

ATTACHMENT 12 - Road Improvement Plans



**Washington State
Department of Transportation**

**Access Connection Permit
Managed Access Highways Only**

Not for use within an Incorporated City or Town

Name and Address of Applicant Lakeside Industries, Inc. C/o Bill Dempsey, Production Manager 18825 Renton-Maple Valley Rd SE Renton, WA 98058		Permit Number ACP- 19040002 / 51618	
		State Route 169	Mile Post 19.90 <input checked="" type="checkbox"/> Left <input type="checkbox"/> Right
		Region Northwest	County King
Property Address (If different from above)		Joint Use Connection: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
		Primary Tax Parcel Number 1923069026	
Email		Additional Tax Parcel Numbers (if applicable)	
Telephone			
Project Name (If Applicable)		Lot #	Gov. Lot # 9
Average Weekday Vehicle Trip Ends (AWDVTE) not to exceed:		Approach width not to exceed feet wide	
Public Land Survey System (PLSS)		1/4 of the	1/4 of Section 19 Township 23 N, Range 06 <input checked="" type="checkbox"/> E <input type="checkbox"/> W
Permit Category <input type="checkbox"/> 1 - Minimum Connection <input checked="" type="checkbox"/> 2 - Minor Connection <input type="checkbox"/> 3 - Major Connection <input type="checkbox"/> 4 - Temporary Connection		Permit Type <input checked="" type="checkbox"/> Conforming Permit <input type="checkbox"/> Non-Conforming Permit <input type="checkbox"/> Variance Permit	
Current Managed Access Highway Classification <input type="checkbox"/> Class 1 - 1320' Minimum Approach Spacing <input type="checkbox"/> Class 2 - 660' Minimum Approach Spacing <input checked="" type="checkbox"/> Class 3 - 330' Minimum Approach Spacing <input type="checkbox"/> Class 4 - 250' Minimum Approach Spacing <input type="checkbox"/> Class 5 - 125' Minimum Approach Spacing			
This Access Connection Permit serves: Access for large trucks to an asphalt production site. The new access will be right-in/right-out.			
The Applicant hereinafter will be referred to as the "Permit Holder," and the Washington State Department of Transportation hereinafter will be referred to as the "Department." The Department will allow the Permit Holder to construct, upgrade, use, and/or maintain this access connection provided the Permit Holder accepts all the terms, provisions, and exhibits attached hereto and by this reference made a part of this permit. This permit is assigned to the parcel(s) served by the access connection, and shall remain with the parcel(s) served by this permit regardless of any change in ownership of the parcel(s). Exhibit A: Special Provisions for Access Connections Exhibit B: Right of Way Sheet or Vicinity Map Exhibit C: Approved Channelization Plans Exhibit D: Civil Plans			
This permit shall be void unless the work authorized by the permit is started within 90 days of issuance and completed within 120 days of issuance, unless otherwise agreed to in writing by the Department or if an extended completion date is listed here by the Department: . No construction work is allowed without a pre-construction conference with the Department.			
By signing below the Permit Holder accepts the terms, provisions, and exhibits attached to and made a part of this permit.			
PERMIT HOLDER		DEPARTMENT	
Print Name Michael Lee		Print Name Ramin Pazooki	
Print Title President		Print Title Utilities and Development Services Manager	
Signature 	Date 4/26/19	Signature 	Date 4/23/19

General Provisions

1. INDEMNIFICATION

The Permit Holder, its heirs, successors and assigns, agrees to indemnify, defend, and hold harmless the State of Washington and its officers, employees, and agents from all claims, demands, damages (both to persons and/or property), expenses, regulatory fines, and/or suits that: (1) arise out of or are incident to any acts or omissions by the Permit Holder, its agents, contractors, tenants, invitees, licensees, and/or employees, in the use of the state highway right-of-way as authorized by the terms of this Permit, and/or (2) are caused by the breach of any of the conditions of this Permit by the Permit Holder, its agents, contractors, tenants, invitees, licensees, and/or employees. The Permit Holder, its heirs successors and assigns, shall not be required to indemnify, defend, or hold harmless the State of Washington and its officers, employees, and/or agents if the claim, suit, or action for damages (both to persons and/or property) is caused by the sole acts or omissions of the State of Washington, its officers, employees, and/or agents; provided that, if such claims, suits, or actions result from the concurrent negligence of (a) the State of Washington, its officers, employees, and/or agents and (b) the Permit Holder, its agents, contractors, tenants, invitees, licensees, and/or employees, or involves those actions covered by RCW 4.24.115, the indemnity provisions provided herein shall be valid and enforceable only to the extent of the acts or omissions of the Permit Holder, its agents, contractors, tenants, invitees, licensees, and/or employees.

The Permit Holder agrees that its obligations under this section extend to any claim, demand and/or cause of action brought by, or on behalf of, any of its employees or agents while performing construction, operation and/or maintenance work authorized by this permit. For this purpose, THE PERMIT HOLDER BY MUTUAL NEGOTIATION HEREBY WAIVES WITH RESPECT TO THE STATE OF WASHINGTON ONLY, ANY IMMUNITY THAT WOULD OTHERWISE BE AVAILABLE TO IT AGAINST SUCH CLAIMS UNDER THE INDUSTRIAL INSURANCE PROVISIONS OF CHAPTER 51.12 RCW.

The Permit Holder further agrees that the proper performance, safe conduct, and adequate policing and supervision of the work authorized by this permit shall not be lessened or otherwise affected by the Department's approval of the plans, specifications, or work authorized by this permit, or by the presence at the work site of Department representatives, or by compliance by the Permit Holder with any requests or recommendations made by such representatives. This indemnification and waiver shall survive the termination of this Permit.

2. REQUIRED PROPERTY RIGHTS

If the parcel(s) served by this permit does not abut the state highway, the Permit Holder must provide legally recorded easements or other property rights that grant a continuous right of access between this parcel(s) and the state highway right-of-way as required by WAC 468-51-030(2). The Permit Holder shall provide copies of these documents to the Department before beginning any work authorized under this permit.

3. PERMIT TYPES

There are three types of Access Connection Permits – Conforming, Non-Conforming, and Variance Access Connection Permits. A brief description of each of these three types of permits is as follows:

- Conforming Access Connection Permits (WAC 468-51-020(4)) meet current Department location, spacing, and design criteria standards at the time of the permit application submittal.
- Nonconforming Access Connection Permits (WAC 468-51-100) do not meet the Department's location and spacing criteria standards at the time of the permit application submittal, but denial would leave the property without reasonable access onto the public road system. Nonconforming Access Connection Permits may continue only until the Department determines that a Conforming Access Connection can be constructed, in such case the Nonconforming Access Connection shall be removed
- Variance Access Connection Permits (WAC 468-51-105) are a special nonconforming or additional access connection permit issued for a location not normally permitted by Department standards current at the time of permit application. A Variance Access Connection Permit may be issued only after an engineering study demonstrates to the sole satisfaction of the Department, that the connection will not adversely affect the safety, maintenance, or operation of the state highway in accordance with its assigned classification. A Variance Access Connection Permit may only be issued for Class 2 thru Class 5 highways and may remain unless a new permit is required due to changes in property site use or unless the Department modifies, revokes, or closes the permit pursuant to WAC 468-51-120.

4. OTHER PERMITS, FRANCHISE RIGHTS, AND AGREEMENTS

This permit shall not be deemed or held to be an exclusive one and shall not prohibit the Department from granting other permits, franchise rights, and/or agreements or from entering into other permits, franchise rights, and/or agreements of like or other nature with other public or private companies or individuals for the use of the state highway right-of-way, nor shall it prevent the Department from using any of its highways, streets, or public places, or affect its right to full supervision and control over all or any part of them, none of which is hereby surrendered.

5. PERMITS FROM OTHER AGENCIES

The Permit Holder shall be responsible for obtaining all necessary Federal, State, and Local Permits including, but not limited to, Washington State Department of Ecology, Washington State Department of Fish and Wildlife, Washington State Department of Natural Resources, and U.S. Army Corps of Engineers permits or other approvals required prior to beginning any of the work authorized in this permit. The Permit Holder shall defend and hold harmless the State of Washington, its officers and employees, for any fines, costs, or other amounts should the Permit Holder fail to obtain all required permits.

6. PERMIT HOLDER'S REPRESENTATIVE

Should the Permit Holder not be present during any of the work authorized by this permit, the Permit Holder shall designate a representative that has either the legal authority to represent the Permit Holder or the authority to make decisions on behalf of the Permit Holder with respect to the work authorized by this permit. The Permit Holder, at its own expense, shall adequately police and supervise all work authorized by this permit, including but not limited to its contractor, subcontractor, agent, and others, so as not to endanger or injure any person or property. The Permit Holder or the Permit Holder's representative shall be present during any active construction or maintenance work authorized by this permit. Failure to comply with this provision may result in the Department restricting any further work by the Permit Holder within the state highway right-of-way until this requirement is met.

7. PRE-CONSTRUCTION CONFERENCE

The Permit Holder shall not start any construction on state highway right-of-way without first having a preconstruction meeting which shall be attended by the Department, the Permit Holder or its authorized representative, and the Permit Holder's contractor, if applicable. Unless requested otherwise by the Department, the preconstruction conference shall be onsite at the location of the work authorized by this permit.

8. DEPARTMENT NOTIFICATION

The Permit Holder shall notify the Department a minimum of five (5) working days prior to, including but not limited to: the preconstruction conference; the beginning of any construction work; the implementation of any traffic control plan that closes or restricts a sidewalk, pathway, trail, highway shoulder, or traveled lane of the state highway; submittal of a new or revised traffic control plan; any extension of allowed working hours or days; and the final inspection upon completion of the construction.

Working days, for the purposes of notifying the Department of any work or other activity as authorized by this permit, are the weekdays Monday through Friday, excluding legal holidays.

9. PERMIT DOCUMENTS ON SITE

A complete copy of this permit, protected from the elements, shall be readily available any time active construction work is being performed as authorized by this permit. The permit shall be shown, upon request, to any state representative or law enforcement officer. Failure to comply with this provision may result in the Department restricting any further work by the Permit Holder within the state highway right-of-way until said requirement is met.

10. TRAFFIC CONTROL PLANS

The Permit Holder shall not implement any traffic control plans (TCP) on state highway right-of-way without the Department's prior written approval. It is the Permit Holder's responsibility to plan, conduct, and safely perform the work authorized by this permit. Should additional TCP's be needed for the construction and/or maintenance of the work authorized by this permit, the Permit Holder shall submit work-specific traffic control plans to the Department for review and written approval.

A wide range of pedestrians might be affected by traffic control zones, including the young, elderly, and people with disabilities such as hearing, visual, or mobility. Bicyclists may also be impacted. The Permit Holder shall implement all reasonable means of traffic control necessary to adequately accommodate these needs if they can be reasonably expected to be encountered during the work authorized by this permit.

All traffic control plans shall be in compliance with the current editions of the Washington State Department of

Transportation (WSDOT) Work Zone Traffic Control Guidelines and Federal Highway Administration-approved Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways.

The WSDOT Work Zone Traffic Control Guidelines (M54-44) may be accessed at:
<http://www.wsdot.wa.gov/Publications/Manuals/M54-44.htm>

The MUTCD, including modifications for Washington State, may be accessed at:
<http://www.wsdot.wa.gov/Operations/Traffic/mutcd.htm>

11. CHANGES TO TRAFFIC CONTROL PLANS

The Department reserves the right to immediately modify, suspend, or revoke any traffic control plan or work authorized under this permit, including but not limited to lane closures and shoulder closures due to unexpected conditions or other circumstances which the Department determines is in the best interests of the state and/or safety of the traveling public. All costs associated with a modification, suspension, or revocation shall be borne solely by the Permit Holder. The Department shall in no way be held liable for any delays, costs, or other damages to the Permit Holder by reason of any such Department action.

12. TRACKING OF MATERIAL

The Permit Holder shall maintain the surface of the access connection to prevent the tracking of material onto any portion of the state highway, including the traveled lanes and shoulders of the highway. Any tracking of material onto the highway, such as mud or debris, shall be immediately cleaned up by the Permit Holder in accordance with RCW 46.61.655. Should the Permit Holder fail to immediately correct or clean up material tracked onto the state highway after receiving written notice from the Department, the Department reserves the right to perform the necessary work to preserve the state highway right-of-way or for the protection of the traveling public or pedestrians. If the Department performs the work as provided herein, the Permit Holder agrees to make payment to the Department within thirty (30) calendar days of the date of the Department's detailed invoice. If the Department chooses not to perform the work, the Department may initiate an action to revoke this permit as provided as provided by WAC 468-51.120.

13. EROSION AND SEDIMENTATION CONTROL

The Permit Holder shall comply with the Washington State Department of Transportation Highway Runoff Manual (HRM) and implement Best Management Practices (BMP's) to reduce erosion, trap sediment, and ensure that sediment-laden water does not leave the work site. The HRM establishes minimum requirements and provides uniform technical guidance for avoiding, minimizing, and/or mitigating potential water resource impacts. All water discharges to or from the state highway right-of-way due to the work activities authorized by this permit shall conform to all applicable federal, state, and local water quality regulations.

The Washington State Department of Transportation Highway Runoff Manual, M31-16, may be accessed at: <http://www.wsdot.wa.gov/Publications/Manuals/M31-16.htm>

14. CULTURAL RESOURCES

If any archaeological or historical resources are revealed due to the work authorized under this permit, the Permit Holder shall immediately stop work and notify the Department's representative and retain a United States Government Secretary of the Interior's qualified archaeologist. Said archaeologist shall evaluate the site and make recommendations to the Department regarding the continuation of the work.

15. UTILITY IMPACTS

All manholes, valve covers, catch basins, utility boxes, or other similar utility appurtenances impacted by the work authorized in this permit that do not require a separate Department Utility Permit or Utility Franchise shall be constructed, modified, or repaired to match the highway shoulder slope and if outside the highway shoulder shall match the adjacent terrain as required by the Department. Any Department inspection or concurrence of this work shall be for the sole benefit of the Department and not for the Permit Holder or any third party. The Permit Holder shall make a timely application for any Department-issued Utility Permit, Utility Franchise, or an amendment to an existing utility permit or franchise. Failure to obtain any required Utility Permit, Utility Franchise, or an amendment to an existing utility permit or franchise in a timely manner may result in the Department delaying the work authorize by this permit until such time that the require documents are obtained. The Permit Holder agrees on behalf of itself, its successors, assigns, tenants, invitees, licensees, contractors, agents and/or employees, that the Department shall in no way be held liable for any delays, costs, or other damages to the Permit Holder or its successors, assigns, contractors, tenants, invitees, licensees, employees and/or agents by reason of any action taken by the Department pursuant to this section.

Additional guidance in accommodating utilities within state highway right-of-way may be found in the current editions of

the Washington State Department of Transportation (WSDOT) Utilities Accommodations Manual M22-86 and WSDOT Utilities Manual M22-87.

The WSDOT Utilities Accommodations Manual, M22-86, may be accessed at: <http://www.wsdot.wa.gov/Publications/Manuals/M22-86.htm>.

The WSDOT Utilities Manual, M22-87, may be accessed at: <http://www.wsdot.wa.gov/Publications/Manuals/M22-87.htm>

16. SURVEY MONUMENTS

The Permit Holder shall not disturb, remove, or destroy any existing survey Monument before first obtaining a Washington State Department of Natural Resources (DNR) permit. The Permit Holder further agrees that all Department control and alignment monuments may not be disturbed, removed, or destroyed unless specifically authorized by this permit or pursuant to the Department's prior written approval. Any reset survey Monument shall be set by or under the direct supervision of a Professional Land Surveyor who has an active professional license with the State of Washington.

A listing of Survey Monuments may be accessed at the Department's Geographic Services Office Website:

<http://www.wsdot.wa.gov/monument/searchBroad.aspx>

17. DELAY TO DEPARTMENT WORK

All work authorized by this permit shall be done in such a manner by the Permit Holder as will cause the least interference with any of the Department's or its contractor's work on the state highway. The Permit Holder agrees on behalf of itself, its successors, assigns, tenants, invitees, licensees, contractors, agents and employees, that the Department shall in no way be held liable for any delays, costs, or other claims or damages by the Permit Holder or its successors, assigns, tenants, invitees, licensees, contractors, agents and/or employees occasioned by the Department's or its contractor's work on the state highway right of way.

18. MATERIALS AND WORKMANSHIP

All material and workmanship shall conform to the current edition of the Washington State Department of Transportation Standard Specifications for Road, Bridge and Municipal Construction, and amendments thereto, and shall be subject to inspection and concurrence by the Department. Any Department inspection or acceptance shall be for the sole benefit of the Department and not for the Permit Holder or any third party.

The Washington State Department of Transportation Standard Specifications for Road, Bridge and Municipal Construction (M41-10) may be accessed at: <http://www.wsdot.wa.gov/Publications/Manuals/M41-10.htm>

19. PERMIT MODIFICATIONS, AMENDMENTS, CHANGES AND/OR CORRECTIONS

The Department reserves the right to require permit modifications, amendments, changes and/or corrections should the authorized construction not conform with the Department's current Standard Specifications for Road, Bridge, and Municipal Construction, Department's Standard Plans, Department's Design Manual, the permit Special Provisions and/or if unexpected construction site conditions are encountered prior to or during the performance of the work authorized by this permit. The Permit Holder is required to obtain the Department's prior review and written approval for any proposed changes to the permit. Permit Holder agrees on behalf of itself, its successors, assigns, tenants, invitees, licensees, contractors, agents and employees, that the Department shall in no way be held liable for any delays, costs, or other claims or damages to the Permit Holder or its successors, assigns, tenants, invitees, licensees, contractors, agents and/or employees, should the Department require any modifications, amendments, changes and/or corrections to the permit.

20. STORAGE OF EQUIPMENT AND MATERIALS

The Permit Holder shall not place or store any equipment and/or materials within the state highway right-of-way unless specifically authorized by this permit or in writing by the Department, and any placement or storage of any equipment and/or materials, if allowed, shall only be during the active construction phase of the work authorized by this permit.

21. CONSTRUCTION AND MAINTENANCE WORKING DAYS – SUSPENSION OF WORK

The Permit Holder shall not perform work on a Saturday, Sunday or a legal holiday, unless specified elsewhere in this permit or by the Department in writing. RCW 1.16.050 lists the following days as the observed legal holidays and their common names:

- First day in January - New Year's Day
- Third Monday of January - Martin Luther King Jr.'s Birthday
- Third Monday of February - President's Day
- Last Monday of May - Memorial Day

- Fourth day of July – Fourth of July
- First Monday in September - Labor Day
- Eleventh day of November - Veterans' Day
- Fourth Thursday in November – Thanksgiving Day and the day immediately following
- Twenty-fifth day of December - Christmas Day
- **22. FAILURE TO COMPLETE WORK IN A TIMELY MANNER**

The Permit Holder agrees to complete the work authorized by this permit within 120 days, unless an extension of time is granted in writing by the Department. Should the Permit Holder fail to complete the work within the approved time limit, the Department shall determine what work must be completed to restore the state highway right-of-way back to a condition and configuration that is safe for public use. Should the Permit Holder fail to immediately finish the work authorized by this permit or to restore the state highway right-of-way back to a condition and configuration that is safe for public use after receiving written notice of the deficiency from the Department, the Department reserves the right to perform the necessary work to preserve the state highway for public use and for the safety of the traveling public. If the Department performs the work, the Permit Holder agrees to make payment to the Department within thirty (30) calendar days of the date of the Department's detailed invoice. If the Department chooses not to perform the work, the Department may initiate an action to revoke this permit as provided as provided by WAC 468-51.120, as well as recover all costs associated with restoring the state highway right-of-way.

23. FINAL INSPECTION AND SURETY RELEASE

All work on state highway right-of-way is subject to ongoing monitoring and inspection by the Department solely for the benefit of the Department and not for the Permit Holder or any third party. Upon completion of the work authorized by this permit, including the removal of all construction related rubbish and debris, the Permit Holder shall request a final inspection from the Department's representative. Only upon the Department's inspection and concurrence of the work authorized by this permit will the Department release the surety, if any, that was made a condition of this permit, provided all other conditions related to the surety have been met.

24. ON-GOING MAINTENANCE OF ACCESS CONNECTION

The Permit Holder, its successors or assigns, shall be responsible for maintaining the access connection and related appurtenances between the state highway edge of shoulder and the state highway right-of-way line, including but not limited to, pavement surface, culverts, catch basins, earthen embankment slopes above and below the access connection, vegetation growth that impacts traffic and pedestrian sight lines and sight distance, the removal of snow or other material that may be tracked onto the access such as mud and debris, and mail boxes.

The Permit Holder shall correct any maintenance deficiency within thirty (30) consecutive calendar days upon discovery or Department written notice, unless the Department authorizes in writing a different time period. Should the Permit Holder fail to correct a deficiency, after receiving written notice of the deficiency from the Department, the Department reserves the right to perform the necessary maintenance work to preserve the state highway right-of-way or for the protection of the traveling public or pedestrians. If the Department performs maintenance work as provided herein, the Permit Holder agrees to make payment to the Department within thirty (30) calendar days of the date of the Department's detailed invoice. If the Department chooses not to make the repair, the Department may initiate an action to revoke this permit as provided as provided by WAC 468-51.120.

25. STORMWATER AND DRAINAGE MAINTENANCE

The Permit Holder shall construct and maintain the access connection such that no stormwater runoff is directed onto the paved surface of the state highway traveled lanes and shoulders. Curbing or other drainage features may be required if the grade beyond the edge of shoulder is flat or slopes toward the state highway pavement such that any stormwater runoff on the access connection would flow onto the traveled lanes and shoulder of the state highway.

The Permit Holder shall be responsible to maintain all culverts and catch basins associated with this permit and shall provide all necessary ongoing maintenance to keep those culverts and catch basins free-flowing and clear of all obstructions in accordance with the provisions of Section 24.

The Permit Holder shall not interfere with the conveyance and/or treatment of the existing highway stormwater drainage system. If the work performed in any way adversely interferes with existing state highway stormwater drainage, including the treatment and/or conveyance of stormwater, the Permit Holder shall immediately correct its drainage impacts on the state highway at its own expense after receipt of the Department's written notice. Such work as required by the Department shall be inspected and concurred to by the Department. Any Department notice, requirement, inspection and/or concurrence shall be solely for the benefit of the state and not for the Permit Holder or any other third party. Should the Permit Holder fail to immediately maintain or correct any stormwater conveyance, drainage, or treatment deficiency

after receiving written notice of the deficiency from the Department, the Department reserves the right to perform the necessary work to preserve the state highway right-of-way or for the protection of the traveling public or pedestrians. If the Department performs the work as provided herein, the Permit Holder agrees to make payment to the Department within thirty (30) calendar days of the date of the Department's detailed invoice. If the Department chooses not to perform the work, the Department may initiate an action to revoke this permit as provided as provided by WAC 468-51.120.

26. RIGHT-OF-WAY VEGETATION MAINTENANCE

The Permit Holder shall not cut, spray, retard, remove, destroy, damage, disfigure or in any way modify the physical condition of any vegetative material located within the state highway right-of-way for any reason, except for the work specifically detailed, shown, and authorized in this permit. If it becomes necessary to increase the sight lines and sight distance at this access connection for safety purposes, the Permit Holder shall contact the Department to obtain prior written approval for any vegetative material modification located on the state highway right-of-way, including obtaining the Department's prior written authorization for vegetative material modification to provide Permit Holder property sign or facility visibility from the state highway. This includes any modifications to the earthen embankment on either side of the access connection. The unauthorized cutting of timber or damage to the vegetative material is prohibited. Criminal penalties may apply under RCW 47.40.080. Civil penalties may apply under RCW 4.24.630. The Permit Holder agrees that it shall perform all restoration work at its sole cost and expense to the satisfaction of the Department.

27. FUTURE ACCESS PERMIT MODIFICATIONS BY THE DEPARTMENT AND RIGHT OF ENTRY

In the Department's sole discretion as part of its highway work program, existing permitted access connections may require modification, relocation, or replacement in order to meet current Department design standards. The Department shall be responsible to perform such modifications, relocations, or replacements at the Department's sole cost and expense. The Permit Holder hereby authorizes the Department to enter upon its lands only where necessary to modify, relocate, or replace all or a portion of the permitted access connection and to maintain traffic control devices and appurtenances associated with the Department's work performed on or near the permitted access connection.

Should the Permit Holder request that further enhancements or modifications be added to the Department's work, the Department, at its sole option, may allow the further enhancements or modifications be added to its work program provided all costs to perform the additional enhancements or modifications is at the sole expense of the Permit Holder. The Permit Holder agrees to remit the estimated costs of the work to the Department before the Department will perform the additional enhancement or modification work. The Department agrees to reimburse the Permit Holder for monies paid but not used for the work within thirty (30) calendar days after the work is performed. The Permit Holder agrees to reimburse the Department for all additional costs should they exceed the estimated cost paid within thirty (30) calendar days after receipt of a detailed Department notice.

28. FUTURE ACCESS MODIFICATIONS BY THE PERMIT HOLDER

The Permit Holder shall immediately notify the Department of any changes made or proposed in the use, intensity of development, type of traffic, or traffic flow of the property or properties served by this access connection permit. The Department may require further traffic analyses by the Permit Holder if the change is significant that would require a new access connection permit and/or modifications to the access connection. The cost of a modification to this access connection shall be the sole responsibility of the Permit Holder, including the cost of modification of any access connection required as a result of changes to property site use in accordance with WAC 468-51-110, except as provided in Section 17 of this permit.

29. MODIFICATION OR REVOCATION OF PERMIT OR CLOSURE OF ACCESS CONNECTION

In addition to other provisions of this permit, the Department may initiate an action to modify, revoke, or close this permit in accordance with the specific terms of WAC 468-51-110 and 468-51-120, including if:

- Significant changes have occurred in the use, design, or traffic flow of the property or of the state highway, requiring the relocation, alteration or closure of the access connection, or
- The connection was not constructed at the location or to the design specified in the permit, or
- The permit provisions were not met, or
- The connection causes a safety, maintenance, and/or operational problem on the state highway system.

The Permit Holder may have appeal rights as provided under WAC 468-51-150. In addition, WAC 468-51-120(3) authorizes the Department to take immediate remedial action, including the closure of an access connection, if there is an immediate and serious danger to the public health, safety, and welfare, in compliance with chapter 47.32 RCW. This permit is also subject to any and all causes of revocation as allowed by state laws, as amended.

30. ASSIGNMENT OF PERMIT

This permit is assigned to the identified parcel(s) served by the access connection and shall remain appurtenant to the identified parcel(s). Should the identified parcel(s) be inherited, sold, assigned, or transferred in any way, this permit shall run with the land to the extent that the identified parcel(s) remain in compliance with the terms of this permit, unless the permit is revoked, modified, or closed by the Department as provided by law or the current Permit Holder requests the cancellation of the permit and closure of the access.

31. HIGHWAY ADVERTISING CONTROL

No signs shall be placed on state highway right-of-way. Any advertising adjacent to the state highway shall be in compliance with the Scenic Vistas Act of 1971, chapter 47.42 RCW and chapter 468-66 WAC.

32. APPLICABLE WAC's AND RCW's

In addition to the specific state laws and rules identified in this permit, this permit is also subject to all applicable provisions of chapters 468-51 and 468-52 WAC, and chapters 47.32, 47.44, and 47.50 RCW, and amendments thereto.

33. AMERICANS WITH DISABILITIES ACT

This permit is subject to all applicable provisions of the United States Government American's with Disabilities Act (ADA). Any current or future work shall comply with all applicable ADA requirements in effect at the time of the work

34. ASSOCIATED AGREEMENTS

This permit is being issued in concurrence with the Developer Agreement UCB 1581.



Permit No. 51618

- ✓ 1. No work provided by this permit shall be performed until the Permit Holder is authorized by the following Department representative:

Dave Sparks, WSDOT Construction Representative
WSDOT Northwest Region NB82-240
15700 Dayton Avenue North
PO Box 330310
Seattle WA 98133-9710
206-327-1877
SPARKSD@wsdot.wa.gov

- ✓ 2. The Permit Holder shall only perform the construction work authorized by this permit during the following work hours:

As per approved Traffic Control Plan (TCP)

- ✓ 3. The Permit Holder, unless specified otherwise in this permit, shall only implement the Traffic Control Plans approved for this permit during the following work hours:

Per WSDOT Approved Traffic Control Plan

✓ 4. Pre-Paving Inspection

The Permit Holder shall contact the Department to request a pre-paving inspection prior to paving any Hot Mix Asphalt (HMA) or Bituminous Surface Treatment (BST). No paving shall occur without first receiving the Department's prior written approval to pave. Failure to obtain this approval may result in the Department directing the Permit Holder to remove, repair, and/or add more paving at the Permit Holder's sole cost and expense.

The pre-paving inspection is required to permit the Department to verify that the paving, before it is placed, will meet the Department's design requirements for the access connection. Items to be inspected include, but are not limited to, paving limits, culvert placement, material installation, side slopes, and grading of the access connection to ensure that stormwater will not flow onto the existing state highway pavement after the access connection paving is completed.

✓ **5. Paved Access Connection**

The Access Connection shall be constructed with the following materials, listed from top lift to bottom lift. The thicknesses shown are minimum requirements, as additional material may be necessary to properly construct the access connection.

✓ See Exhibit " D " for design details and paving requirements

5 inches of Mix Asphalt (HMA)

☐ Bituminous Surface Treatment (BST), also known as chipseal

2 inches Crushed Surfacing Top Course (CSTC)

6 inches Crushed Surfacing Base Course (CSBC)

inches of Rock Cap

Geotextile for separation or soil stabilization

☐ **6. Gravel Access Connection**

The Access Connection shall be constructed with the following materials, listed from top lift to bottom lift. The thicknesses shown are minimum requirements. The Department may require additional material as necessary to properly construct the access connection.

☐ See Exhibit " " for additional design details and gravel requirements

inches Crushed Surfacing Top Course (CSTC)

inches Crushed Surfacing Base Course (CSBC)

inches of Quarry Spalls

inches of Rock Cap

Geotextile for separation or soil stabilization

✓ **7. Culvert Installation**

The access connection shall include the installation of a culvert installed in a straight line and with a grade that matches the existing grade of the highway ditch or swale such that the existing conveyance of stormwater will not be adversely impacted. The culvert to be installed shall be

12 inch minimum diameter culvert

✓ **8 Culvert Beveled End Treatments**

The open ends of the culvert run shall be beveled to match the existing slopes of the ditch or swale and access connection fill material.

✓ **9. Culvert End Treatments – Quarry Spalls**

Quarry spalls shall be placed around the open ends of the culvert. The quarry spalls shall be placed below, along the sides, and on the top of the open end of the culvert for a minimum length of two (2) feet in all directions

☐ **10. Gated and Locked Access**

This access connection shall be gated and locked when not in active use.

☐ **11. Access Connection for Emergency Use Only**

This access connection is for emergency use only and shall be gated and locked at all times to the general public.

☐ **12. Temporary Access Connection**

This is a temporary access connection that shall be immediately closed and removed by the Permit Holder when no longer needed, or by the date listed below, whichever comes first:

When the access connection is removed, the Permit Holder shall restore the state highway right-of-way to its original condition, including reseeding if required. Failure by the Permit Holder to remove the access connection as specified herein may result in the Department removing the access connection at the Permit Holder's expense.

✓ **13. Surety**

To ensure proper compliance with all terms and conditions of this permit, a surety amount in the form of a Bond, Assignment of Escrow, Certificate of Deposit, Irrevocable Letter of Credit, Check or Money Order shall be provided to the Department in the amount listed below. If a bond is provided, it shall be written by a surety company authorized to do business in the State of Washington.

The surety amount shall be:

\$303,133.00

The surety bond shall remain in force until all work under this permit has received final concurrence by the Department, and the Department issues a written release of the surety bond.

☐ **14. This is a Non-Conforming Access Connection Permit:**

Nonconforming Access Connection Permits (WAC 468-51-100) do not meet the Department's location and spacing criteria standards at the time of the permit application submittal, but denial would leave the property without reasonable access onto the public road system. Nonconforming Access Connection Permits may continue only until the Department determines that a Conforming Access Connection can be constructed, in such case the Nonconforming Access Connection shall be removed.

☐ It does not meet the minimum spacing from another adjacent driveway or public road intersection of:

☐ 125 feet ☐ 250 feet ☐ 330 feet ☐ 660 feet ☐ 1320 feet

☐ It does not meet the minimum corner clearance standards of WAC 468-52-040(6) of

☐ 75 feet ☐ 100 feet ☐ 115 feet ☐ 125 feet ☐ 230 feet

☐ It exceeds the number of access points for one parcel or contiguous parcels under the same ownership by one or more additional access connections.

☐ The existing topography, site conditions, and/or wetland or stream restrictions and buffers prevent the access to be constructed to current standards.

Therefore, this access connection shall only continue until such time that a conforming access connection can be constructed or another access to the local street system becomes available and is permitted.

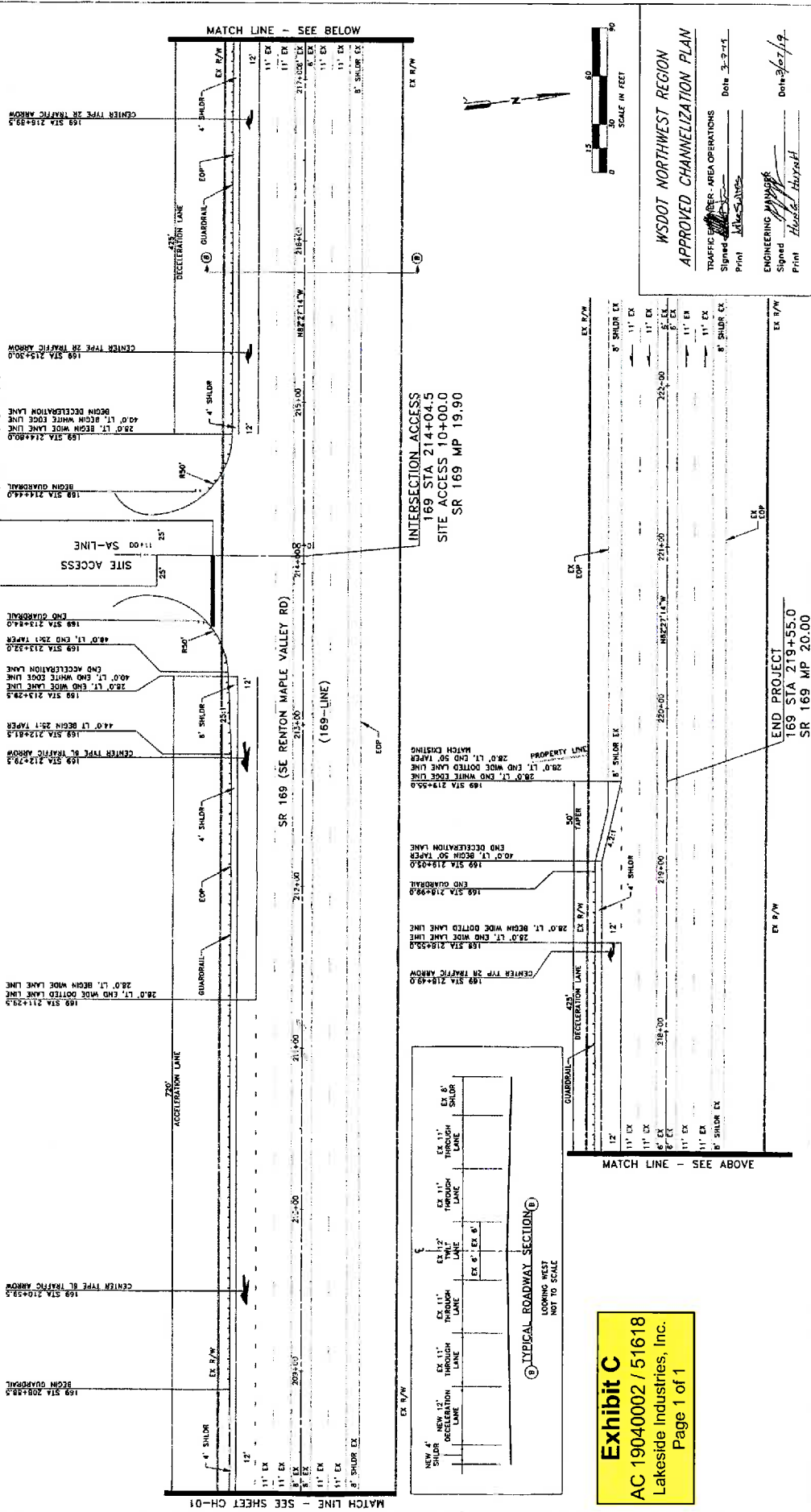
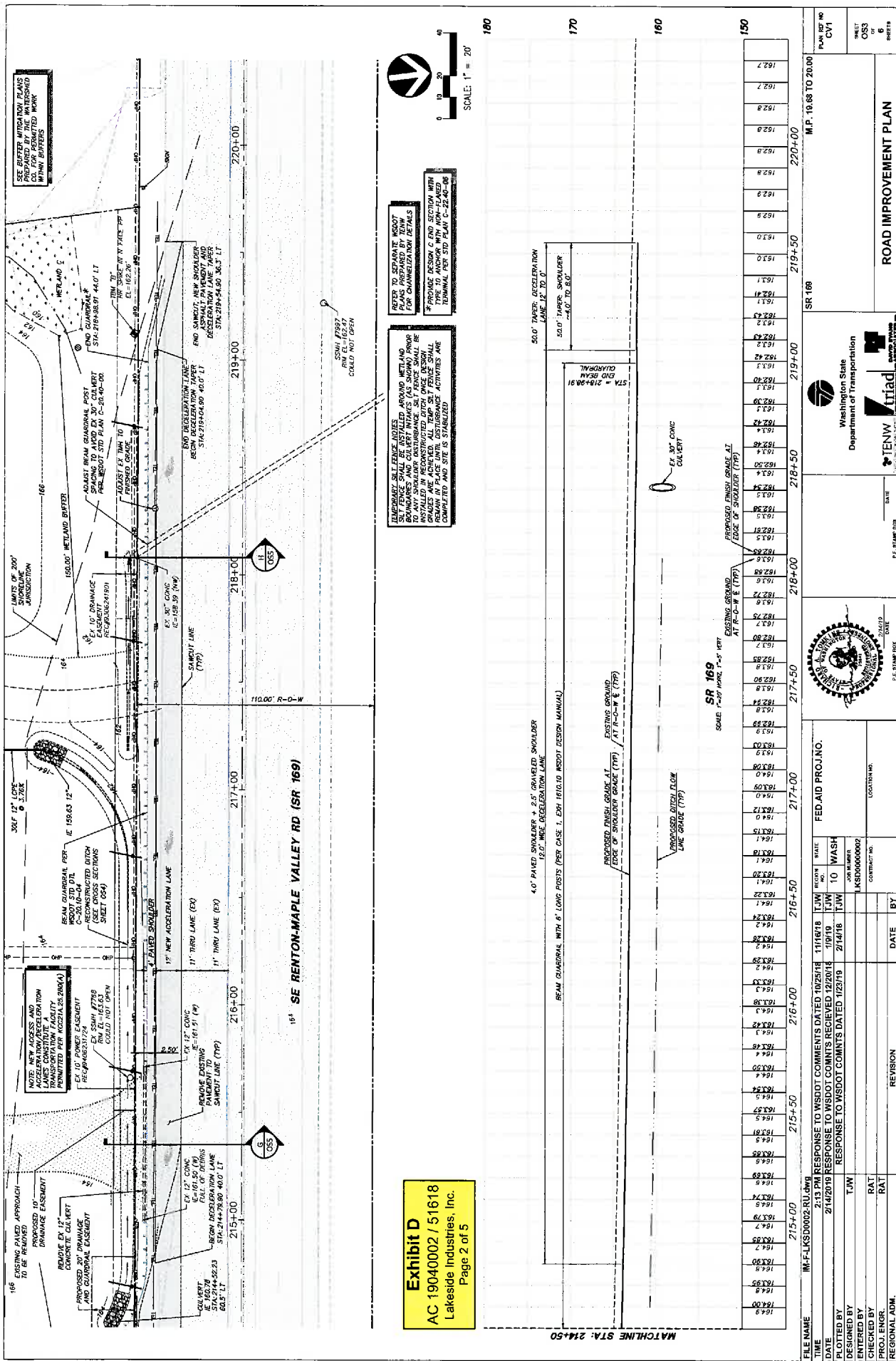
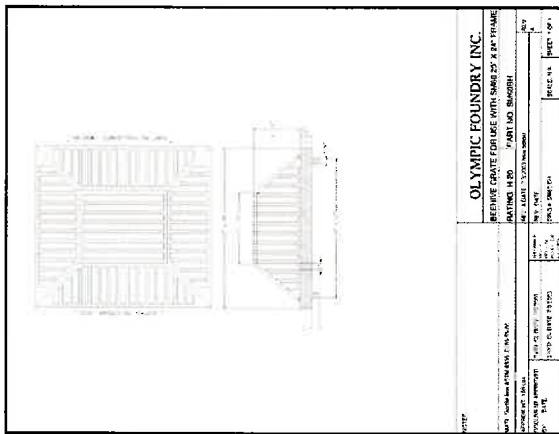


Exhibit C
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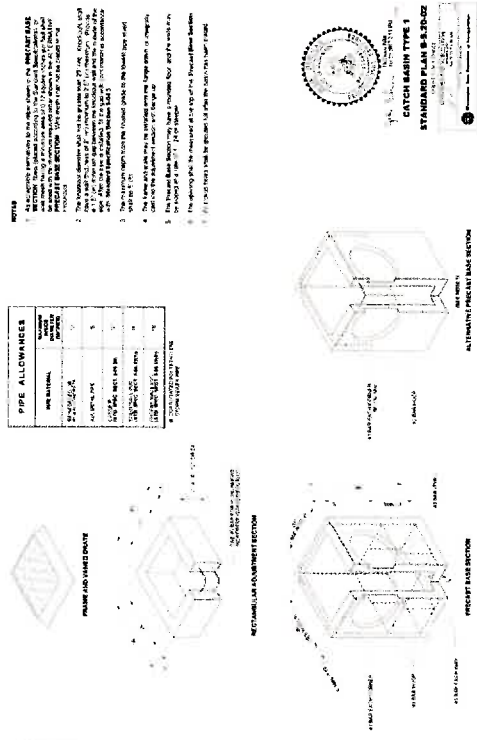
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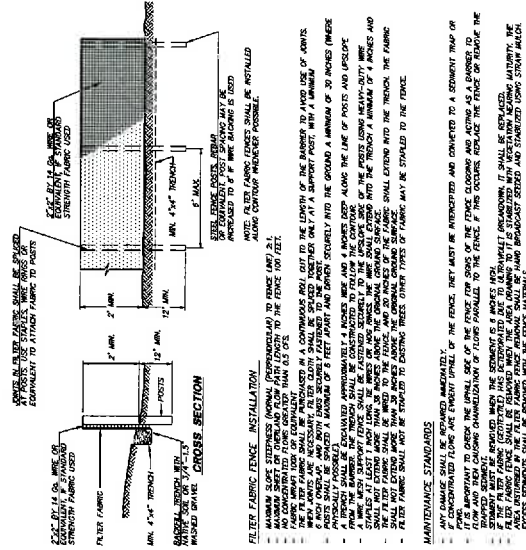
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