

# OPEN RIGHT-OF-WAY PERMITS

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## TO CONSTRUCT A ROAD ON A PUBLIC RIGHT-OF-WAY

### ◆ What is an Open Right-of-Way Permit?

An Open Right-of-Way Permit allows an applicant to construct a road on public right-of-way to access one or more parcels of land. There are many older plats (subdivisions) where the streets were laid out and dedicated to the public but roads were never constructed for access to the individual parcels.

### ◆ Why do I need an Open Right-of-Way Permit?

The Revised Code of Washington (36.75 and 36.80) and Jefferson County Code Chapter 18 place authority over the right-of-way, including development of road standards, with the County Engineer acting under the supervision of the Board of County Commissioners. This is required to protect the public's interest in the right-of-way as well as the safety and mobility of the public.

### ◆ Do I have to build a paved County road?

Not necessarily. The County has several standards that apply depending on the situation and potential use for the road. The appropriate standard is determined by the County. A road standard defines the specifications for road construction. The specifications define the required width, alignment, drainage and road structure, among other things. The required standards may vary depending on the existing and potential development along the right-of-way to be opened.

### ◆ How do I obtain an Open Right-of-Way Permit?

An application and required documentation must be completed and submitted to the Public Works Department. Applications may be obtained by contacting Public Works at 360/385-9160 or at [www.co.jefferson.wa.us](http://www.co.jefferson.wa.us).

### ◆ What are the costs associated with opening a right-of-way?

There are different costs that may be associated with opening a right-of-way, including:

- ▶ The Open Right-of-Way Permit application fee paid to the Jefferson County Public Works Department.
- ▶ Other development permits that may be required by the Department of Community Development.
- ▶ Road design completed by a licensed engineer.
- ▶ Survey of the right-of-way by a licensed surveyor.
- ▶ Costs for a licensed and bonded contractor to construct the road.
- ▶ Construction inspection fees paid to Jefferson County Public Works Department.
- ▶ Costs to name the road and to provide road signs.
- ▶ Future road maintenance costs.

For current Open Right-of-Way Permit fees, see the Jefferson County Fee Schedule, Section IV at [www.co.jefferson.wa.us](http://www.co.jefferson.wa.us) or contact Public Works at 360/385-9160.

# OPEN RIGHT-OF-WAY PERMITS Continued

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### ◆ What are the steps required to open right-of-way?

- ▶ Submit application.
- ▶ Public Works meets with applicant to discuss proposed project.
- ▶ Public Works reviews application and establishes applicable criteria/standards.
- ▶ Public Works notifies adjacent property owners.
- ▶ Board of County Commissioners resolution approving opening the right-of-way.
- ▶ Applicant obtains engineered plans and surveys as required.
- ▶ Applicant applies for other development permits as required at Department of Community Development.
- ▶ Public Works issues Open Right-of-Way Permit when plans, surveys and other permits are completed.
- ▶ Applicant's contractor constructs roadway.
- ▶ Public Works inspects construction and finalizes permit.

### ◆ Are there other requirements to obtain a Permit to Open Public Right-of-Way?

There may be other permits required for opening and constructing a road.

Contact the Department of Community Development at 360/379-4450 to determine if a stormwater management permit or an environmentally sensitive areas review is required.

The Washington State Department of Transportation will require a permit if access to a state route is planned.

### ◆ Who maintains the road after it is constructed?

If the road is constructed to a full-width, paved County standard and the Board of County Commissioners has resolved to add it to the County road system, the road would be publicly maintained.

An applicant may request to construct a road to a reduced standard. In this case, the County may allow a reduced-width, gravel road to be constructed. However, this lower standard road would not become part of the County-maintained road system and the applicant would assume responsibility for maintenance.

### ◆ Who can use the road?

All public right-of-way is open to the public to use whether the road is opened to a full County road standard and maintained by the County, or opened to a reduced standard that will be privately maintained. Other members of the public cannot be prevented from using a road constructed on public right-of-way. Public Works may be contacted for information about vacating the public's interest in the right-of-way; however, if this action reduces or restricts access to other parcels, it could not be vacated.

### ◆ How long does it take to get an Open Right-of-Way Permit?

The length of time is typically dependent upon how long it takes the applicant to provide engineered plans and surveys. Other required permits, such as stormwater and environmentally sensitive areas review, may also extend the length of time.

### ◆ How much time do I have to complete the road construction?

An Open Right-of-Way Permit is typically valid for three years.