



**Olmsted County**  
**CHAPTER 1300 - ACCESS MANAGEMENT ORDINANCE**

ORIGINAL ORDINANCE ADOPTED BY OLMSTED  
COUNTY BOARD OF COMMISSIONERS 2006 – RESOLUTION No. 6-46

AMENDED BY OLMSTED COUNTY  
BOARD OF COMMISSIONERS 2013 - RESOLUTION 13-23

AMENDED BY OLMSTED COUNTY  
BOARD OF COMMISSIONERS 2017 – ORDINANCE 17-9

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## **SECTION 1301: GENERAL PROVISIONS**

### **1301.01 Title**

This ordinance shall be known as the "Olmsted County Access Management Ordinance," referred to herein as "this ordinance."

### **1301.02 Intent and Purpose**

The Board of Commissioners recognizes the need for regulation of entrances from lands adjoining the traveled way of County State Aid Highways and the County Roads in order to promote public safety, to maintain the long-term mobility function of these roadways for the traveling public, and to maintain the engineering integrity of these road systems.

The intent of this ordinance is to permit reasonably convenient and suitable access to the county road system while preserving the regional flow of traffic in terms of safety, capacity, and speed. Appropriate management of access will protect the substantial public investment in the existing transportation system and reduce the need for expensive remedial measures. These regulations further the orderly layout and use of land, and can serve to protect community character and natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

This ordinance serves as one mechanism to implement the policies and guidelines of the Transportation Element of the Olmsted County Comprehensive Plan and as such, when possible, should be construed consistently with the Comprehensive Plan.

### **1301.03 Statutory Authorization**

Statutory Authorization is pursuant to Minnesota Statutes Chapter 160, Sec. 160.08, Sub.3; Sec. 160.18, Sub. 1, 2 and 3; and Sec. 160.27, Sub. 1 through 13.

### **1301.04 Scope**

The provisions of this ordinance shall apply to the location and design of public or private street and driveway access to the county road system. Access legally established as of the effective date of this ordinance, but not in conformance with standards in this ordinance, is considered non-conforming and may continue in existence subject to the regulations in this ordinance regulating non-conforming access.

### **1301.05 Interpretation**

The provisions of this ordinance shall be interpreted to be the minimum requirements necessary to promote and protect the public health, safety and general welfare.

## **1301.06 Relationship of this Ordinance to Zoning, Subdivision and Other County Regulations**

This ordinance is intended to supplement the zoning, subdivision and building permit requirements of Olmsted County and local jurisdictions that govern the use and development of property along County Roads or County State-Aid Highways. If there is a conflict between any provision of this ordinance and any provision of the Olmsted County Zoning or Subdivision Ordinance or building regulations, the more restrictive provision shall apply.

## **1301.07 Violations**

An access connection to a county highway constructed or established after the effective date of this ordinance without an approved access permit or in violation of an approved access permit shall be considered illegal. The County Engineer may order discontinuance of its use and may order its removal. The party responsible for installing an illegal access shall be responsible for all costs, including any borne by Olmsted County, associated with closure of the access, the removal of the access connection and restoration of the ditch or boulevard area to its previous condition.

Where an owner or developer who established an access connection without an access permit wishes to subsequently apply for permit approval, the application fee for the permit shall be at twice the cost normally associated with an access permit.

Any person who fails to comply with an order to close and/or remove an illegal access connection shall be guilty of a misdemeanor and, upon conviction thereof, may be punished to the maximum extent allowed by law. For each day the violation continues, a separate offense shall be declared.

### **1301.071 Enforcement of Violations.**

The procedures which must be followed in the event of a) an exception or variance or modification of a standard of any provision of this ordinance is sought where no process for has been spelled out in this ordinance, or b) a violation of any provision of this ordinance occurs, shall be governed by the Olmsted County Administrative Enforcement and Appeals Ordinance set forth in Chapter 4000 of the Olmsted County Code of Ordinances.

## **1301.08 Amendments**

The Olmsted County Board of Commissioners may amend, supplement or repeal provisions of this ordinance after a public hearing meeting statutory requirements has been held.

### **1301.09 Validity**

Should any section, subdivision, or provision of this ordinance be declared by the courts to be invalid, such decision shall not affect the validity of this ordinance as a whole or any part thereof other than the part so declared to be invalid.

### **1301.10 Effective Date**

This ordinance shall be in full force and effect after its approval and publication as provided by law. The 2017 changes to this ordinance which revise the procedure by which violations and requested modification of standards and appeals of those matters are handled found in Sections 1301.071 and 1309 shall take effect on January 1, 2018 following the approval of the new County Administrative Enforcement and Appeals Ordinance by the Olmsted County Board of Commissioners and publication. All other 2017 changes to this ordinance shall take effect on January 1, 2018.

### **1301.11 Responsibility for Administration**

The County Engineer or his designee shall administer and enforce the provisions of this ordinance cooperatively with the Rochester – Olmsted Planning Department and other township or municipal planning entities with zoning or subdivision jurisdiction over lands abutting an Olmsted County right of way.

### **1301.12 General Intent Regarding Access**

It is the intent of this ordinance for parcels abutting a county roadway to permit one access to a public roadway per parcel, where consistent with the public safety as determined by considerations of traffic speed, sight distance, driveway spacing, and other engineering considerations set forth in this ordinance and reflecting both existing and planned future conditions. Where due to such considerations a suitable access location is not available, but alternative access cannot be provided for, it is the intent of the ordinance to allow an access to a public roadway that will comply to the greatest extent possible with the requirements of this ordinance.

## **SECTION 1302: DEFINITIONS**

For the purposes of this ordinance, certain words have specific meaning as defined in this section. Other words not defined herein shall have the meaning customarily associated with them, except where certain words have a specific meaning when referring to access under Minnesota State Statutes.

**Access:** A means of providing vehicular entrance or exit to a property from an abutting property or a public or private road.

**Access connection:** The location of any field entrance, driveway, public or private street, service drive or road that provides a means of reasonable access (*see definition*)

*of reasonable access*) for the movement of vehicles between the county road system and an abutting property either directly, or indirectly through an Alternative Means of Access.

**Access Permit:** A permit issued by the County Engineer or his/her designee(s) authorizing construction of an access connection within a county right-of-way.

**Access Plan:** A plan approved by the County Board of Commissioners upon recommendation of the County Engineer establishing a coordinated plan for future access connections to a County State Aid Highway or County Road as part of the approval of a subdivision plat or general development plan.

**Alternative Means of Access:** A shared access, front or rear service road<sup>1</sup> or connected parking lot providing a means of access to the county road system through an access connection shared between multiple parcels.

**Applicant or Developer:** The owner of land or his approved representative.

**Commercial Access:** A private access serving one or more commercial, industrial, institutional or multiple family uses; or an agricultural feedlot.

**Common Ownership:** Where an individual solely or along with immediate family member(s) hold title or property rights in multiple contiguous parcels of real estate through any combination of individual ownership and/or ownership as part of a structured entity such as a partnership or corporation.

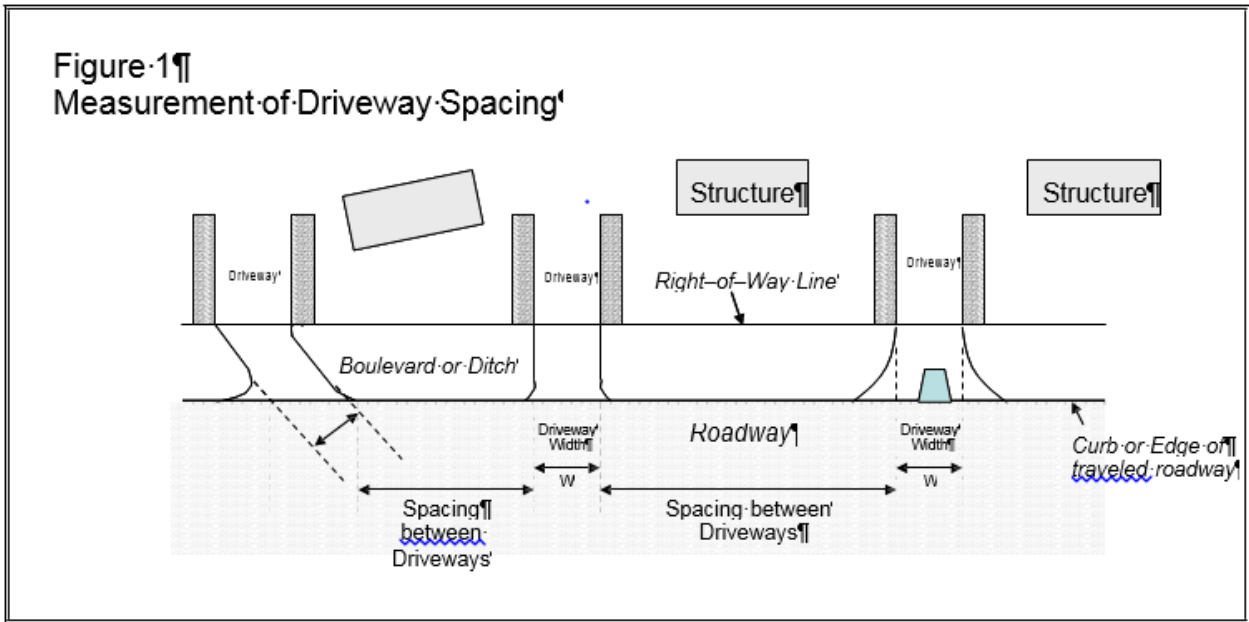
**Connection Spacing:** The spacing between access connections shall be measured as follows:

- 1) Spacing between two public or private street intersections along a street or road will be measured from the centerline of the one intersecting street to the centerline of the next adjacent intersecting street.
- 2) Spacing between two adjacent driveways shall be measured from the nearest outside edge of the driveway under review to the nearest outside edge of the next driveway on the same side of the roadway. The separation shall be measured along the edge of the roadway at the curbline or, where no curb is present, the edge of the traveled roadway surface, based on projection of the driveway edge at the property line to the roadway curb or edgeline (See Figure 1 below).
- 3) Spacing between a driveway and a public or private street shall be measured as provided for in the definition of Corner Clearance and Figure 2.
- 4) Access will be considered in compliance with spacing requirements if it does not deviate more than 5% from the spacing standards established in this Ordinance.

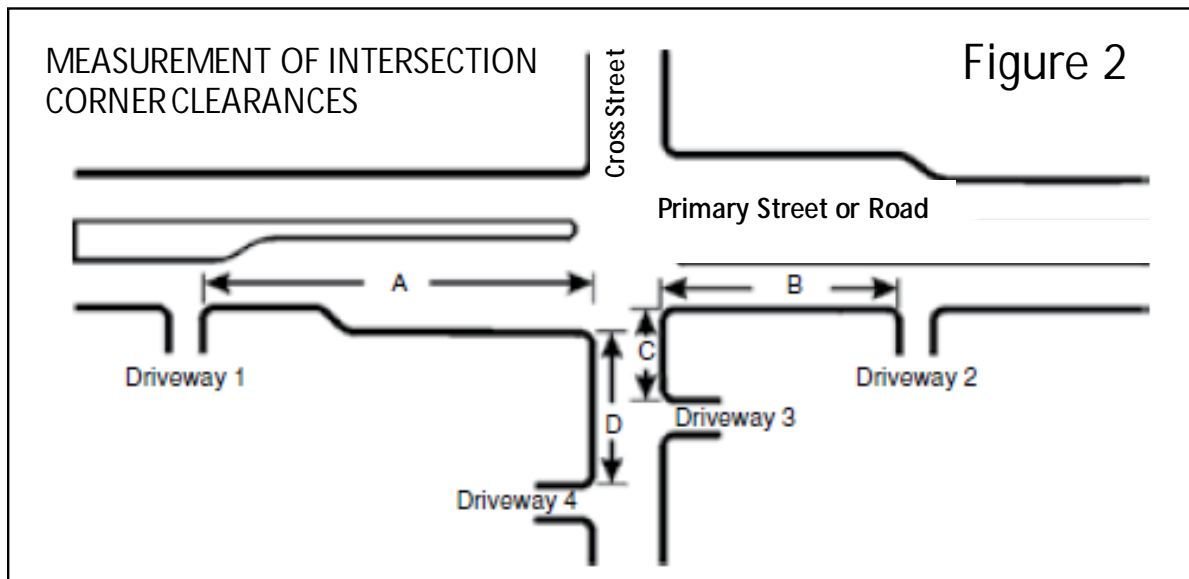
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<sup>1</sup> Front or rear service roads may also be commonly referred to as “Frontage Roads” and “Backage Roads”





**Corner Clearance:** The distance from an intersection of a public or private street to the nearest driveway, measured from the curbline or, where there is no curbline, the closest edge of the travel way on the intersecting road, to the closest edge of the driveway, measured along the street to which access is being taken (See Figure 2).



In Figure 2 dimensions "A" and "C" are referred to as Upstream corner clearances and dimensions "B" and "D" are referred to as Downstream corner clearances. The required minimum distance for any dimension is found in Table 3 in Section 1304.04. The minimum distance required for any dimension is a function of the whether the Primary Street or Cross Street is a Major, Minor or Local street as defined in 1304.04

**Cross Access** – A shared access where one property owner has the legal right to access and use an access connection that is wholly on an adjacent property owner's land.

**Driveway, Heavy Commercial:** A private access connection with a projected average daily volume of Heavy Vehicles of 30 vehicles per day or greater.

**Driveway, High volume:** A private access connection with a projected average daily traffic greater than 500 vehicles per day

**Driveway, Low volume:** A private access connection with a projected average daily traffic of 50 to 500 vehicles per day

**Driveway, Minimum Use:** A private access connection with a projected average daily traffic of less than 50 vehicles per day

**Easement** - A grant of one or more property rights by a property owner to or for use by the public, another person or an entity.

**Field Entrance:** An access connection to an agricultural field used for the movement of farm vehicles and equipment. Access to a farmstead, feedlot, or farm-related structures is not a field entrance.

**Functional Designation:** The classification of public roadways according to the purpose they serve in the hierarchy of roads serving vehicular travel in Olmsted County as identified on the Functional Designation Map in the transportation element of the Olmsted County Comprehensive Plan.

**General Development Plan:** A plan or concept that depicts the full development of a property in accordance with the requirements of the existing underlying zoning district, the Subdivision Ordinance, and/or the Comprehensive Plan.

**Heavy Vehicle:** Vehicles with a gross vehicle weight rating (GVWR) of 26,000 pounds or greater.

**Immediate Family:** Immediate Family members include a spouse or domestic partner, a sibling, a child, a parent, or a grandparent or grandchild, related by blood, adoption or marriage, all of who live in the same household.

**Joint Access:** A shared access connecting two or more contiguous properties to the public street system by means of an access connection shared by adjacent property owners along their common property line.

**Nonconforming Access:** An access connection to a property that existed prior to the effective date of this ordinance that does not conform with the requirements of this ordinance.

**Partial Access:** An access connection where one or more ingress or egress movements are restricted through the construction or erection of a physical barrier.

**Private Street:** A roadway built to the standards established in the Olmsted County Subdivision Ordinance for vehicular travel which is privately owned and maintained, providing the principal means of access to three or more abutting properties.

**Public Street:** A roadway under the jurisdiction of a public authority.

**Reasonable Access:** The access necessary to provide for safe conveyance of motor vehicles to and from a public road consistent with the purpose and intent of this ordinance, other applicable plans adopted by the county (such as a Corridor Management Plan), or with other applicable rules or law of the State of Minnesota. Reasonable access does not necessarily mean a direct access connection to a public road must be provided; access may be provided by a service road, another public road or a shared access. Where direct access to a primary roadway is permitted, reasonably convenient and suitable access has been defined by Minnesota courts as access to the main roadway in at least one direction of travel.

**Residential Access:** A private access connection serving one or more single family detached or attached residential units, a farmstead, or farm-related structures, but not including an agricultural feedlot.

**Right-of-Way:** Land in which the county has an interest, (including, but not limited to, by fee title, easement, or plat dedication), which is primarily intended, directly or indirectly, to be used for a highway, street, road, alley or drainage facility.

**Roadway Classification:** Roadway Classification can refer to either the Functional Designation or Street Design Classification of a roadway as defined and described in the currently adopted transportation element of the Olmsted County Comprehensive Plan.

**Service Road:** A public or private street auxiliary to and normally located parallel to a controlled-access highway that maintains local road continuity and provides access for parcels adjacent to the controlled-access facility.

**Shared Access:** A means of connecting two or more contiguous properties to the public street system by use of a shared private access connection legally established through a joint access or cross access agreement.

**Site Plan:** A plan or concept drawing that depicts full development of a property according to the requirements of the existing underlying zoning district.

**Street Design Classification:** The classification of public roadways based on anticipated lane needs and management of opposing traffic flows, identified in the Street Design Classification Map of the transportation element of the Olmsted County Comprehensive Plan.

**Subdivision:** The process of dividing a parcel of land into multiple parcels as defined in the Olmsted County Subdivision Ordinance, including metes and bounds subdivisions.

## **SECTION 1303: ACCESS PERMITS**

(See definition of Access Permit in Section 1302)

### **1303.01 Access Permit Required**

An access permit issued by the County Engineer shall be required whenever any construction, reconstruction, relocation or alteration of an access connection within the right-of-way of any county road is proposed, or where a change of use is proposed for a property with existing access connection(s) to a county road right-of-way. Alterations include the widening of an existing access or changes to an existing culvert including lengthening or replacement. A change in use is defined to include:

- a) a change in the primary use of the land (e.g. agricultural to residential, residential to commercial, etc.). An access permit is granted for a specific use, and a new permit is required when a use changes since the location and design of an access connection may be suited for one use but not another. This includes changing the use of an existing field entrance.
- b) a substantial enlargement or expansion in the intensity of land use served by a private street or driveway is proposed, defined as a) an increase in the gross floor area of a structure serving a primary use by 25% or 750 square feet, whichever is greater, or b) an increase in the number of parking stalls by 50% or 10 stalls, whichever is greater.
- c) changing the boundaries of a parcel or group of parcels where the change will result in increasing the number of lots with frontage on a county road or a reduction in lot frontage below the minimum access connection spacing requirements of this ordinance.

Where access connection(s) already exist on a parcel for which an access permit is requested, or on adjacent parcels under common ownership, all existing access(es) which are non-conforming or would become non-conforming with approval of the access permit will be reviewed and may be subject to modification as part of the access permit to insure the greatest level of consistency with the requirements of this Ordinance.

The County Engineer shall be notified where reconstruction of existing conforming access connection is proposed but such action shall not require payment of a permit fee if the proposed action involves only the replacement and no alteration of the in-place access.

### **1303.02 Application for an Access Permit**

Applications for an Access Permit must be made in writing on a form provided by the

County Engineer, a copy of which is attached in Appendix A. A fee to be set by resolution of the Olmsted County Board of Commissioners shall accompany the Access Permit application. Where a proposed access connection has been approved as part of an Access Plan, a reduced fee to cover only the cost of design review and inspection shall be charged as part of the access permit application.

An application for an Access Permit shall be accompanied by a site plan and any supporting documentation showing the location of existing streets, property lines, utilities, easements, revocable licenses or permits, driveways and structures on the parcel, the type and intensity of existing and proposed land uses, and the proposed location of driveways and parking areas.

### **1303.03 Determining if Access Permit Application is complete**

Upon submittal of an Access Permit a determination shall be made as to whether the application is complete within ten business days of receipt of an application and whether any waiver to the requirements of this ordinance will be needed to approve the application. For commercial and public/private street access applications, a preliminary grading plan shall be submitted before the application is considered complete. The grading plan shall include a site plan with parking stalls and traffic circulation, drainage patterns and features including catch basins and culvert outlets with direction arrows, proposed utilities, construction requirements for all work within the right of way, access construction details, and details for turn/bypass lanes if appropriate. The complete application satisfies the form and content requirements set forth in this ordinance, thereby making it acceptable for review. Where a Transportation Impact Report (TIR) is required under this ordinance or the Olmsted County Zoning Code as part of a permit application, the application shall be considered incomplete until the TIR has been submitted and determined to be adequate by the County Engineer.

### **1303.04 Review of Access Permit**

Once a complete application has been accepted for review and the application fee paid, an application shall be reviewed and either approved, approved with conditions or denied within a maximum of 30 days unless a traffic signal is involved or geometric layout plans are required to insure access connection improvements can be constructed consistent with the requirements of this ordinance. The standards and guidelines in Section 1304 and Section 1306 of this ordinance shall guide review of the application. Where installation of a traffic signal is proposed or constructability issues exist, the review period will extend for an additional 30 days after submittal of a traffic signal justification report or additional geometric layout information.

### **1303.05 Access Permit Decision**

Upon review of the access permit application, the County Engineer will issue either 1) an Access Permit indicating final approval with or without conditions, 2) a Preliminary Access

Approval specifying changes and/or additional materials needed before an Access Permit will be issued, or 3) an Access Permit Denial letter. Issuance of an Access Permit by the County Engineer grants the permittee the right to construct an access connection to a county highway consistent with the terms and conditions of the permit. The County Engineer shall determine the appropriate design detail from Appendix C to use when constructing the access.

Conditions attached to issuance of an Access Permit shall be addressed during the construction of the access connection and completed before final inspection of the access connection.

Where a Preliminary Access Approval has been issued, revised or additional materials will be reviewed within 10 business days after submittal and an approval or denial of the Access Permit issued. Applications may only be rejected if conditional changes are not made. Where conditions are included involving easements or other legal agreements, proof will be required that such documents have been properly executed and recorded with Olmsted County Property Records and Licensing.

If the Access Permit is denied, the County Engineer shall provide an itemized letter detailing why the application has been rejected. Applicants whose permits are denied have 60 days to appeal.

### **1303.06 Construction of an Access Connection**

Work shall be completed consistent with the approved access permit, and the completed work must be inspected and approved by the County Engineer. An access connection constructed in a manner that does not comply with the conditions of the permit will be considered in violation of this ordinance and will be subject to action under Section 1301.07. If the constructed access connection must be removed, the approved access permit will be considered null and void.

### **1303.07 Construction Responsibilities**

The applicant shall be responsible for all costs associated with the construction of an access connection, including improvements required to meet conditions of approval. Improvements may include, but are not limited to, the construction of the driveway or intersection, turn lanes, raised medians, connecting roadways or driveways, drainage structures; grading and site restoration; and the acquisition and/or dedication of the necessary right-of-way. If a culvert or apron is required, the applicant must purchase these materials from Olmsted County.

### **1303.08 Discontinuance of existing driveway**

When a change of use requiring a new access permit results in relocation of an access connection, existing driveways not approved for continuance shall be removed and the land graded and landscaped to conform with adjacent land and any curb cut, if curb is

present, shall be filled in with curb and gutter per the standards of Olmsted County.

### **1303.09 Duration of Permit Approval**

If the access connection has not been constructed within two years after approval of an Access Permit, the approval shall become null and void unless a request for a time extension to complete the access has been granted by the County Engineer. A written request for an extension shall be submitted to the County Engineer at least thirty (30) days before the expiration of the original approval. The request for extension shall state facts showing a good faith attempt to complete or utilize the approved access connection.

### **1303.10 Bond**

A Letter of Credit, certified check or bond may be required in an amount to be determined by the County Engineer to insure compliance with the requirements or conditions of an access permit.

### **1303.11 Maintenance**

1. The owner of a property served by an access connection shall maintain the driving surface of the access connection from the outer limit of the roadway shoulder to the outer limits of the right of way. Maintenance of the existing configuration of an access connection does not require issuance of a new access permit.
2. Olmsted County shall maintain all remaining infrastructure related to the access connection including, but not limited to, culverts, drainageways, access in-slopes and the shoulder and any turn lanes on the county roadway, consistent with current county maintenance policies.

## **SECTION 1304: PERMITTED ACCESS CONNECTIONS**

### **1304.01 Intent Regarding Permitted Access Connections**

It is the intent of this ordinance for parcels abutting a county roadway to permit one access per parcel, with connections on lower classification roads, where practical, in the case of parcels with frontage on more than one road. Except where alternative access is impractical, it is the intent of the ordinance not to allow new private connections to expressways or major arterial roadways and to eliminate existing non-conforming access. Access connections shall be located to provide adequate spacing between adjacent connections and adequate offset from connections across the roadway, considering both existing access connections and potential future connections needed to adequately serve future land uses in the vicinity of a proposed access connection.

### **1304.02 Guidelines on Permitted Access Connections**

**Table 1** defines the principles that will be used to guide decisions regarding the

permitting of access connections on different classes of county highways. These principles emphasize the avoidance, where possible, of access connections to a county highway where there is a significant difference in the operating character and function of the proposed access connection and the highway facility.

#### **1304.02.1 Exceptions to the general rule of one access per parcel**

Access for a group of parcels having a single tax ID number as of the effective date of this ordinance, or contiguous parcels under common ownership on the effective date of this ordinance, are entitled to one (1) access connection to the County Road system to serve the parcels as a group, unless adequate road frontage exists to meet the spacing requirements of Section 1304.03.

- a. Subdivisions approved after the effective date of this ordinance do not create the right to a new access connection for each resulting parcel unless approved as part of an Access Plan for the development.
- b. Lots with no frontage are not entitled by right to approval of an access connection on a county road; consideration shall be given to access via connection to a local street or via an Alternative Means of Access such as a shared access with a parcel that has conforming access to the county road system.

#### **TABLE 1: ACCESS CONNECTION GUIDELINES<sup>2</sup>**

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<sup>2</sup> In the Roadway Classification column, the Street Design Classification Map (*see definition*) is used to identify those roadways classified as Expressways and the Functional Designation Map is used to identify the classification of all non-expressway corridors.



**TABLE 1: ACCESS CONNECTION GUIDELINES**

Roadway Classification	TYPE OF ACCESS CONNECTION PROPOSED		
	Local Public Streets and Roads	High Volume Private Street or Driveway	Low Volume Private Street or Driveway, Minimum Use Driveway, <b>Field Entrance</b>
<b>LIMITED ACCESS ROADWAYS / MEDIAN CONTROLLED</b>			
<i>Expressway</i>	Connection for a Local Street is permitted if consistent with spacing for Local Streets (Table 2) subject to finding that a higher order road is not needed at that location. Also refer to the transportation element of the Olmsted County Comprehensive Plan	Connection generally Not Permitted; may be permitted in lieu of local public street on one leg of an intersection if consistent with spacing for Local Streets (Table 2) and subject to finding that public street is not needed. <u>Also refer to transportation</u>	Connection not permitted except on interim basis where no feasible <u>Alternative Means of Access</u> exists; approval of interim access must include agreement for removal of access when local street system is completed or alternate access becomes available
<i>Other Urban and Regional Major Arterial</i>	Connection permitted, but shall be in a location consistent with guidelines for Divided Road Median Openings in the transportation element of the Olmsted County Comprehensive Plan, and subject to the finding that a major road is not needed at the location	Connection permitted, but shall be in a location consistent with the guidelines on Divided Road Median Openings found in the transportation element of the Olmsted County Comprehensive Plan and subject to finding that a public road is not needed at location	Connection not permitted if <u>Alternative Means of Access</u> available; if no feasible alternative exists consider approval of one access connection that will serve multiple properties through a joint/shared access to insure consistency with spacing requirement
<b>LIMITED ACCESS ROADWAYS / UNDIVIDED</b>			
<i>Regional or Urban Major Arterial</i>	Connection for a Local Public Street is permitted if consistent with spacing for Local Streets (Table 2)	Require access to lower level road if available; otherwise one access connection per parcel subject to driveway spacing (Table 2) and corner clearance (Table 3) requirements. If lot frontage < minimum spacing criteria, consider joint/shared access	Same criteria as for High Volume Private Driveway or Private Street
<b>OTHER ROADWAYS</b>			
<i>Secondary Arterials</i>	Connection for a Local Public Street is permitted if consistent with spacing for Local Street (Table 2)	Access connection permitted if consistent with spacing requirements in Tables 2 and 3	Require access connection to lower level road if available, otherwise one access <b>connection</b> per parcel subject to minimum spacing requirements in Tables 2 and 3

### 1304.03 Minimum Spacing of Access Connections

**Table 2** defines the minimum spacing required between access connections along non-local roadways, based upon the functional classification of the abutting roadway and the posted speed limit.

**Table 2: Local Street and Driveway Spacing<sup>3</sup>**

Road Classification	Urban	Rural	DRIVEWAY SPACING		
	Local Street Spacing (ft)	Local Street Spacing (ft)	Posted Speed Limit		
			< 35 Mph	35 - 45 Mph	> 45 Mph
Strategic Arterial	1320	2640	660	880	1000
Regional Major Arterial	880	2640	480	660	800
Urban Major Arterial	660	NA	275	375	500
Regional Secondary Arterial	660	1320	250	480	660
Urban Secondary Arterial	480	NA	175	275	330
Regional Primary Collector	480	660	150	330	480
Urban Primary Collector	330	NA	125	200	275
Local Collector	330	660	60	NA	NA

**1304.03.1** For sites with insufficient road frontage to meet the minimum spacing requirements, consideration shall first be given to providing access via connection to a street of lower classification, or through provision of an Alternative Means of Access such as utilization of a shared access with an adjacent property that meets the recommended spacing requirement or development of a service road to serve multiple properties.

**1304.03.2** The County Engineer may grant access approval for a permanent use not meeting the spacing requirements of Table 2 on an interim basis if an access plan demonstrating how spacing requirements will ultimately be met and appropriate assurances in the form of a recordable and enforceable easement or access agreement insuring future provision of a conforming access are submitted.

### 1304.04 Corner Clearance Requirements

**Table 3** defines the minimum corner clearance that shall be required for a proposed access connection under the regulations of this ordinance. Corner clearance requirements apply on each approach to an intersection. In Table 3, Column A under each speed limit range refers to the requirement for upstream corner clearance; Column B refers to the requirements for downstream corner clearance (*see Section 2, Definitions, for an illustration of upstream and downstream clearance*). The applicable road classification in

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<sup>3</sup> In the Roadway Classification column, the Functional Designation Map (*see definition*) is used to identify the classification of all roadway corridors

Table 3 is the street design or street class that applies to the roadway to which the access connection is being made.

The selection of the appropriate corner clearance spacing requirement is based on the type of Primary Street or Road and Cross Street or Road which are intersecting. For purposes of determining corner clearance, the definition of street types are as follows:

- 1) Major Street or Road: A Major Street or Road is highway designated on the Functional Designation Map as an Interregional Highway, Strategic Arterial or Major Arterial, or any roadway irrespective of its definition with an existing or projected Average Daily Travel (ADT) greater than 12,000 vehicles per day
- 2) Minor Street or Road: A Minor Street or Road is a highway designated on the Functional Designation Map as a Secondary Arterial or Primary Collector, or any street not meeting the definition of a Major street with an existing or projected Average Daily Traffic (ADT) between 5,000 and 12,000 vehicles per day
- 3) All other streets are considered Local Streets or Roads.

Except in the case where both intersecting streets are of the same type, the higher level street type is always considered the Primary Street and the lower level street type is always considered the Cross Street. In the case where both intersecting streets are of the same type (for example, both are classified as Major Streets), the street with the higher traffic volume is considered the Primary Street.

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**Table 3: Corner Clearance Guidelines**

Reference definition of Corner Clearance in Section 1302 for illustration of upstream and downstream dimension locations		Dimension A Primary Street Approach / Upstream Spacing				Dimension B Primary Street Downstream Spacing (1)				Dimension C Cross Street Approach / Upstream Spacing				Dimension D Cross Street Downstream Spacing (1)			
Primary Street Type	Cross Street Type	High Speed 40 MPH or Greater		Low Speed Less than 40 MPH		High Speed 40 MPH or Greater		Low Speed Less than 40 MPH		High Speed 40 MPH or Greater		Low Speed Less than 40 MPH		High Speed 40 MPH or Greater		Low Speed Less than 40 MPH	
		Rural (2)	Urban (2)	Rural (2)	Urban (2)	Rural (2)	Urban (2)	Rural (2)	Urban (2)	Rural (2)	Urban (2)	Rural (2)	Urban (2)	Rural (2)	Urban (2)	Rural (2)	Urban (2)
Major (Divided Median)	Major (Divided Median)	500	450	400	350	375	335	275	250	500	450	400	350	375	335	275	250
	Major (Undivided Median)									585	525	450	410	435	390	315	285
	Minor									350	225	250	140	290	175	150	100
	Local									150	125	100	50	120	75	75	30
Major (Undivided Median)	Major (Undivided Median)	625	565	450	405	435	390	315	285	585	525	450	410	435	390	315	285
	Minor									350	225	250	140	290	175	150	100
	Local									150	125	100	50	120	75	75	30
	Local									150	125	100	50	120	75	75	30
Minor	Minor	375	225	250	140	290	175	150	100	375	225	250	140	290	175	150	100
	Local									150	125	100	50	120	75	75	30
Local	Local	150	125	100	50	120	75	75	30	150	125	100	50	120	75	75	30

(1) Where a free flow right turn lane is used at the intersection from which downtown spacing is measured, an extra 50 feet of spacing should be provided for every additional 25' of turning radius above a basic turning radius of 30' feet or less.

(2) For Street types, rural refers to roads where open swales are used from drainage; urban refers to streets with curb and gutter

### 1304.04.1

If the amount of lot frontage is insufficient to meet corner clearance requirements, alternative means of access (a shared access, development of a service road, or cross access via connected parking lots) should be considered to determine whether options consistent with the corner clearance guidelines can be achieved. Where this is not feasible due to parcel size or the existing adjacent development, the driveway shall be constructed along the property line farthest from the intersection to encourage future shared use or service road development.

### 1304.05 Access Connections along Turn Lanes or Bypass Lanes

Irrespective of the local street and driveway spacing requirements in Table 2 and the corner clearance requirements in Table 3, access connections shall not be approved within any turn lane or bypass lane, including taper sections, except where no other reasonable or suitable access is available.

### 1304.06 Field Entrance

An Access Permit may be issued for a field entrance in the following instances:

- a. Where the access serves cultivated land, timber land, or undeveloped land,

- b. For uses at which no one resides or works such as cellular towers, water wells, pumping stations, utility transformers, billboards, and similar uses; or
- c. For free-standing minor structures accessory to a farm operation such as grain bins or pole sheds intended for long term storage which need to be accessed on only an infrequent basis and which cannot reasonably be accessed through an existing field entrance, farmstead driveway or other existing farm operation access.

Field entrances and other limited use access connections will be reviewed on a case-by-case basis based on the principals found in Section 1304.02. The review shall consider the proximity of the adjacent driveways and intersecting streets, factors such as grades and sight distance availability, as well as traffic volumes along the adjacent county roadway.

### **1304.07 Temporary Access Connections**

The County Engineer may grant an Access Permit for seasonal or limited duration uses such as a construction site, seasonal food stand or quarry/batch plant operation on a case by case basis. Approval of an access connection for such use shall consider the proximity of the adjacent driveways and intersecting streets, factors such as grades and sight distance availability, as well as traffic volumes along the county roadway. Access Permits for seasonal or limited duration uses shall be temporary in nature, with time limits or other conditions limiting the duration of the permit established as part of the permit approval process.

### **1304.08 Design and Location Guidelines for Access Connections**

The following factors shall be considered by the County Engineer in assessing the suitability of a proposed access connection location when reviewing a request for Access Permit or Access Plan approval.

- a. **Offset Access Connections:** On undivided roadways, access connections on opposing sides of the roadway should be aligned with one another or offset an adequate distance to minimize overlapping left turns and other maneuvers that may result in safety hazards or operational problems.
- b. **Adequate Sight Distance:** An access connection shall be located so as to provide adequate stopping and intersection sight distance.
- c. **Auxiliary Lanes:** The County Engineer may require auxiliary lanes (left or right turn lanes, bypass lane, acceleration lanes) where deemed necessary due to traffic volumes or where a safety or operational problem is expected without such lane.
- d. **Substandard Frontage:** If lot frontage is inadequate to provide the required

minimum spacing between access connections, an Alternative Means of Access shall be provided unless a Modification to Access Standards is granted under Section 8.01 of this ordinance.

- e. **Future Development:** To maintain minimum spacing requirements between commercial access connections when future development occurs, a proposed commercial access connection may be approved subject to the condition that it serve adjacent property via a shared access located on the common property line or through a cross access easement.
- f. **Easements for Shared Access:** When required to provide a shared access, the property owners must record an easement agreement allowing cross access to and from the properties served by the shared access. The easement must include a joint maintenance agreement defining the responsibilities of the property owners.
- g. **Restricted Movements and Median Openings:** Turning and crossing movements at a proposed median opening, public street connection or proposed access connection may be restricted based on consideration of the factors in Section 1304.09 at the time of construction or at a future date based upon existing or anticipated roadway operating conditions.
- h. **Angle of Approach:** Access connections shall be aligned to be straight and perpendicular to the centerline of the abutting county roadway to the extent feasible.
- i. **Auxiliary Features:** Signs, entrances, medians, fencing, etc. shall be placed or constructed outside the county right-of-way.
- j. **Residential Access Design:** Residential access connections must be designed to provide adequate space on the property for vehicles to turn around without the need to back onto a county road.
- k. **Commercial Access Design:** Commercial access connections must be designed so that backing, loading, unloading and other maneuvers are accommodated on-site and not using the county road right of way, and the access shall provide adequate stacking distance to prevent entering or exiting vehicles from obstructing the flow of traffic on the county roadway.
- l. **Commercial Access Geometrics:** The geometrics of a commercial access connection shall provide adequate width, grade and radii to accommodate all vehicles that will access the site
- m. **Typical Entrance and Approach Dimensions:** See Appendix C (Typical Access Detail).

### **1304.09 Factors for Restricting Turning or Crossing Movements**

Turning and crossing movements at an access connection may be restricted to address safety and operational concerns where the County Engineer finds that partial access is warranted based on any of the following factors:

- a) Where existing travel speed and /or design speed in conjunction with limitations on sight distance will create unsafe conditions for mainline or side street approach traffic; or
- b) Where the anticipated volume of turning movements in combination with existing or projected through movements will result in high risk conditions due to lack of acceptable gaps for completing turning or crossing movements; or
- c) Where existing crash experience as evidenced by historic accident rates and/or severity of accidents indicates unsafe conditions that could be mitigated by restricting turning or crossing movements; or
- d) Where the location of the proposed access will result in substandard intersection spacing between adjacent full movement accesses based on the requirements of this ordinance or the transportation element of the County Comprehensive Plan; and
- e) Where restriction of turning or crossing movements will still provide the parcel served with reasonable access

### **1304.10 Joint Access Modification**

Where a Joint Access is required for adjacent properties the access connection within the public right of way may be widened up to a width of 36' if needed to accommodate the provision of separate access drives on each property beyond the right of way line where at least one of the uses will generate large truck traffic (WB-50 or greater) or comparable size agricultural equipment. The portion of the access connection in the public right of way shall operate as a shared driveway entrance and the address of the property associated with each individual drive shall be clearly and legibly displayed to avoid confusion for emergency services and other public or private service providers.

## **SECTION 1305: ACCESS PLAN**

(See definition of Access Plan in Section 1302)

### **1305.01 Access Plan Required**

An Access Plan is required to be submitted with any application for a subdivision, conditional use permit or general development plan on any property with frontage on a county roadway or taking access to a roadway under the jurisdiction of another

governmental unit within 1/8<sup>th</sup> mile of an intersection with a county roadway.

### **1305.02 Review of Access Plans**

An initial determination shall be made whether the information submitted meets the application requirements for Access Plans listed in Section 1305.04 within ten business days of receipt of the application for development approval. Review of Access Plans shall occur concurrently with the review of the development application by the County, Township or Municipality, with the recommendation of the County Engineer relative to the Access Plan included as part of the information packet that is submitted to the governing Board, Council or Commission prior to any required public hearing or public review of the development application.

### **1305.03 Access Plan Recommendation**

The County Engineer's recommendation to a governing Board, Council or Commission shall indicate whether the proposed Access Plan is consistent with the standards and guidelines of this ordinance, or whether modifications or conditions are necessary to bring the proposed plan into compliance with this ordinance.

### **1305.04 Access Plan Application Requirements**

An application for Access Plan approval shall consist of a site plan with any supporting documentation showing the property and the surrounding area, drawn to scale, illustrating the following information:

1. The dimensions of the property and the location of public rights-of-way and property lines;
2. The type and intensity of existing and proposed land uses, and proposed letting pattern where the application involves the subdivision of land;
3. The location of existing and/or proposed streets, driveways and parking areas;
4. The location of, and distance to, public or private access serving adjacent parcels;
5. A phasing plan if the property is planned to be developed in phases;
6. A Transportation Impact Study if required under Section 10.48 of the Olmsted County Zoning Ordinance and requested by the County Engineer;
7. A signal justification report, if a traffic signal is proposed as part of the plan.



## **SECTION 1306: APPROVAL OF PERMITS AND PLANS**

### **1306.01 Approving Access Permits**

In reviewing an application for an Access Permit, the County Engineer shall approve the permit if he determines the proposed access connection:

- 1) Is consistent with the guidelines on permitted access connections in Section 1304.01 of this ordinance;
- 2) Is consistent with the criteria on minimum driveway spacing and minimum corner clearance in Sections 1304.03 and 1304.04, respectively, of this ordinance;
- 3) Provides adequate capacity to accommodate the conveyance of drainage in the public right of way;
- 4) Is located such that adequate stopping and intersection sight distance is provided;
- 5) Provides adequate offset from access connections on the opposite side of the road to minimize conflict with traffic utilizing those access points;
- 6) Is designed such that turning radii, driveway slope, angle of entry, and driveway width are consistent with Appendix C (Typical Access Detail);
- 7) Includes turn lanes, bypass lanes or acceleration lanes if needed to a) safely manage speed differentials between turning and through highway traffic, or b) prevent the queuing of inbound traffic from impacting mainline through traffic;
- 8) provides sufficient stacking distance between the shoulder edge or curb line and the first point of conflict for traffic on-site to prevent the spill-back of site traffic onto the public road;
- 9) Provides appropriate restrictions on inbound and outbound left or thru movements if needed for safety and to reduce traffic conflict;
- 10) Provides for the safe crossing of the access connection by pedestrians and bicyclists;
- 11) Insures that traffic control devices meet the requirements of the Manual of Uniform Traffic Control Devices (MUTCD) and, in the case of traffic signals, are located so as to allow for proper signal coordination and adequate left turn lane storage.

### **1306.02 Approving Access Plans**

In reviewing a proposed Access Plan, the County Engineer shall consider the following

factors in addition to the 11 factors listed in Section 1306.01 before issuing a recommendation on the proposed Access Plan:

- 1) Whether the number of access connections requested is the minimum number needed to adequately serve the site in terms of capacity and safety;
- 2) Whether the access plan accounts for planned or future public street and access needs of properties adjacent to the site or across a county roadway right of way.

## **SECTION 1307: SPECIAL REQUIREMENTS**

### **1307.01 Access Control Dedicated on Plats**

Subdivision plats approved after the effective date of this ordinance shall include the dedication of access control rights to Olmsted County along abutting county roadways on the final plat document where required as a condition of approval for an Access Plan.

### **1307.02 Access to Homes in Residential Subdivisions**

When a residential subdivision is proposed abutting any county road it shall be designed so as to provide lots directly abutting the county roadway with access from an interior local road or frontage road. All reasonable access alternatives shall be investigated and judged unacceptable by the County Engineer before direct residential driveway access on a county road is permitted in a residential subdivision

### **1307.03 Turn Lane Guidance**

Turn lanes and/or bypass lanes may be required at an access connection where for reasons of safety and traffic management the separation of through traffic from turning traffic is justified. Turn lanes or bypass lanes may be considered in the following situations:

1. Where justified by topographical or geometric considerations:
  - a) Terrain or other physical features create limited sight distance, short vertical curves or result in steep grades on the through road at an access connection;
  - b) On any divided highway where there is break in the median permitting left turns or u- turns to occur;
2. Where justified by special traffic operation conditions:
  - a) At access connections where an appreciable portion of turning traffic is composed of heavy vehicles, such as an active sand & gravel operation or large distribution center

- b) On corridors where turn lane construction has been the standard practice on past improvement projects, creating a level of expectation among motorists for turn lanes
- 3. Where justified based on crash experience within the corridor:
  - a) A turn lane should be considered at any access connection that has a demonstrated history of crashes susceptible to correction by installation of a turn lane
- 4. Where warranted by vehicular volume
  - a) In rural areas, consider construction of right turn lanes at all public street intersections where speeds are at or greater than 40 miles per hour and existing or projected mainline volumes are greater than 1,500 vehicles per day.
  - b) In rural areas, when a private access connection is requested, a right turn lane should be provided where
    - a. The access connection will serve more than ten residential units.
    - b. The access connection will serve a retail/industrial area that generates more than 75 right turns per day.
  - c) In urban areas, applicants should refer to Table 4 (*page 23*), reproduced from the transportation element of the Olmsted County Comprehensive Plan, for guidance on when turn lanes shall be required.

#### **1307.04 Contribution to cost of construction of Turn Lanes and/or Median Barriers**

If a turn lane, bypass lane or median barrier is needed on the county road to manage traffic operations at an access connection, the County Engineer may require the applicant to pay a share of the cost. In the case of turn lanes, bypass lanes or acceleration lanes, this share will be 100%. In the case of a median barrier, the share will be the ratio of peak hour turning movements potentially generated by the use to peak hour through traffic volume.

##### **1307.04.1 Contribution in lieu of construction of Turn Lanes and/or Median Barriers**

If a turn lane, bypass lane or median barrier needed to manage traffic operations at an access connection cannot be constructed due to existing right of way limitations, or if incorporation of the construction into a future county capital improvement project is justified, the County Engineer may require the applicant to pay into an escrow account

an amount determined to be adequate to cover the applicant's share of the cost of such installation once the needed right of way has been secured or public project is developed.

**TABLE 4: Highway Turn Lane Requirements / Urban Areas 4,5,6**

(from Transportation Element of Olmsted County Comprehensive Plan)

STREET CLASS	Projected Through Lane Capacity Along Roadway	Projected Volume	INTERSECTION TURN LANES REQUIRED					
			Intersecting Expressway		Intersecting other Major Arterial or Higher Classification		Intersecting Secondary Arterial or Lower Classification	
			LEFT	RIGHT	LEFT	RIGHT	LEFT	RIGHT
Expressway	5-6 lanes	>35,000	2	1	2	1	1	1
	4-5 lanes	25-35,000	2	1	1	1	1	1
	4 lanes	<25,000	1	1	1	1	1	1
Other Major Arterial Or Higher Functional Class	5-6 lanes	>40,000	2	1	2	1	1	1
	4 lanes	>30,000	2	1	1	1	1	1
		<30,000	2	1	1	1	1	1
	2 / 2+TL / 3 lanes	>5000	1	1	1	1	1	1
		< 5000	1	1	1	Not Req	1	Not Req
Below Major Arterial Functional Class	2+TL / 3 / 4 lanes	>7500	1	1	1	1	1	Not Req
		< 7500	1	Not Req	1	Not Req	Not Req	Not Req
	2 lanes	> 2500	1	1	1	1	Not Req	Not Req

<sup>4</sup> In the Street Class column, the Street Design Classification Map is used to identify those roadways classified as an Expressway or Freeway, and the Functional Designation Map is used to identify the classification of all other roadways.

<sup>5</sup> In the "Projected Through Lane Capacity" column, the Street Design Classification Map should be referenced to identify the projected number of through lanes planned for future development on the roadway corridor

<sup>6</sup> "Projected Volume" in the 3<sup>rd</sup> column will be based on the latest forecasts prepared by the Rochester-Olmsted Council of Governments

		< 2500	1	Not Req	Not Req	Not Req	Not Req	Not Req
Freeway Frontage Rds	3-4 lanes	>10,000	2	1	1	1	1	1
	2 lanes	<10,000	1	1	1	Not Req	1	Not Req

### **1307.05 Transportation Impact Report**

Applicants seeking Access Permit or Access Plan approval for a High Volume Driveway, Heavy Commercial Driveway, or a non-local public street shall meet with the County Engineer prior to submittal of the permit or plan application to determine whether the proposed development will require preparation of a Transportation Impact Report pursuant to Section 10.48 of the Olmsted County Zoning Ordinance. Applicants should provide sufficient information in the form of mapping, preliminary site plans or development summaries to illustrate the size and type of proposed land use and existing or proposed access connections.

Preparation of a Transportation Impact Report does not presume the subsequent approval of an Access Permit or Access Plan by the county. Subsequent action on an Access Permit or Access Plan will utilize the results of the Transportation Impact Report to determine that the proposed access improvements are consistent with this ordinance, and that they are feasible and implementable.

### **1307.06 Interchange Management Areas**

The location and spacing of access connections and median openings within 1/4 mile of an interchange ramp or along a section of county road that crosses an interchange extending from the interchange to the first intersection with an arterial road (whichever distance is less) shall be based on the guidelines for Interchange Management Areas contained in the transportation element of the Olmsted County Comprehensive Plan.

### **1307.07 Requirements for Business and Retail Centers or Multi-Family Residential Complexes**

Development sites consisting of multiple structures under the same ownership or consolidated for the purposes of site development shall not be considered separate properties in relation to the standards of this ordinance. The number of access connections permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available based on the existing frontage. Direct access for buildings should be internalized within the site using a shared circulation system that is designed to avoid excessive conflict between circulating traffic and parking maneuvers. Access control limiting direct access for individual building sites within the center or complex to the county roadway shall be dedicated to Olmsted County as part of the development approval process and recorded with the deed at the Olmsted County

Recorder.

### **1307.08 Cross Access in Non-Residential Areas**

Adjacent commercial or office properties that are not part of a business or retail center located along major thoroughfares shall provide cross access easements to allow circulation between sites and to minimize the number of access connections to the county roadway system. This requirement shall also apply to a building site that abuts an existing developed property unless the County Engineer finds that this would be impractical.

## **SECTION 1308: MODIFICATION OF ACCESS STANDARDS**

### **1308.01 Minor Modifications Approvable by the County Engineer**

The County Engineer may approve minor modifications to the standards of this ordinance where he finds the modification will not create a safety hazard and

1. The deviation involves a modification to a spacing standard of up to 15% of the minimum spacing standard or 200 feet, whichever is less, where a property is unable to meet the minimum access connection spacing standards and the County Engineer finds no reasonable or suitable Alternative Means of Access is available.
2. The County Engineer may approve a second access connection for a parcel under single ownership where, due to restrictions created by topography or natural features such as a river or bluff, the parcel is effectively split for purposes of use into two separate and non- connected land areas that cannot be reasonably connected internally for access purposes.

### **1308.02 Waiver of Ordinance Requirements**

The County Engineer may approve other reductions from the strict numerical requirements of this Ordinance or relax the strict application of other policies in this Ordinance for a proposed Access Permit where an access connection in compliance with this Ordinance is not reasonably attainable or denial of the Access Permit would leave the property without reasonable access to the general system of streets and highways.

In granting a waiver from the requirements of this Ordinance, the County Engineer shall find:

- a) the waiver can be granted without substantial detriment to the safety and operation of the county highway system;
- b) granting of the waiver is in harmony with the purpose and intent of this ordinance and shall not be considered until every feasible option for establishing a conforming access connection has been explored;

- c) the standards of this ordinance have been applied to the maximum extent feasible; the waiver is the minimum necessary to provide reasonable access;
- d) the waiver is necessitated by unique or special conditions that make strict application of the provisions of this ordinance impractical. This shall include proof that:
  - no alternative access is available from a street with a lower functional classification
  - an Alternative Means of Access cannot be obtained
  - no engineering or construction solutions can be applied to mitigate the condition
  - the hardship creating the need for a waiver is not self-created

The County Engineer may attach conditions to the approval of a waiver as deemed necessary to promote the spirit and intent of this ordinance. Any waiver shall only be considered a waiver of a particular standard or provision of this ordinance. It shall not constitute approval of an Access Permit application.

Where the County Engineer finds that approval of a waiver necessary to approve an Access Permit cannot be granted, the action shall be treated as denial of an Access Permit. A letter of denial per Section 1303.05 shall be issued to the applicant outlining the findings for denial.

Applicants whose Access Permits are denied have 60 days to appeal.

## **SECTION 1309: APPEALS**

### **1309.01 Appeals**

In the event an Access Permit or Access Plan is not approved or is approved with conditions not agreed to by the applicant or a notice of violation is issued, the procedures which must be followed for an appeal are set forth in the Olmsted County Administrative Enforcement and Appeals Ordinance in Chapter 4000 of the Olmsted County Code of Ordinances, except as otherwise noted below.

### **1309.02 Criteria for Approval of an Appeal**

An appeal may be approved if the hearing officer finds that:

- a) The proposed access connection is necessary for the property to be put to reasonable economic use as permitted by the underlying zoning classification for the abutting property; and

- b) Reasonable access that conforms to the requirements of this Ordinance is not available or attainable from the local road network through either a direct connection to the county road network or via an Alternative Means of Access; and
- c) The plight of the landowner is due to conditions unique to the property and not created by the landowner; and
- d) The appeal, if granted, would not result in an unsafe condition; and
- e) The proposed access connection conforms to the greatest extent practicable with the access spacing, location and design standards of this Ordinance.

### **1309.03 Conditions of Approval**

The hearing officer may attach conditions to the approval of an Appeal as deemed necessary to effect the greatest level of compliance with the spirit and intent of this ordinance, including but not limited to:

- a) Approval of the Access Permit as an interim measure to be phased out at a future time when alternative conforming access becomes available; or
- b) Approval of the Access Permit with restrictions on certain turning movements either at the time of construction or at a future date based upon existing or future traffic volumes; or
- c) The access may be required to serve existing or future adjacent property by means of a shared access or other alternative means of access.

## **SECTION 1310: NONCONFORMING ACCESS**

### **1310.01 Purpose**

The purpose of this section is to recognize the existence of access connections which were lawful when established but do not meet the requirements of this ordinance, to discourage the expansion and/or intensified use of such access, and to encourage the elimination of non- conforming access or reduce its negative impact on the county highway system as the opportunity to do so arises.

### **1310.02 Continuation of Nonconforming Access**

Access connections in place as of the effective date of this ordinance that do not conform with the standards shall be allowed to continue as long as there is no physical change in the access, change in the land use served by the access, or intensification of the land use served by the access. Normal maintenance and repair of the access shall not be considered to be a physical change in the access.



### **1310.03 Discontinuation of Nonconforming Access**

If the use of a nonconforming access is discontinued for more than one year, the access shall not be re-established unless approval of an Access Permit is obtained. If a nonconforming access serves a nonconforming use or structure, the use of which has been discontinued for more than one year, or if a nonconforming structure is destroyed by fire or other peril to an extent greater than 50% of its market value, any subsequent access serving the property shall conform to the provisions of this ordinance.

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**APPENDICES TO CHAPTER 1300 – OLMSTED COUNTY ACCESS MANAGEMENT  
ORDINANCE**

**APPENDIX A: Application Form for Olmsted County Access Permit**

**APPENDIX B: Resolution adopting Access Permit Fees and Fee Schedule**

**APPENDIX C: Design templates for different types of access connections**

**APPENDIX D: Flow Chart illustrating Access Permit process**

**APPENDIX E: Key standards and requirements**

**APPENDIX F: Recommended Administrative Penalties for Access Management  
Ordinance Violations**

Dated: September 19, 2017

OLMSTED COUNTY BOARD OF COMMISSIONERS

/s/ Kenneth Brown  
Kenneth Brown, Chairperson

ATTEST: /s/ Heidi Welsch  
Heidi Welsch, Clerk/Deputy Administrator

## APPENDIX A: Application Form For Olmsted County Access Permit

### Olmsted County Highway Division Application Permit for Access

Print or type the application, submit a drawing that shows the property lines, county roads, buildings, and any existing driveway access, and include the non-refundable permit application fee. **Residential, field and farm access permit fee is \$\_\_\_\_ per access. Commercial, public/private streets permit fee is \$\_\_\_\_ per access (See current County Board resolution for current permit fees).** Place a stake or lathe marked with a rag or cloth on the back slope of the ditch to mark the location you would like to have an access located. Olmsted County staff will check the stopping sight distances at the location and also check the proximity of other access points, railroad crossing, turn lanes, etc. Call the Olmsted County Highway Division at 328-7060 with any questions. **Olmsted County allows one driveway per parcel of land unless a natural barrier, such as a river, waterway, ravine, etc, divides the land.**

Applicant \_\_\_\_\_ Address \_\_\_\_\_

Street \_\_\_\_\_

Home Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_

City, State, and Zip Code \_\_\_\_\_

E-Mail Address \_\_\_\_\_

Property owner \_\_\_\_\_ Address \_\_\_\_\_

Street \_\_\_\_\_

Home Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_

City, State, and Zip Code \_\_\_\_\_

Parcel size in acres \_\_\_\_\_ Legal description of parcel \_\_\_\_\_

Section, Township, Lot Description \_\_\_\_\_

Present number of existing accesses \_\_\_\_\_

Locations of existing access \_\_\_\_\_

Proposed access type \_\_\_\_\_ Date access is needed \_\_\_\_\_

Residential, Field, Farm Commercial, Public Street, Private Street,

Month, Day, Year

Is a building to be constructed \_\_\_\_\_ if yes what type \_\_\_\_\_

Yes or No

Pole Building, Garage, House, Commercial

County Road Access is proposed on \_\_\_\_\_

County Road Number

Exact Proposed Location of Access \_\_\_\_\_

Any additional comments regarding this access application: \_\_\_\_\_

I, We, the undersigned, herewith make application for permission to construct the access driveway at the above location, said driveway to be constructed to conform with the regulations of the Highway Division and to any special provisions included in the permit. It is agreed that all work will be done to the satisfaction of the Highway Division. It is further agreed that no work in connection with this application will be started until the application is approved and the permit issued. It is expressly understood that this permit is conditioned upon replacement or restoration of the highway to its original or to a satisfactory condition. It is further understood that this permit is issued subject to the approval of local city, township authorities having joint supervision over said street or highway.

Signature of applicant \_\_\_\_\_ Date \_\_\_\_\_

#### For County Staff Use Only

Date submitted \_\_\_\_\_  
(MM/DD/YEAR)

Permit Fee Amount \_\_\_\_\_  
See Appendix B for Fee Amount

**APPENDIX B:**  
**County Access Management Ordinance Fee Schedule**

**RESOLUTION 17 - \_\_\_\_**

*WHEREAS, Olmsted County Board has adopted right of way access controls pursuant to Minnesota Statutes, Chapter 160, and,*

*WHEREAS, it is necessary to recover a portion of the costs for the administration of the permits by which right of way access is controlled by charging fees for the processing of various applications and certificates:*

*NOW, THEREFORE, BE IT RESOLVED that pursuant to Minnesota Statutes, Chapter 160.08 et seq. and Minnesota Statutes Section 373.41, and after holding a public hearing on September 19, 2017, that the permit application fees referenced below in this resolution, effective January 1, 2018, are hereby adopted for the various permit types set forth herein. These fees will remain in effect until otherwise amended.*

**PERMIT APPLICATION FEE – OLMSTED COUNTY RIGHT OF WAY ACCESS PERMITS**

Residential Access: \$125

Farm Access: \$125

Field Access: \$125

Commercial Access: \$250

Public / Private Street Connection to County Road: \$250

*Incomplete Applications Changes or Delays: Incomplete applications, application changes or delays initiated by the applicant during the review of an Access Permit that result in additional expenses to review the application require the applicant compensate the Public Works Department for these additional costs at the rate of \$60 per hour. If the application has been tabled for period of nine months or more, at the applicant request, the applicant is required to file a new application and pay a new application fee.*

Dated this \_\_\_\_ day of September 2017 at Rochester Minnesota.

OLMSTED COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Kenneth Brown, Chairperson

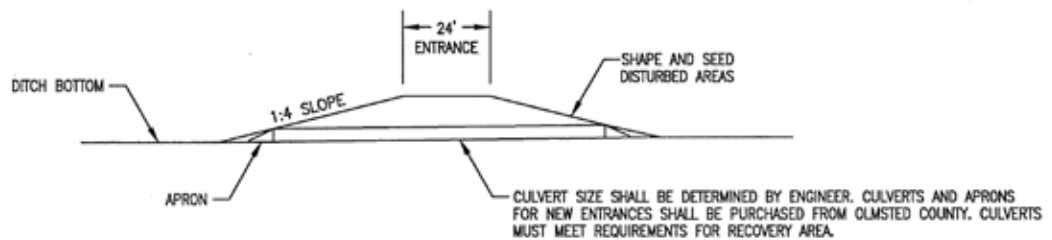
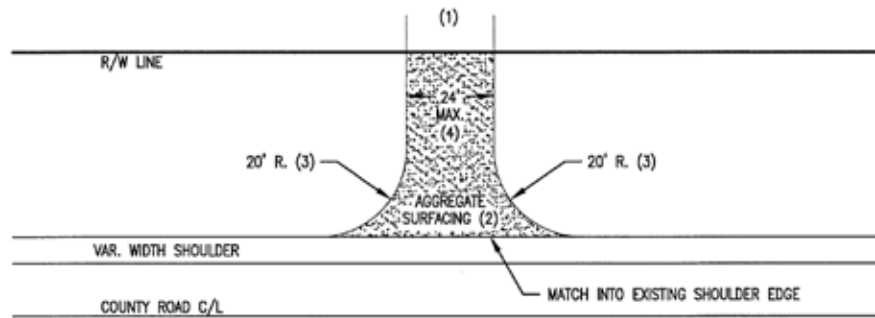
ATTEST: \_\_\_\_\_  
Heidi Welsch, Clerk/ Deputy Administrator

## **APPENDIX C: TYPICAL DESIGN TEMPLATES**

**Included in Appendix C are Design Templates for the following typical access situations**

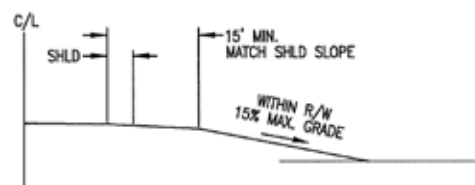
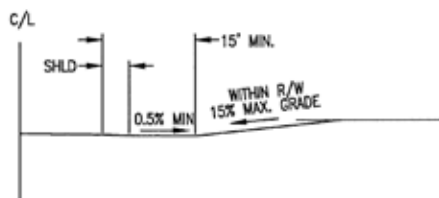
- 1. Field Entrance Detail**
- 2. Residential Entrance Detail**
- 3. Commercial or Farm Entrance Detail**
- 4. Low Volume Road Approach Detail**
- 5. Minor Road Approach Detail**
- 6. Typical Turn Lane or Bypass Lane Design**

## 1. Field Entrance Detail



### GENERAL NOTES:

- (1) IF MODIFICATIONS ARE MADE TO AN EXISTING ENTRANCE BY A PROPERTY OWNER, THE ENTRANCE SHALL BE BROUGHT UP TO ALL CURRENT OLMSTED COUNTY STANDARDS AT THE PROPERTY OWNERS EXPENSE.
- (2) TYPICAL SURFACING IS 6" AGGREGATE SURFACING TO THE R/W.
- (3) THE RADIUS MAY BE 30 FEET IF THE COUNTY ROAD WIDTH INCLUDING SHOULDER IS LESS THAN 24 FEET.
- (4) 36 FOOT MAXIMUM WIDTH FOR SHARED ENTRANCES.



K:\PW\Highway\Engineering\Draw 30\Standard Detail\Plates\Cut\Entrances\Field Entrance.dwg

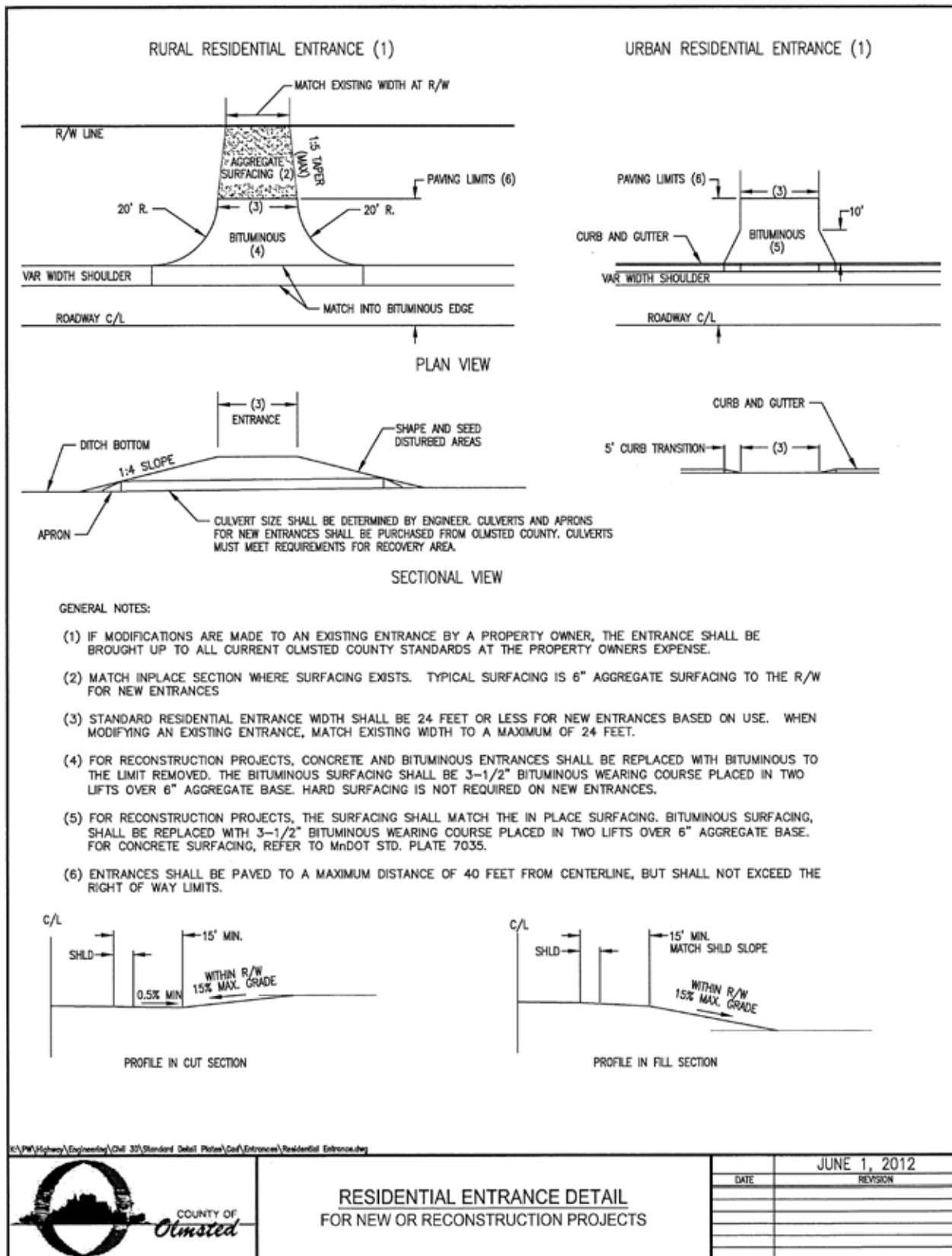


COUNTY OF  
*Olmsted*

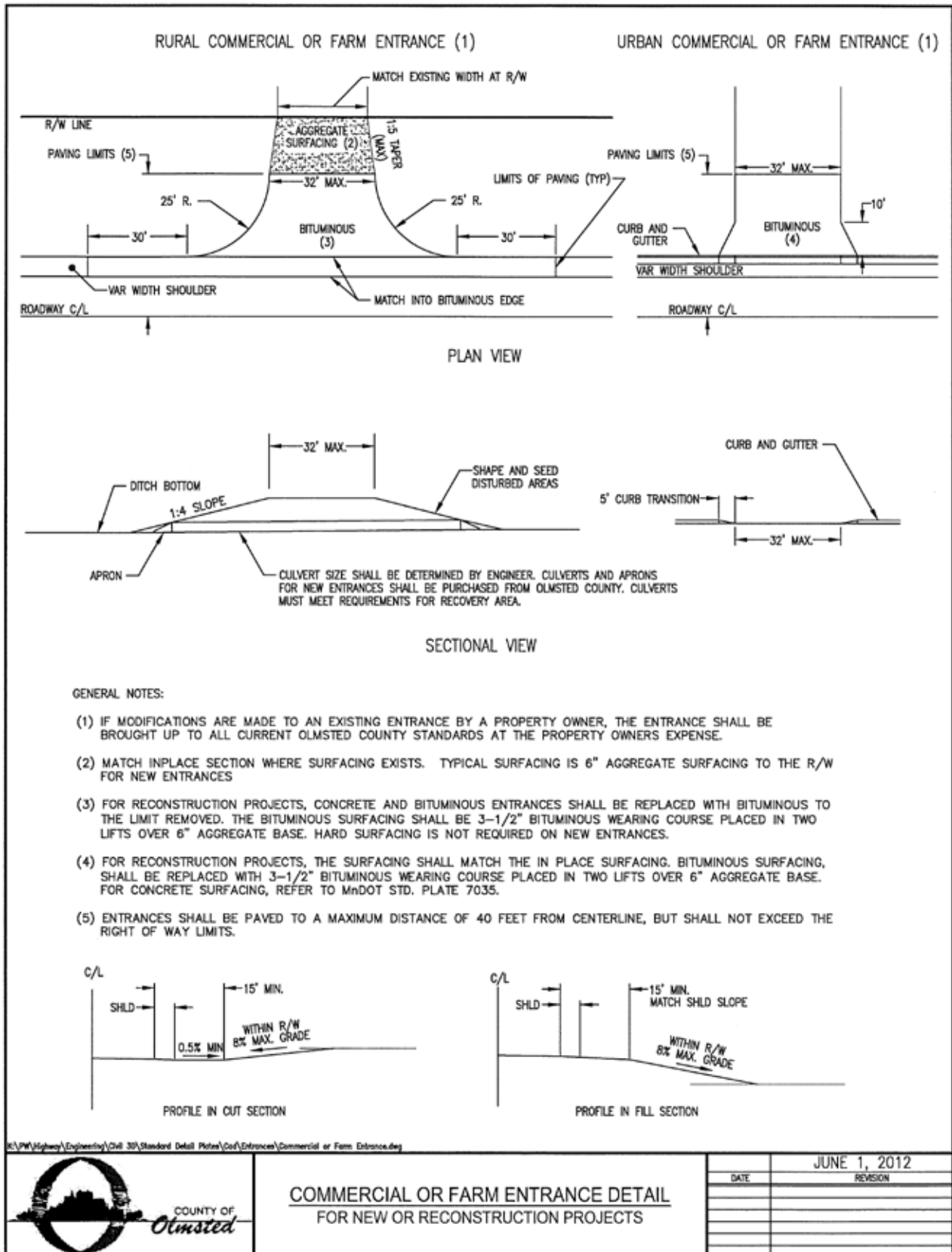
### FIELD ENTRANCE DETAIL FOR NEW OR RECONSTRUCTION PROJECTS

DATE	JUNE 1, 2012
REVISION	

## 2. Residential Entrance Detail

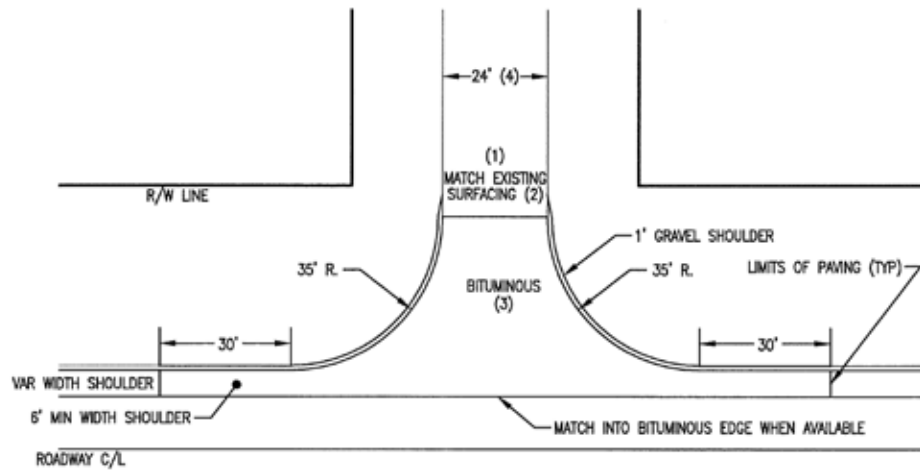


### 3. Commercial or Farm Entrance Detail

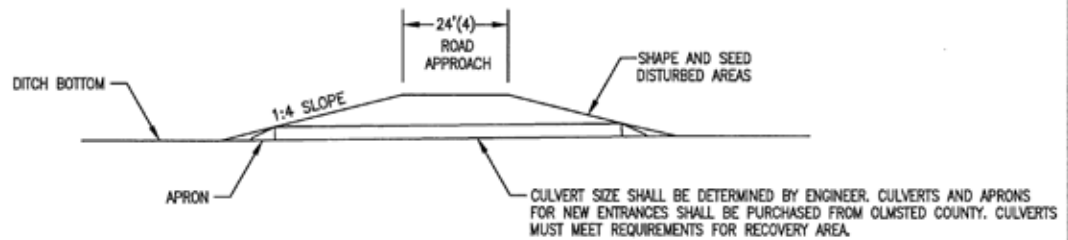




## 4. Low Volume Road Approach Detail



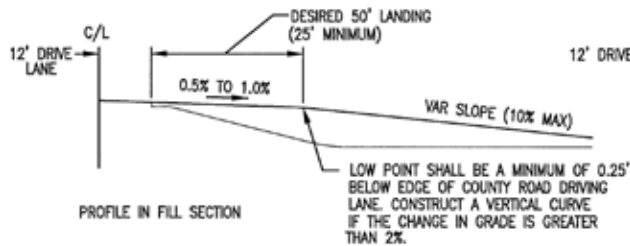
PLAN VIEW



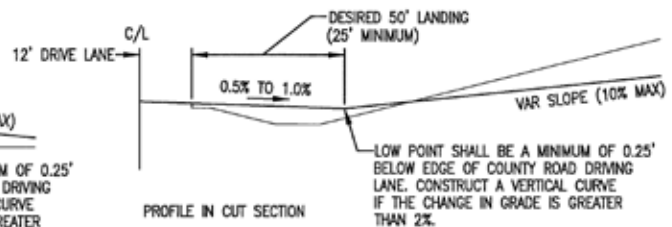
SECTIONAL VIEW

GENERAL NOTES:

- (1) IF A ROADWAY JURISDICTION OTHER THAN OLMSTED COUNTY MAKES MODIFICATIONS TO AN EXISTING APPROACH, THEN THE ENTIRE APPROACH MUST BE BROUGHT UP TO CURRENT OLMSTED COUNTY STANDARDS.
- (2) MATCH EXISTING LOW VOLUME ROAD SURFACING. AS A MINIMUM, AGGREGATE SURFACING SHALL BE 6" TO THE LIMITS OF CONSTRUCTION.
- (3) WHEN THE APPROACH IS LOCATED ON A BITUMINOUS COUNTY ROAD, CONSTRUCT 3 1/2" BITUMINOUS WEARING COURSE PLACED IN TWO LIFTS OVER 8" AGGREGATE BASE. IF THE COUNTY ROAD IS AGGREGATE, BITUMINOUS IS NOT REQUIRED.
- (4) FIELD VERIFY EXISTING ROADWAY WIDTH. COUNTY ROADS SHALL MEET STATE AID STANDARDS.



PROFILE IN FILL SECTION



PROFILE IN CUT SECTION

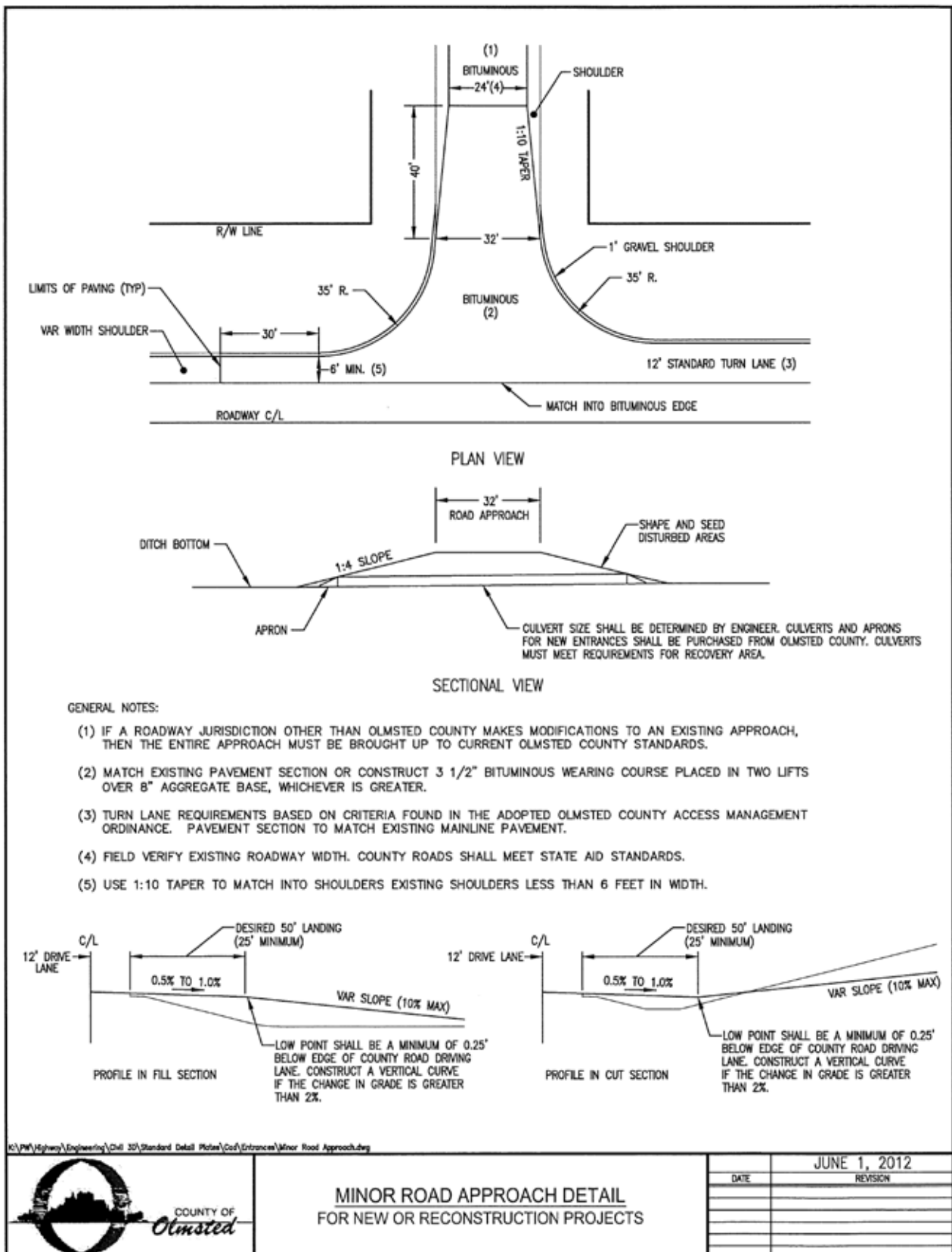
K:\PW\Highway\Engineering\Civil 3D\Standard Detail Plates\CoF\Entrances\Low Volume Road Approach.dwg



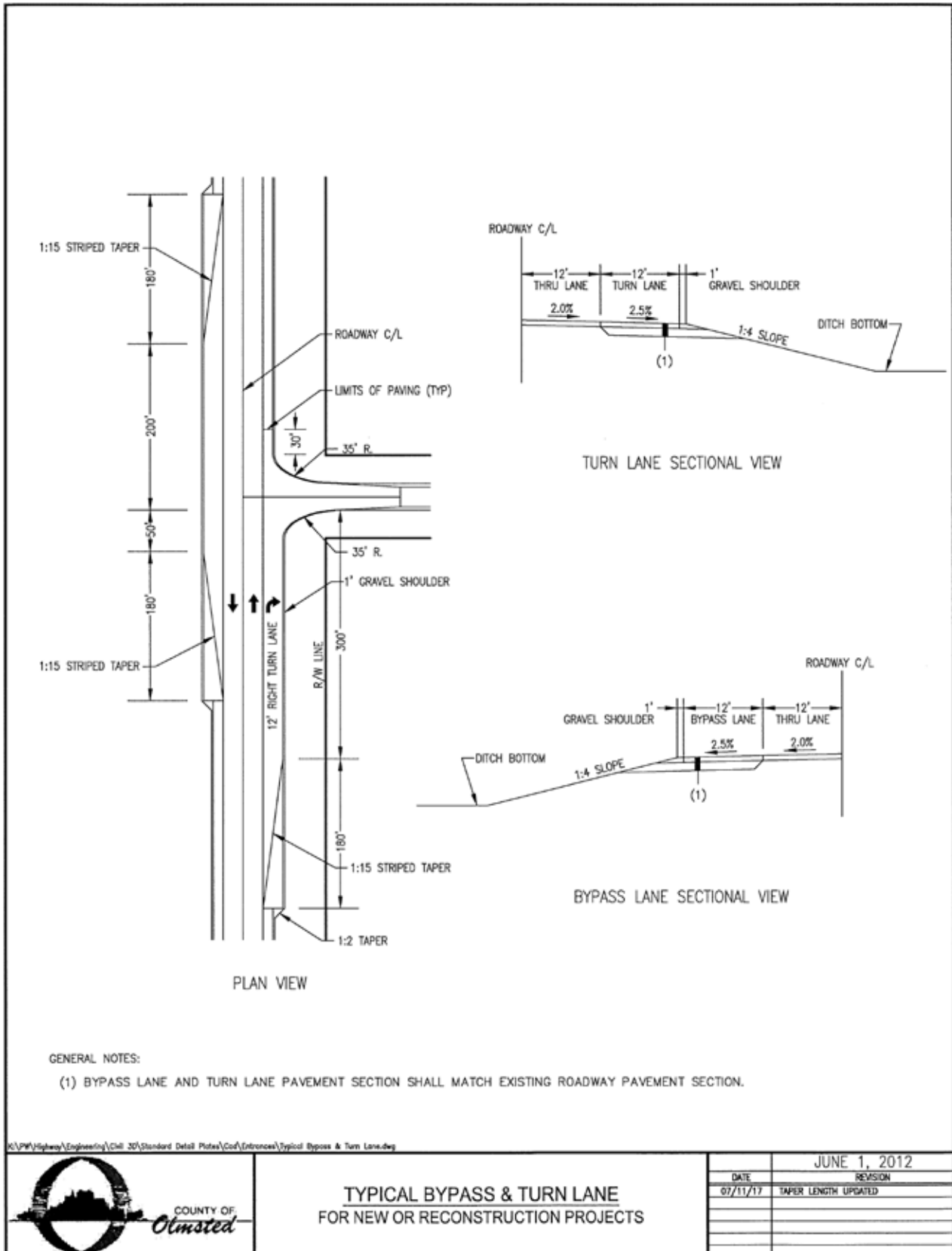
### LOW VOLUME ROAD APPROACH DETAIL FOR NEW OR RECONSTRUCTION PROJECTS

DATE	JUNE 1, 2012
REVISION	

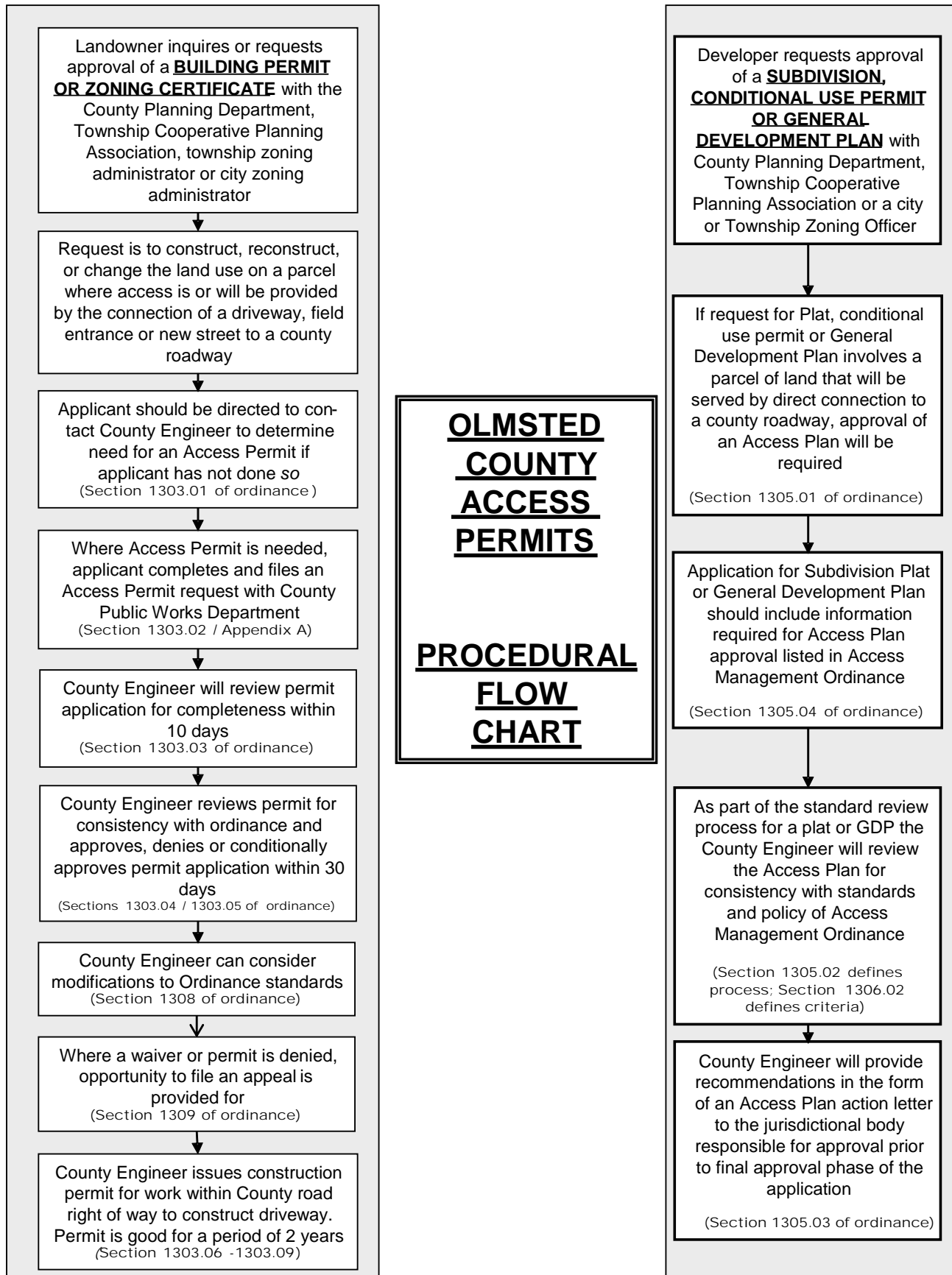
## 5. Minor Road Approach Detail



## 6. Typical Turn Lane or Bypass Lane Design



## APPENDIX D



**Appendix E**  
**Proposed Olmsted County Access Management Ordinance**  
**Key Requirements in review of an Access Permit or Plan**

<b>Access Connections permitted</b> <b>(Section 1304.01</b> <b>1304.02</b> <b>(Table 1)</b>	<p>General rule established in the ordinance is that one access will be permitted per parcel. Connections encouraged to be on lower classification roadway where multiple frontages exist; private connections to major expressways or major arterials generally discouraged</p>
<b>Minimum Spacing from adjacent Access Connections</b> <b>(Section 1304.03</b> <b>(Table 2)</b>	<p>On nonlocal roadways (major collectors, all classes of arterials) minimum spacing guidelines established for driveways and local street connections tied to classification and operating speed of the major street. Where insufficient frontage is available to meeting spacing ordinance calls for review of options to establish joint or shared access, access to a local class roadway, or development of service road to serve multiple properties with a single access connection</p>
<b>Minimum Spacing from nearby Intersections</b> <b>(Section 1304.04</b> <b>(Table 3)</b>	<p>Minimum spacing requirements are established for corner lots. Requirements identify minimum spacing for private driveways from street intersections, tied to street classification and operating speed, and measured from curb line. Where insufficient frontage is present, ordinance encourages consideration of options such as shared or joint access or service road development, or development of driveway near property line furthest from the intersection.</p>
<b>General Driveway Design and Location Criteria</b> <b>(Section 1304.08</b>	<p>General design considerations that must be addressed for any access connection including adequacy of sight distance, angle of approach, appropriate width and grade, and relationship of connection to street or driveways on opposite side of road,</p>
<b>Restricting Turn Movements (Section 1304.09</b>	<p>Factors to be considered when limiting access locations to RightIn, Rightout or <math>\frac{3}{4}</math> access</p>
<b>Turn Lane Guidance</b> <b>(Section 1307.03</b>	<p>Conditions where turn lanes may be required, which generally apply to development of new public street or high volume private access connections, and responsibility for cost of turn lanes (1307.031 &amp; 1307.032)</p>
<b>Other Special Requirements</b> <b>(Section 1307)</b>	<p>Other special situations discussed include Access Control (1307.01); access for homes in residential subdivisions along major county roads (1307.02), Traffic Impact Studies (1307.04), Access at Interchange Areas (1307.05), access for Business or Retail Centers or Multi-Family Complexes (1307.06)</p>

**Appendix F**  
**Access Management Ordinance**  
**Recommended Administrative Penalty Schedule**

<b>Access Management Ordinance Chapter 1300</b>	<b>SUMMARY OF ORDINANCE VIOLATION</b>	<b>Recommended Administrative Penalty</b>
1301.07	Failure to comply with an order to close and/or remove an illegal access connection	<b>\$100/day plus reimbursement of actual costs incurred by County for removal</b>

Approved 9-19-2017