private roadways may also include bridges. If the land use changes from bona fide logging or  
128 agricultural activities standards, this Chapter shall apply.

129  
130 “Private Roadway Bridges” means a structure spanning and providing passage over a gap or barrier,  
131 such as a river or roadway with a deck that is supported by girders, beams, or a composite deck that is  
132 further supported by abutments, piers, footings, etc.

133  
134 “Private Roadway Bridges, Existing” means bridges currently existing on private roads. Existing roads  
135 or bridges may or may not be in conformance with private road or bridge standards.

136  
137 “Private Roadway Bridges, New” means bridges built in conjunction with any new private road permit.

138  
139 “Private Roadway, Exempt” means roadways designed and used solely for bona fide logging and  
140 agricultural activities shall be exempt from these private roads standards.

141  
142 “Private Roadway, Existing” means a private roadway that existed on or before the effective date of this  
143 ordinance, or a new proposed private roadway for which the Department has received a valid  
144 application for approval, as determined by the Director, prior to the effective date of this ordinance.

145  
146 “Private Roadway, New” means any private roadway proposed or established after the effective date of  
147 this ordinance.

148  
149 “Private Roadway, Use Change” means private road standards shall be applicable when land use  
150 changes from bona fide logging or agricultural activities to other uses, such as residential development.

151  
152 “Qualified Professional” means a person who is licensed in the State of Washington as a Professional  
153 Engineer.

154

155 “Roadway, Type I” means a private or public roadway intended to provide access to twenty (20) or more  
156 lots or dwelling units constructed to meet current specifications for county public roadways. Type I  
157 roads may be dedicated to Cowlitz County as a public roadway.  
158

159 “Roadway, Type II” means a private roadway intended to provide access to at least three (3) but less  
160 than twenty (20) lots or dwelling units or any commercial use, constructed to meet standards specified  
161 by this Chapter.  
162

163 “Roadway, Type III” means a private roadway intended to provide access to at least three (3) but no  
164 more than four (4) lots or dwelling units, is constructed to meet standards specified by this Chapter and  
165 meets these specific requirements:

- 166 1. Provides for safe ingress, egress, and emergency services access;
- 167 2. Does not require a private road bridge or water body crossing;
- 168 3. Does not require a railroad crossing;
- 169 4. Does not impact or is impacted by any Critical Area as defined by Cowlitz County Code CCC  
170 19.15;
- 171 5. Does not exceed the maximum road length of 400’;
- 172 6. Does not provide for, or potentially provide for, through traffic.  
173

174 “WSDOT Highway Runoff Manual” means Washington State Department of Transportation Highway  
175 Runoff Manual, current edition or as amended.  
176

177 “WSDOT Standard Plans” means Washington State Department of Transportation Standard Plans for  
178 Road and Bridge Construction, current edition or as amended.  
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180 “WSDOT Standard Specifications” means Washington State Department of Transportation Standard  
181 Specifications for Road, Bridge and Municipal Construction, current edition or as amended.  
182

183 **11.36.050. Coordination with Other Permit and Land Use Requirements - Local, State and**  
184 **Federal.** Prior to making application for a private roadway or bridge permit, the applicant should  
185 consult with the Department regarding coordination of the application process with other permits and  
186 approvals that may be required. These permit and/or approvals should be applied for simultaneously or  
187 in conjunction with a private roadway permit including but are not limited to the following:  
188

- 189 1. No private roadway or bridge permit shall be issued unless, and until, compliance with other  
190 applicable permit requirements and regulations is attained, except as may be permitted by the  
191 Director when the sequence of land development activities dictate otherwise;  
192
- 193 2. The proposed private road must provide safe and convenient access, promote orderly  
194 development, and meet the access requirements for the comprehensive plan land use  
195 classification in which it is located as described in the transportation element’s arterial and street  
196 plan;  
197
- 198 3. Compliance with the State Environmental Policy Act (SEPA) Cowlitz County Code Chapter  
199 19.11;  
200
- 201 4. Fill and grade permit as may be required pursuant Cowlitz County Code Chapter 16.35;  
202
- 203 5. A critical area permit for the protection of critical areas as may be required pursuant to Cowlitz  
204 County Code Chapter 19.15;  
205

- 206 6. A shoreline substantial development permit if required pursuant to the County's Shorelines  
207 Management Master Program and Cowlitz County Code Chapter 19.20;  
208  
209 7. Approvals which may be required for development in other sensitive environmental areas,  
210 including but not limited to drainage courses (Cowlitz County Code Chapter 16.20), flood plains  
211 (Cowlitz County Code Chapter 16.25);  
212  
213 8. Approval pursuant to a land subdivision or specific development ordinance, including but not  
214 limited to planned unit development (Cowlitz County Code Chapter 18.30), short subdivision  
215 (Cowlitz County Code Chapter 18.34), large lot subdivision (Cowlitz County Code Chapter  
216 18.38), rural subdivision (Cowlitz County Code Chapter 18.50), commercial and industrial  
217 binding site plan code (Cowlitz County Code Chapter 18.64), campground and recreation  
218 facilities code (Cowlitz County Code Chapter 18.56); or mobile home parks (Cowlitz County  
219 Code Chapter 18.42);  
220  
221 9. Road approach permit through Cowlitz County Public Works or an access permit from  
222 Washington State Department of Transportation;  
223  
224 10. Permits through other State and Federal Agencies such as Department of Fish and Wildlife, US  
225 Army Corp of Engineers, Department of Ecology, and Washington State Department of  
226 Transportation.  
227

228 **11.36.060. Private Roadway and Bridge Review Process and Permitting.** It shall be unlawful for  
229 any person, firm, or corporation to construct a new private roadway and/or bridge (private  
230 roadway/bridge), or alter an existing private roadway/bridge, or to cause the same to be done without  
231 first obtaining a permit for such roadway/bridge construction or alteration from the Department. No  
232 private roadway/bridge permit shall be approved unless roadway/bridge plans have been submitted to  
233 and approved by the Department. Permits shall be applied for on forms provided by the Department  
234 and shall contain such supplemental information as may be required by the Department.  
235

236 A. **Permit Processing.** An application for a private roadway and/or bridge may be submitted and  
237 reviewed concurrently with one or more of the above County referenced permits and approval  
238 processes. Application for review shall be submitted on forms provided by the Department and  
239 shall be required to meet the minimum criteria in this Chapter along with a fee as determined by  
240 the Board of County Commissioners and the Department of Public Works for engineering review.  
241

242 1. Type I and II private roadway and bridge review. Type I and II private roadway/bridge  
243 reviews shall be forwarded to the Cowlitz County Department of Public Works for  
244 engineering review by the County Engineer and the local County Fire Department for  
245 compliance with fire access regulations. As determined appropriate, the Director may  
246 forward an application to other departments of the county and/or review agencies for review  
247 and comment, including the Washington State Department of Transportation.  
248

249 2. Type III review. Type III private roadway applications, as determined appropriate by the  
250 Director, may be forwarded to other departments of the county and/or review agencies for  
251 review and comment, including the Washington State Department of Transportation, local  
252 County Fire Departments, and Cowlitz County Department of Public Works.  
253

254 B. **Permit Issuance.** Upon receipt of a complete application, the review process for a private  
255 roadway/bridge permit application shall begin. The private roadway/bridge permit will be issued  
256 at such time as all of the following has occurred:  
257

- 258 1. Compliance with the State Environmental Policy Act has been achieved;  
259 2. The application is found to be in accordance with this Chapter and other applicable  
260 regulations;  
261 3. If applicable, the Director may place reasonable conditions on the issuance of a private  
262 roadway permit where in their judgment such conditions are necessary to implement the  
263 provisions of this Chapter.  
264
- 265 C. **Permit Denial.** The Director may deny an application for a private roadway/bridge. Any decision  
266 to deny a private roadway/bridge permit shall be in writing from the Director indicating the  
267 reasons why said permit is denied. Any person may appeal any decision by the Director relative  
268 to the approval or denial of a permit with standing in accordance with Section 11.36.130 of this  
269 Chapter.  
270
- 271 D. **Permit Duration.** All permits issued by the Department shall be effective so long as construction  
272 begins within six (6) months (180 days) of the issuance of the permit and is completed no later  
273 than one (1) year from the date of issuance.  
274
- 275 E. **Issuance prior to Effective Date.** All permits issued prior to the effective date of this ordinance  
276 shall also be effective so long as construction begins within six (6) months (180 days) of the  
277 issuance of the permit and is completed not later than one (1) year from the date of issuance.  
278
- 279 F. **Permit Extension.** An application for a one (1) time, six (6) month extension (180 days) may be  
280 granted by the Director provided good cause and substantial improvements towards completion  
281 of the private roadway/bridge can be demonstrated. This application shall be filed with the  
282 Department, along with an appropriate fee, no later than one (1) month (30 days) prior to the  
283 expiration of the permit.  
284

285 **11.36.070. Private Roadway and/or Bridge Permit Application Submittal Requirements.** All Type  
286 I, II and III private roadway/bridge permit applications shall include the following minimum submittal  
287 requirements:  
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- 289 1. Completed forms as required by the Department.  
290 2. Designs in compliance with Appendix A: Private Road Standards.  
291 3. Designs in compliance with Appendix B: Private Roadway Typical(s).  
292 4. Submittal in compliance with Appendix C: Private Roads Plans Submittal and Checklist.  
293 5. Provide sufficient detail to demonstrate compliance with all applicable standards of this  
294 Chapter.  
295 6. Copies of all other permits required through Local, State and/or Federal agencies for the  
296 proposal, i.e. Washington State Department of Fish and Wildlife Hydraulics approval or  
297 Department of Ecology NPDES permit approval.  
298 7. Fees as established in 11.36.140.  
299

300 **11.36.080. Private Roadway and/or Bridge Permit General Standards.** No permit for a private  
301 roadway/bridge shall be issued unless the proposed roadway/bridge is in conformance with the  
302 standards and requirements of this Chapter. The minimum general standards and requirements for  
303 private roadways and bridges are provided in this section. Unless specifically indicated otherwise, the  
304 private roadway standards shall apply to Type I, Type II and Type III private roadways and bridges as  
305 defined in Section 11.36.040.  
306

- 307 A. **Maximum Dwelling Units.** No individual private road shall serve more than 50 lots or dwelling  
308 units. More than 50 lots or dwelling units shall be directly served for ingress and egress by two  
309 (2), or more public or private roadways.

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- B. **Easements/Rights-of-Ways.** Proof of access rights shall be required prior to the issuance of a permit for a private roadway or bridge.
  - 1. Type I and II roadways and bridges. All private roads shall have a minimum easement or right-of-way width of sixty (60) feet. If a sixty (60) foot easement is not available, the applicant may apply for a modification according per 11.36.120 Modifications.
  - 2. Type III roadways. All private Type III roads shall have a minimum easement or right-of-way width of thirty (30) feet.
  - 3. Easement Expansion. In any event, easements or right-of-way widths shall be expanded as may be necessary to include all cuts and fill slopes for the roadway and turnouts or turnarounds as may be required by this Chapter.
- C. **Grading.** All filling and grading associated with the construction of a private road shall be conducted in accordance with current standards set forth in this Chapter and/or the Cowlitz County Grade Ordinance Chapter 16.35, or as amended. A geotechnical report shall be provided when proposing roads on slopes greater than 70% or for any grading which will incorporate cutting or filling in excess of five feet, cut slopes in excess of one (1) vertical to two (2) horizontal, or fill slopes in excess of one (1) vertical to three (3) horizontal. Such report shall identify materials to be used, compaction rates and methods, maximum allowable slopes, and erosion control measures as they apply.
- D. **Turnarounds.** Turnarounds may be arranged as cul-de-sacs having a minimum radius of 50 feet, or a three-point turnaround with each leg having a minimum 20 feet wide driving surface. Each leg shall have a length from centerline of the roadway of not less than 60 feet and in no case less than 30 feet beyond the turning radius. All interior corners utilized in the creation of a turnaround shall have a minimum radius of 28 feet. Turnarounds must be unobstructed by any physical barrier (i.e. trees). All Turnarounds shall meet the standard qualifications within Appendix B.
  - 1. Type I and II roadways shall provide turnarounds at the end of all private roadways in excess of 150 feet long and at 1000-foot intervals along the length of a private roadway where no intersecting roadway exists.
  - 2. For Type III roadways, turnarounds are required at the end of the private drive if the roadway is greater than 150'.
  - 3. For new or upgraded private roadways with bridges that are less than 20 feet in width (finished driving surface), the private roadway shall have a turnout area on both sides and within sight distance of the bridge that is a minimum of 20 feet in width and 60 feet in length.
- E. **Finished Roadway and Bridge Width, Horizontal and Vertical Clearance.** The finished driving surface and horizontal and vertical clearance for private roadways and bridges shall meet the standard qualifications within Appendix B.
- F. **Design Standards Private Roadways and New Bridges.** All Type I, II and III roadways and new private bridges located on Type I and II roadways shall comply with the design standards established in Appendix A.

- 361 G. **Surface and subgrade.** The finished driving surface on all private roads and bridges shall be an  
362 all weather surface at all points along the roadway and the surface shall be consistent across the  
363 entire finished surface area. Design standards are found in Appendix A and Appendix B.  
364
- 365 H. **Maximum grade.** Transitions in surface materials shall be made at the least possible grade  
366 attainable beyond the area that requires paving. Maximum grades for Type I, II and III roadways  
367 can be found in Appendix B.  
368
- 369 I. **Drainage.** A drainage report shall be provided as part of the plans submitted for Type I and II  
370 roadways. The drainage report shall include design specifications for any public drainage system  
371 affected. All drainage to public roadways shall be identified in the drainage report and shall be  
372 designed to standards of the County if a county road is involved or Washington State Department  
373 of Transportation standards if a state highway is involved. Drainage of surface water shall be  
374 accomplished by a series of ditches and/or culverts as appropriate. Drainage water from any  
375 private road shall not be discharged directly to streams. If water must be discharged to a stream  
376 the water quality flowing into the stream must meet or exceed the water quality in the receiving  
377 waters. The water quantity flowing into the stream must be evaluated to ensure the stream  
378 channel can accommodate the increased flows and not disrupt or degrade the ecology of the  
379 water body. Private roads shall have a minimum cross culvert diameter of 18-inches and  
380 driveway culverts shall have a minimum diameter of 12-inches. Culvert diameters shall be  
381 calculated and sized by an qualified professional engineer to pass the 100-year storm event flow  
382 with a headwater to culvert diameter ratio (HW/D) no less than 1.0 or meet fish passage  
383 requirements (if applicable), whichever is greater.  
384
- 385 J. **Private Roadway and Bridge Load Rating Signs.** Road names, road and load limit sign  
386 standards, and location of sign placements.  
387
- 388 1. Private Roadway Names. All private roadways shall be named and signed as approved by  
389 the Department. The approved names of roads shall appear on any subdivision plat  
390 approved by the Department for recording in the office of the Cowlitz County Auditor.  
391
  - 392 2. Private Road Sign Standards. All private roadway signs shall meet the following standards:
    - 393 a. A sign stating the name of the road shall designate private roadways.
    - 394 b. Signs shall be purchased by the applicant.
    - 395 c. Signs shall be constructed of not less than .063 gauge aluminum sheets with white  
396 reflective background. Information on the sign shall be in black letters as outlined below,  
397 and shall be readable from both sides of the sign.
    - 398 d. The sign copy area shall be nine inches in height and range in width from eighteen to  
399 thirty inches. The actual width of the sign will vary due to the length of the road name.
    - 400 e. The roadway name shall be printed in bold black four-inch block letters.
    - 401 f. The term "private road" shall be printed in black two-inch block letters and centered  
402 along the width of the sign below the road name.
    - 403 g. There shall be one inch spacing at the top, bottom and between lines of text on the sign.  
404
  - 405 3. Private Road Sign Installation.
    - 406 a. The sign shall be installed on a steel post. The vertical distance from the road elevation  
407 to the bottom of the sign face shall be seven feet with a minimum bury of three feet. The  
408 sign shall be located according to the MUTCD.
    - 409 b. For signs located on private roadways that intersect with a County road right-of-way, the  
410 applicant will provide the County with the completed sign and the County will install the  
411 private roadway sign.

- 412 c. For signs located on private roadways that intersect with a State road right-of-way or  
413 another private road right-of-way, the applicant will install the sign.  
414 d. All signs shall be installed prior to final as-built application.  
415
- 416 4. Bridge Load Limit Sign Standards and installation.  
417 a. Signs shall be purchased by the applicant.  
418 b. Signs shall be constructed to meet the Sign Type R12-5 standards as defined in the  
419 MUTCD.  
420 c. Bridge Load limit signs shall be posted at the beginning of the private roadway and/or at  
421 or within site distance of both entrance points to the bridge.  
422 d. Signs shall state, "Private Bridge: Load Limit \_\_\_\_".  
423 e. For signs located on private roadways that intersect with a County road right-of-way, the  
424 applicant will provide the County with the completed sign and the County will install the  
425 private bridge load limit sign.  
426 f. For signs located on private roadways that intersect with a State road right-of-way or  
427 another private road right-of-way, the applicant will install the private bridge load limit  
428 sign.  
429 g. All signs shall be installed prior to final as-built application.  
430
- 431 K. **Design Speed.** Type II private roads shall have a design speed no more than 25-mph with a 15-  
432 mph design speed at stopping intersections. The horizontal curve radius shall be based upon the  
433 current AASHTO geometric design standards for redesign speed and ADT. Type I roads will  
434 comply with county standards.  
435
- 436 L. **Intersections.** Intersections with other roadways shall be constructed as follows:  
437
- 438 1. Other Private Roadways. Intersections with other private roadways shall be constructed per  
439 the most restrictive requirements of the two intersecting roads for a length of at least 50 feet  
440 in each direction and shall be made as level as possible. Inside turning radii for these  
441 intersections shall be not less than 25 feet.  
442
- 443 2. County Roadways: County Roadways. Intersections with County roadways shall be  
444 designed and constructed as per the Cowlitz County Private Roadway Standard Roadway  
445 and Approach detailed drawings CC-1319.  
446
- 447 3. State Roadways. Intersections with State roadways shall at a minimum comply with the  
448 requirements for county intersections above and shall require approval by the Washington  
449 State Department of Transportation prior to construction.  
450
- 451 M. **Bridges.** All bridges on private roads shall also meet these additional minimum standards:  
452
- 453 1. New Bridges.  
454 a. Bridges shall be designed to provide a minimum of 2-feet of vertical clearance between  
455 the surface elevation of the 100-year event peak flow at that location and the low-chord  
456 of the bridge superstructure in order to pass floating debris.  
457 b. Shall be designed by a qualified professional engineer. The engineer shall provide the  
458 following:  
459 i. A letter, stamped and signed by the engineer, certifying the structure has been  
460 designed to accommodate all anticipated traffic loads, including fire apparatus.  
461 ii. A certification that the structure has been built to approved plans.

462                   iii. A maintenance and periodic inspection (M&I) plan, identifying reporting tactics  
463                   and responsible parties for maintenance repairs; bridge maintenance should be  
464                   no less than at 5-year intervals.

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466           2. Existing Bridges.

467           a. A new or upgraded private road utilizing an existing bridge in conjunction with any private  
468           road permit or approval required by Cowlitz County, a qualified professional engineer  
469           shall submit the following:

470                   i. Certification that vehicles, fire apparatus and emergency vehicles can safely  
471                   utilize the bridge;

472                   ii. Vehicle load limits shall be established meeting the requirements as identified in  
473                   Appendix A and said limits posted as per section 11.36.080.J.4;

474                   iii. A maintenance and periodic inspection plan, identifying reporting tactics and  
475                   responsible parties for maintenance and repairs bridge; maintenance should be  
476                   no less than at 5-year intervals.

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478   N. **Railroad Crossings.**

479           1. Railroad crossings are discouraged and should not be allowed unless the applicant can  
480           demonstrate it is the only feasible alternative.

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482           2. The crossings shall be designed in accordance with the current WSDOT Design Manual  
483           Standards signs and markings in accordance with the MUTCD shall be installed at all  
484           railroad-street grade crossings.

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486           3. Documentation of approval for railroad crossings shall be required from the railroad  
487           company in which the crossing is to take place prior to the private roadway permit issuance.

488  
489   O. **Gates.** Gates installed on all road types shall be required to meet the following at a minimum:

490           1. Acquire a building permit for gate installation from the Department.

491           2. Location of the gate shall be within the private road right-of-way; at no time may a gate be  
492           constructed within the county or state right-of-way

493           3. Location of the gate shall be such that at least one and one half (1½) vehicle length or thirty  
494           five (35) feet minimum is allotted between the gate and the county or state right-of-way.

495           4. The minimum clear gate width shall be 14 feet but in no case shall it reduce existing road  
496           width.

497           5. Gates that are less than 20 feet in width shall have a turnout area within 500 feet and/or  
498           within sight distance of the gate that is a minimum of 20 feet in width and 60 feet in length.

499           6. Gates shall be the swinging or sliding type, unless otherwise approved by the Department.

500           7. Gates shall be designed to allow manual operation by one person.

501           8. Gates components shall be maintained in an operative condition at all times and replaced or  
502           repaired when defective.

503           9. Electric gates shall be equipped with a means of opening the gate by fire district personnel  
504           for emergency access. All new electric gates shall have a battery back-up system for  
505           emergencies.

506           10. Manual opening gates shall not be locked with a padlock or chain and padlock unless they  
507           are capable of being opened by means of manually operated forcible entry tools or equipped  
508           with a key lock box.

509           11. Locking device specifications shall be submitted for approval by the local fire district.

510           12. The local fire district shall approve emergency opening devices.

513 13. Gate access codes for electric gates shall be given to the Department of Building and  
514 Planning and shall be updated upon change of said code.  
515

516 P. **Maintenance.** The County will not maintain roadways, signs, drainage improvements or bridges  
517 on private roads. If a bridge is constructed or is part of an upgrade to an existing private  
518 roadway, the maintenance plan shall include a bridge inspection schedule as required in  
519 11.36.080. M.1.b (iii) and M.2.b (iii). All maintenance, repair, and monitoring of maintenance  
520 schedules for private roadways and/or bridges will be the responsibility of the property owners  
521 and/or homeowners association.  
522

523 A private maintenance covenant will be required for any private road or private road bridge. The  
524 road maintenance agreement shall be recorded with the Cowlitz County Auditor prior to final  
525 road/bridge as-built review. The auditor's file number (AFN) shall be submitted at the time of the  
526 final as-built review. The recording AFN shall be placed on all final plats with the statement, "All  
527 lots within this Plat shall comply with the private roadway maintenance agreement as recorded  
528 under AFN# \_\_\_\_\_. The County does not maintain roadways, signs, drainage improvements  
529 or bridges on private roads."  
530

- 531 1. The Covenant shall:
- 532 a. Set out the distribution of expenses, remedies for non-compliance with the terms of the  
533 agreement, right of use easements and other considerations.
  - 534 b. Establish minimum annual assessments in an amount adequate to defray costs of  
535 ordinary maintenance and procedures for approval of additional needed assessments.
  - 536 c. Shall include a periodic maintenance schedule for the roadway and/or bridge.
  - 537 d. Include a periodic inspection of the bridge.
  - 538 e. Provide for maintenance that shall be enforceable by any property owner served by the  
539 road and/or bridge.
  - 540 f. Establish a formula for assessing maintenance and repair costs equitably to property  
541 owners served by the private road and/or bridge.
  - 542 g. Run with the land.
  - 543 h. "Maintenance" shall include, but not be limited to, road surfacing, shoulders, signs, storm  
544 drainage facilities, vegetation control, and all aspects of bridge maintenance and repair.  
545

546 **11.36.090. Construction and Inspections.**  
547

548 A. **Construction Activities.** No construction (including grubbing, filling or grading) shall begin until  
549 the following has occurred:  
550

- 551 1. A private roadway and/or private bridge application has been reviewed, approved and a  
552 permit issued by the Department.
- 553 2. All erosion control measures are in place.
- 554 3. The Department and the Department of Public Works shall be notified not less than two (2)  
555 working days prior to the start of any construction.
- 556 4. Construction shall be in accordance with any special studies conducted for the private  
557 roadway and/or bridge or development it will serve, such as critical area assessments and/or  
558 reports.  
559

560 B. **Inspection - New Roads and Bridges**  
561

- 562 1. Type I Roadway and Type I Bridges.
  - 563 a. Inspections shall be required on all Type I roadways and Type I bridges.

- 564 b. All on-site inspections shall be conducted by the Department of Public Works and/or by a
- 565 third party qualified professional engineer as approved by the County Engineer.
- 566 c. An inspection schedule shall be provided by the Department of Public Works which shall
- 567 be a condition of permit construction approval.
- 568 d. Final as-built submittal application shall be to the Department to be routed to the
- 569 Department of Public Works for review and approval.
- 570 e. Fees for inspections shall be assessed at a rate set by the Department of Public Works
- 571 and shall be paid in full upon application for final as-built approval.

572  
573 2. Type II Roadway and Type II Bridges.

- 574 a. Inspections shall be required on all Type II roadways and Type II bridges.
- 575 b. All on-site and periodic inspection reports shall be conducted by the qualified
- 576 professional engineer of record and/or by a third party qualified professional engineer as
- 577 approved by the County Engineer.
- 578 c. An inspection schedule shall be provided by the Department of Public Works which shall
- 579 be a condition of permit construction approval.
- 580 d. To ensure the bridge is built according to the qualified professional engineer's final bridge
- 581 inspection report, a site inspection will be conducted by the Department of Public Works prior to as-
- 582 built application.
- 583 e. Final as-built submittal application shall be to the Department to be routed to the
- 584 Department of Public Works for review and approval.
- 585 f. Fees for on-site inspections and/or periodic report inspection review shall be assessed at
- 586 a rate set by the Department of Public Works and shall be paid in full upon application for
- 587 final as-built approval.

588  
589 3. Type III roadways will not require engineered plans or reports, or a sign off for completion by

- 590 a qualified professional engineer.
- 591 a. The Department will conduct an initial site inspection after the construction permit is
- 592 issued and a final inspection when notified the roadway is complete.

593  
594 **C. Final As-Built Review.** For all roadways and bridges, the developer shall apply for as-built

595 review within one year of issuance of a permit.

596  
597 **11.36.100. Nonconforming Private Roadways/Bridges.**

- 598  
599 A. No provision of this chapter shall prohibit the issuance of a building permit for development of an
- 600 existing lot accessed by an existing nonconforming private roadway and/or bridge provided prior
- 601 to issuance of a building permit for construction of a new habitable or non-habitable structure,
- 602 property owners will be required to provide documentation that the existing nonconforming
- 603 private roadway and/or bridge meets minimum fire access requirements to provide emergency
- 604 services to the property.

605  
606 1. The Building and Planning Department shall consult with the local fire department on the

- 607 condition of the existing nonconforming private roadway and/or bridge for emergency access
- 608 purposes, if the local fire department cannot verify that the roadway and/or bridge can
- 609 provide fire or emergency access, the property owner shall provide one or more of the
- 610 following:
- 611  
612 a. Certification by an qualified professional engineer that the roadway/bridge meets
- 613 minimum standards for emergency access per the Cowlitz 2 Fire and Rescue
- 614 Emergency Access Policy, POG #4001 or hereafter amended; or

- 615 b. Improve the roadway and/or bridge to meet minimum fire and emergency access  
616 requirements per the Cowlitz 2 Fire and Rescue Emergency Access Policy, POG #4001  
617 or hereafter amended; and/or improve the private roadway and/or bridge to meet the  
618 requirements as set forth within this Chapter for the appropriate road type. Any  
619 improvements shall require at a minimum, a fill and grade permit and/or a private road  
620 permit. If the applicant chooses to improve the roadway to Cowlitz Fire 2 Fire and  
621 Rescue access requirements, documentation of said improvements as identified in  
622 11.36.100.A.1.a, shall apply; or
- 623 c. If the property owner is unable to obtain the written certification that the private  
624 roadway/bride meets minimum emergency access requirements, the property owner  
625 shall record a Covenant and Hold Harmless Declaration to run with the land, and in a  
626 form acceptable to Cowlitz County, that includes the following information and  
627 provisions:
- 628 i. Legal description of the lot or parcel where development is proposed;
  - 629 ii. The name(s) of the owner(s) of the property;
  - 630 iii. The private roadway name if designated;
  - 631 iv. Location of the private bridge in relation to the subject property;
  - 632 v. Declaration and agreement that the property owner(s), successors, and assigns  
633 hold Cowlitz County, its agents and employees harmless from any and all claims,  
634 losses, liability or damages that the owner(s) their successors, licensees or  
635 invitees may incur as a result of failure to improve the Private Roadway and/or  
636 bridge to the minimum requirements for providing emergency services to the  
637 property;
  - 638 vi. Reasons why the roadway/bridge cannot be improved and emergency access  
639 obtained;
  - 640 vii. A statement that the property owner was advised and understands that the road  
641 may be inadequate for emergency vehicles;
  - 642 viii. A statement that the property owner declares and agrees that he and/or she has  
643 read the Covenant and Hold Harmless Declaration and has signed it of his or her  
644 own free will.
- 645 2. Maintenance and repair and/or remodeling of existing structures are not subject to the  
646 above, provided that maintenance, repair and/or remodeling do not increase the footprint  
647 and/or square footage of said structures by 30%.
- 648
- 649 B. No existing lot accessed by a nonconforming private roadway and/or bridge shall hereafter be  
650 subdivided unless, and until, such roadway and/or bridge is brought into compliance with the  
651 standards and requirements of this Chapter. Further, no existing lot(s) being accessed by a  
652 nonconforming private roadway and/or bridge that meet the definition of “non-exempt  
653 roadways/bridges, exempt land division”, or “change in use” as defined in Section 11.36.040  
654 shall hereafter be exempt from the standards and requirements of this Chapter.

655

656 **11.36.110. Administration, Violations, and Enforcement.** The Department shall administer this  
657 Chapter. Any violation of this Chapter shall be considered a civil infraction and a public nuisance. Each  
658 day a violation exists is a separate violation. A finding of commission of an infraction and/or payment of  
659 monetary penalty does not relieve the violator from compliance with the provisions of this Chapter. This  
660 Chapter shall be enforceable in the same manner as a violation of a county land use ordinance and  
661 shall be enforced according to Cowlitz County Code Chapter 2.06, civil enforcement code.

662

663 **11.36.120. Modifications.** The Director, in accordance with the procedures set out herein, may grant  
664 modifications to the standards and requirements within this chapter for Type I and II private roadways.  
665 Type I roadway modifications shall also be subject to the review and approval by the Department of  
666 Public Works. Type III roadways, new and existing bridges, and engineering requirements shall not be

667 allowed modification. Any modification shall be the minimum necessary to alleviate the hardship or  
668 disproportional impact. Self-imposed hardships shall not be used as a basis to grant a modification  
669 request.

670  
671 A. **General Review Standards.** In making that determination, the Director may consider, at a  
672 minimum, the following list of factors:

- 673 1. The topography, geology and other physical conditions of the proposed private road;
- 674 2. Strict application of the standards of this chapter to the development would be grossly  
675 disproportional to the impacts created;
- 676 3. The potential risks to public health, safety or welfare;
- 677 4. Unique geographic, regulatory or legal circumstances;
- 678 5. Current road durability;
- 679 6. Cost of road maintenance;
- 680 7. Road functionality;
- 681 8. Easement width;
- 682 9. Gradient;
- 683 10. Fire Access standards;
- 684 11. Modification request is not otherwise contrary to the intent of this Chapter; and
- 685 12. Other factors as deemed appropriate by the Director.

686  
687 B. **Modification Application Specific Requirements.** All applications submittals shall, at a  
688 minimum, include:

- 689 1. A written request stating the reasons for the request and the factors, which would make  
690 approval of the request reasonable;
- 691 2. A map showing the applicable existing conditions and proposed construction such as  
692 contours, wetlands, significant trees, water features, utilities, property lines, easements,  
693 existing and proposed roads and driveways, and any unusual or unique conditions not  
694 generally found in other developments;
- 695 3. An engineering analysis of the standard sought to be modified which contrasts relevant  
696 traffic impacts for the development with the cost of complying with the standard, in the case  
697 of modification requests based upon alleged disproportionality, and;
- 698 4. The appropriate fee.

700  
701 C. **Modification limits for gradient.**  
702 1. Type I maximum gradient is subject to the Department of Public Works approval.  
703 2. Type II maximum gradients are 18%.

704  
705 D. **Maximum Easement Width Reduction.** An applicant may seek a modification for a minimum of  
706 thirty (30) feet in width, provided maintenance and repair of the constructed roads side slopes  
707 and road prism does not require an easement of greater width.

708  
709 **11.36.130. Appeals.** An appeal of a decision of the director in the administration of this ordinance  
710 shall be made to the Cowlitz County Hearing Examiner. Each appeal must be made in writing and filed  
711 with the Department within twenty (20) working days from the date on which the decision was issued as  
712 follows:

- 713 1. The written appeal shall include a detailed explanation stating the reasons for the appeal.
- 714 2. Standing to appeal is limited to:
  - 715 a. The applicant or owner of the property on which the private roadway is or is proposed to be  
716 located; and
  - 717

- 718           b. Any property owner who deems him/herself aggrieved and will thereby suffer a direct and  
719           substantial impact from the proposed private roadway.
- 720       3. The director shall provide the hearing examiner with findings and documentation relating to the  
721       application or other administrative action. The director may prepare a separate staff report and  
722       recommendation for presentation to the hearing examiner.
- 723       4. Such appeal shall be considered de novo and be heard at a public hearing. The director shall  
724       cause notices, containing information about the appeal, the location of the property, and the date,  
725       time, and place of the public hearing, to be published in a newspaper of general circulation, to be  
726       posted on or near the project site one or more signs, and written notice containing such  
727       information to be mailed to owners of property located within three-hundred (300) feet of the  
728       perimeter property boundaries of the property on which the private roadway is proposed, as  
729       shown by records of the Cowlitz County Assessor, at least ten (10) days prior to the hearing.
- 730       5. Following the public hearing, the hearing examiner shall determine if the appeal should be  
731       upheld or denied, based on a record of findings to support that decision. All findings shall be  
732       available to the public upon request no more than ten (10) calendar days following the decision.  
733       The decision of the hearing examiner on an appeal, once received by the Department shall be  
734       mailed to the applicant within five (5) working days, and such decision is final unless appealed to  
735       Superior Court in accordance RCW Chapter 36.70C, the Land Use Petition Act.

736  
737 **11.36.140. Fees.** All private road fees shall be established from time to time by resolution by the  
738 Board.

- 739       A. Fees shall be paid for the following;
- 740           1. Plan review, permit, modification, revision, road name, engineering, and inspection fees shall  
741           be paid at the time of application submittal, permit issuance and/or at final as-built  
742           application.
- 743           a. Plan review, permit, modification and revision fees includes the review by the  
744           Department of Building and Planning and two (2) engineering reviews by the Department  
745           of Public Works.
- 746           b. Project's requiring more than two (2) plan, revision, or modification reviews by the  
747           Department of Public Works shall be charged engineering review costs at an hourly rate.  
748           Fees charged shall be paid at permit issuance.
- 749           c. Inspection fees shall be charge at an hourly rate and said fees shall be paid at final as-  
750           built application.
- 751           2. The Director may waive fees for permits to repair damage caused by any emergency  
752           condition declared by the Board to constitute a state of emergency; such waivers shall apply  
753           to permits obtained during the ninety days following the date of declaration of the state of  
754           emergency.
- 755

756  
757 **11.36.150. Liability for Damages.** This ordinance shall not be construed to hold the County of  
758 Cowlitz, or any officer or employee thereof, responsible for any damages to persons or property by  
759 reason of the certification, inspection or non-inspection of any roadway or property as herein  
760 authorized.

761  
762 **11.36.160. Severability.** Should any section, clause or provision of this ordinance or any code  
763 adopted hereby be declared by a court to be invalid, the same shall not affect the validity of the  
764 remainder, either in whole or in part.

765  
766 **11.36.170. Conflict with Other Regulations.** Where other Cowlitz County ordinances, resolutions, or  
767 regulations are in conflict with this Chapter the more restrictive regulation shall apply and such  
768 application shall extend to those specific provisions which are more restrictive.

770 **11.36.180. Effective Date.** This ordinance shall take effect immediately upon its adoption, the public  
771 welfare demanding it.

772  
773  
774  
775  
776  
777

Passed this \_\_\_\_ day of \_\_\_\_

779  
780

BOARD OF COUNTY COMMISSIONERS  
OF COWLITZ COUNTY, WASHINGTON

781 ATTEST:

782  
783 Vickie M. Musgrove, CLERK OF THE BOARD

ss: George Raiter, CHAIRMAN

784  
785 APPROVED AS TO FORM:  
786 Ron Marshall, CHIEF CIVIL DEPUTY PROSECUTOR

ss: Axel Swanson, COMMISSIONER

787 ss: Kathleen A. Johnson, COMMISSIONER