

ACCESS MANAGEMENT REGULATIONS
HOLMES COUNTY, OHIO

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Regulations for Access Management Criteria

ARTICLE 1

GENERAL PROVISIONS

Section 1.01 Authority

O.R.C. Sec. 5543.16 "Construction and repair of approaches and driveways." The above captioned section covers the aspects of this matter. In short, it states that the only time public monies may be spent on private drives is in the case that sufficient work has been completed on the road as to make the existing drive useless. In this case the property owner shall be reimbursed for his driveway or have one built at public expense. The authority for the preparation, adoption and implementation of these regulations is derived from Section 5543 and Section 711 of the Ohio Revised Code, which enables Holmes County to adopt uniform rules and regulations governing roadway access.

Section 1.02 Title

These regulations shall be known and may be cited as the Access Management Regulations for Holmes County, Ohio.

Section 1.03 Purpose

The purpose of these regulations is to promote highway safety and efficiency to maintain proper traffic capacity and traffic flow in an orderly and desirable manner.

Section 1.04 Relation to other restrictions

These regulations shall be minimum requirements. Whenever these provisions are at variance with any and all laws of the State of Ohio, or other lawfully adopted rules or regulations, the provisions of the most restrictive of such rules or laws shall govern.

The Holmes County Access Management Regulations shall be consistent with the existing Holmes County Subdivision Regulations and should be coordinated with any relevant zoning regulations.

Section 1.05 Severability

Each article, section, or other divisible part of these regulations is hereby declared severable, and if such article, section or part is declared invalid by a court of competent jurisdiction in a

... judgment or decree, such invalidity shall not affect any of the remaining portions thereof.

Section 1.06 Scope and Jurisdiction

It shall be unlawful for any person, organization or entity to create a driveway access along any county or township road, unless said driveway complies with these regulations. No regulation, or amendment to these regulations, shall be construed to affect any access point that exists, or on which construction has begun before the effective date of the regulation or amendment.

The Holmes County Engineer's Office shall be the designated agency to issue driveway permits.

Section 1.07 Penalties

Whoever violates an access management regulation adopted by the County of Holmes shall be fined not more than one hundred dollars for each offense. Each day of violation is a separate offense.

ARTICLE II DEFINITIONS

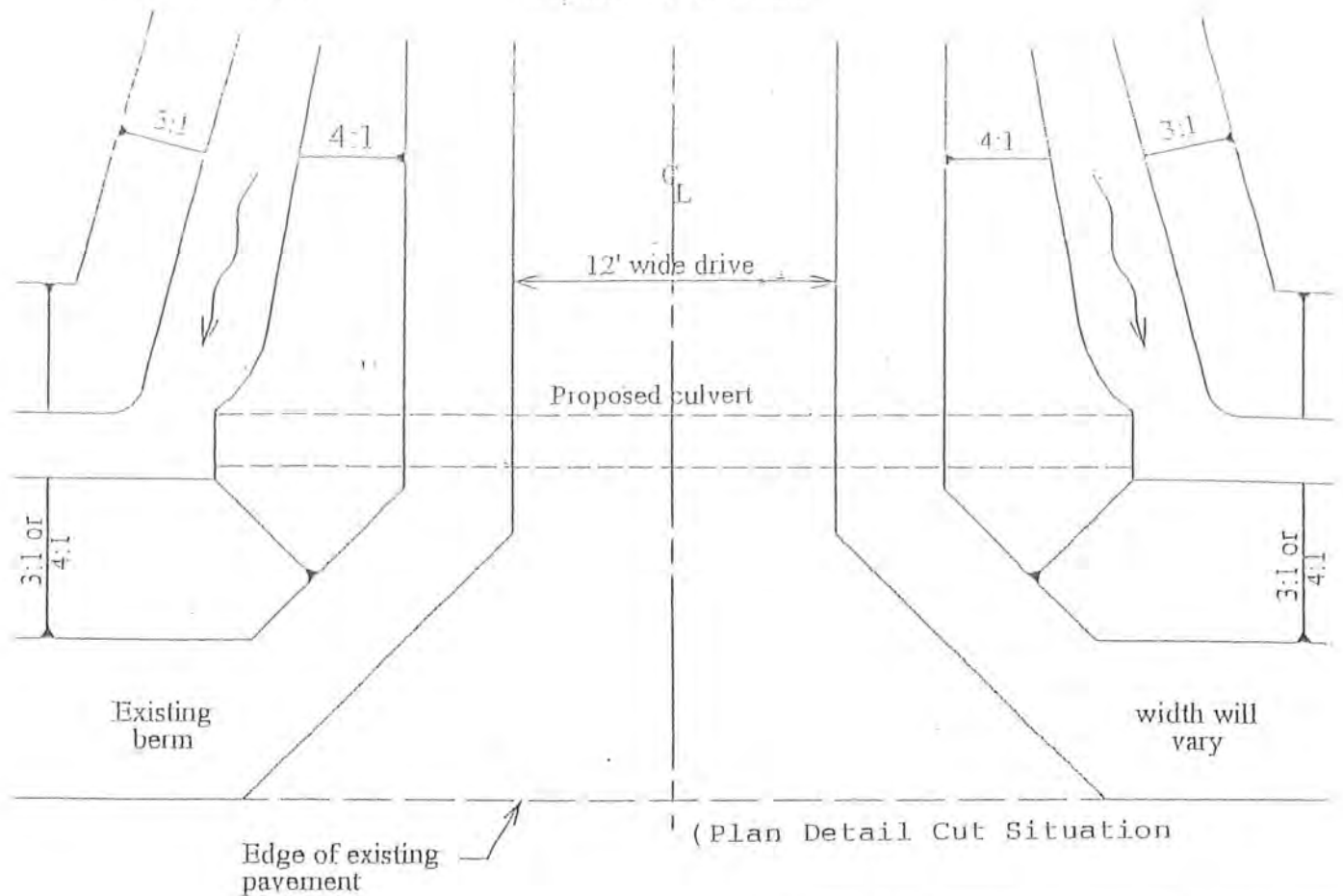
Section 2.01 Interpretation

For the purpose of these regulations, certain terms and words are to be defined as found in this Article. Words and terms not specifically defined carry their customarily understood meanings. The word "shall" is mandatory; the word "may" is permissive.

Section 2.02 Definitions

Access Management	A set of policies and standards that manage the number and location of access points (driveways) on to the public road system.
Average Daily Trips(ADT)	Represents the average number of trips to and from a development over a 24 hour period.
Culvert	A drain as a pipe like construction usually made of corrugated plastic, metal or concrete that passes under a road or through an embankment.
Develop; Development	The physical improvement of a tract of land.
Development Agreement	An agreement between a developer/subdivider and the County Commissioners which outlines the public improvements to be constructed as a part of a subdivision and other related matters.
Drainage Way	A watercourse, whether natural or constructed, that drains storm water from a property.
Drive Pipe	For the purpose of these regulations, drive pipes / culverts are used to allow the free flow of storm water for drainage purposes. Drive pipes shall be made of a minimum 12" diameter of corrugated double wall smooth bore plastic, metal or concrete.
Driveway	Any point of access from a parcel of land onto the public street or roadway.
Engineer	Any person registered to practice professional engineering in the State of Ohio.

Grade	The slope of a road, street or public way, specified in percentage (%) terms.
Highway, Limited Access	A freeway or expressway providing a traffic way for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such roadway.
Oil Road	Built primarily for the purposes of accessing an oil well. Oil well roads are potentially converted to other types of access that may create a potential hazard to public safety.
Seldom Used Driveway	Driveway created for limited use or a purpose that is no longer viable.
Sight Distance	A visual distance along a road or across an intersection.
Traffic Impact Study	A transportation plan prepared by a civil engineer for the purpose of analyzing the effect a proposed development may have on public infrastructure.

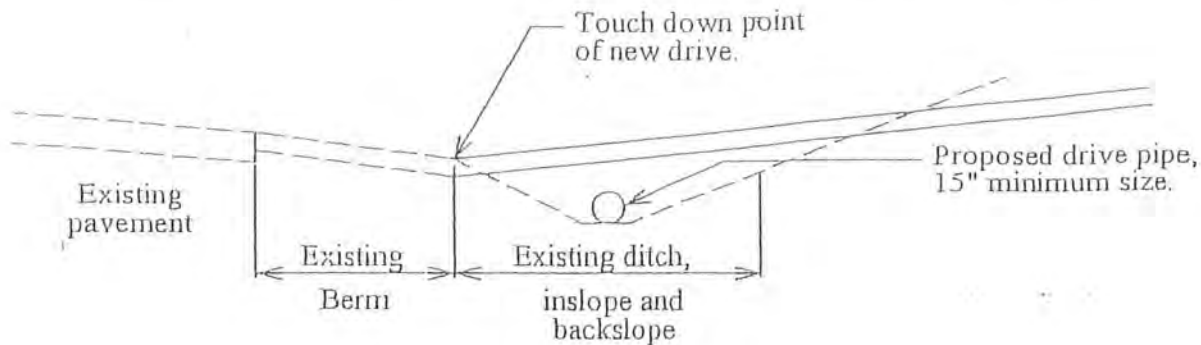


Refer to sheet 6 cross sections

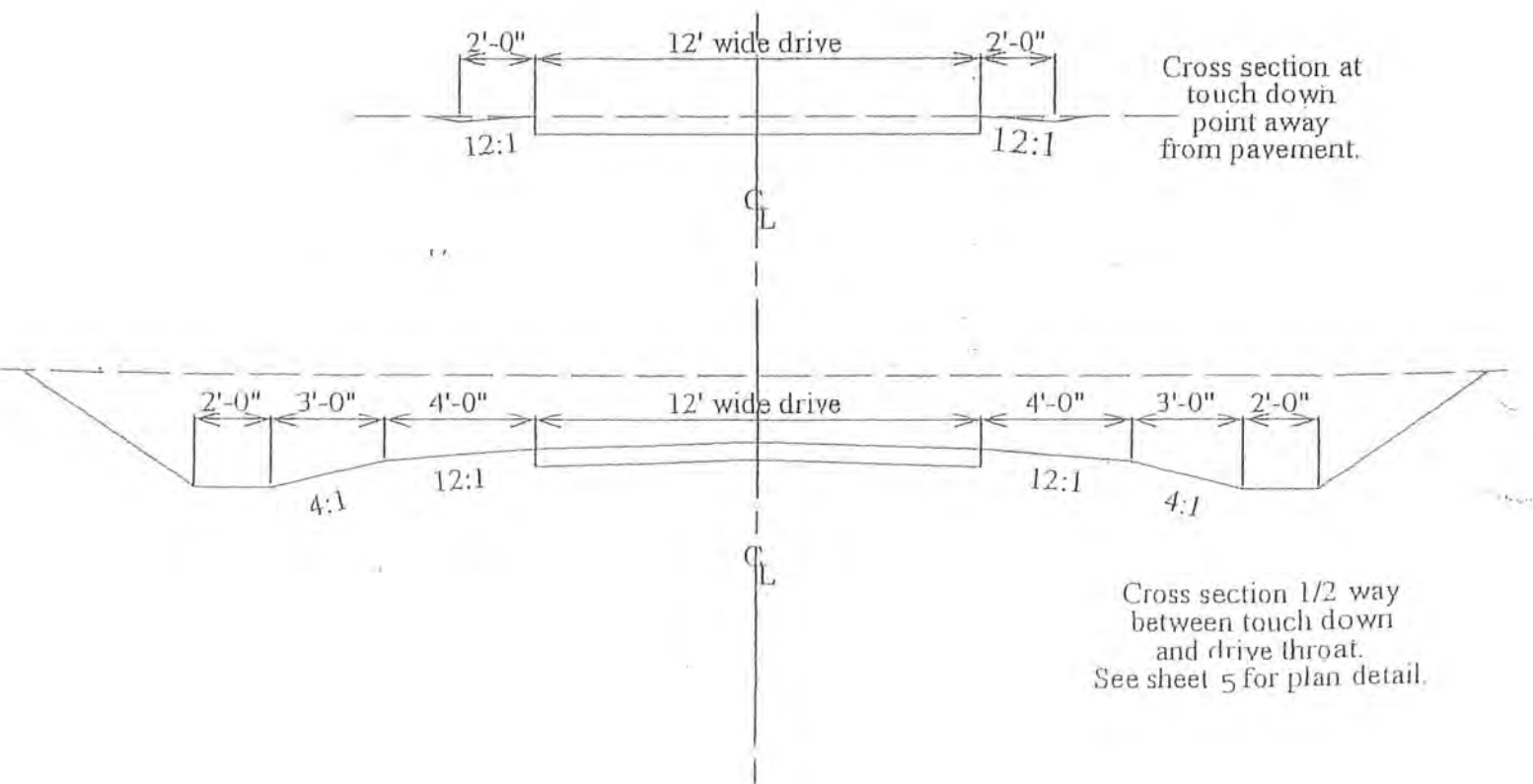
The above indicated situation shall be adhered to whenever possible. This situation will put the vehicle approaching the road in plain sight of roadway traffic. The throat area as indicated above will prevent vehicles leaving the roadway from getting into the ditch and running over the end of the drive culvert.

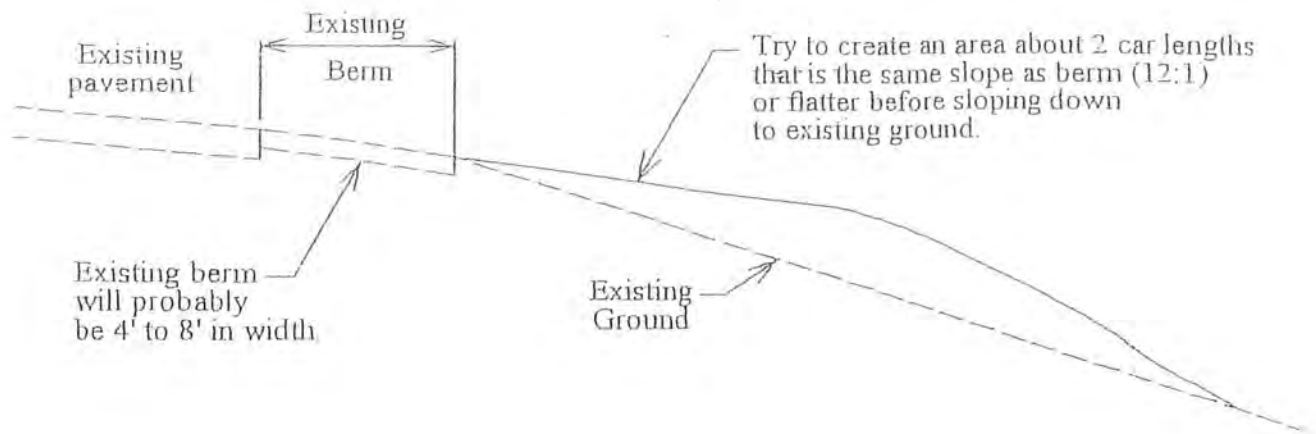
Drainage

All drive applicants shall have a pipe size shown on their application form. This size should be checked by the public entity, not determined by them. No one should have the right to expect all engineering to be done for them by a public entity.



The above illustration shows how new drives shall be built. This will provide a swaled effect that will not allow water to run down onto the roadway. This is the situation in a cut.





Note:

This condition will give a better start off condition to enter the traveled roadway.

Section 3.04 Sight Distance

Below are sight distances as generally recognized in the field of highway design. Speed limits for roadways are based upon the posted legal rate of speed. On roadways without posted signage Ohio law identifies them as 55 mph zones. Property owners may petition the county and other applicable agencies to have the speed limit reduced. Any costs associated with this process shall be the responsibility of the applicant.

In determining appropriate sight distances the following factors may be used in determining sight-distance in conjunction with the table illustrated below.

- 1) Impediments to sight distance, i.e. billboards, natural features, roadway design, etc.
- 2) The "Speed-Distance Table" may be modified on a case-by-case basis to accommodate unique topographic characteristics. Such modification shall not exceed 10% of the recommended sight-distance without requesting and receiving a variance.

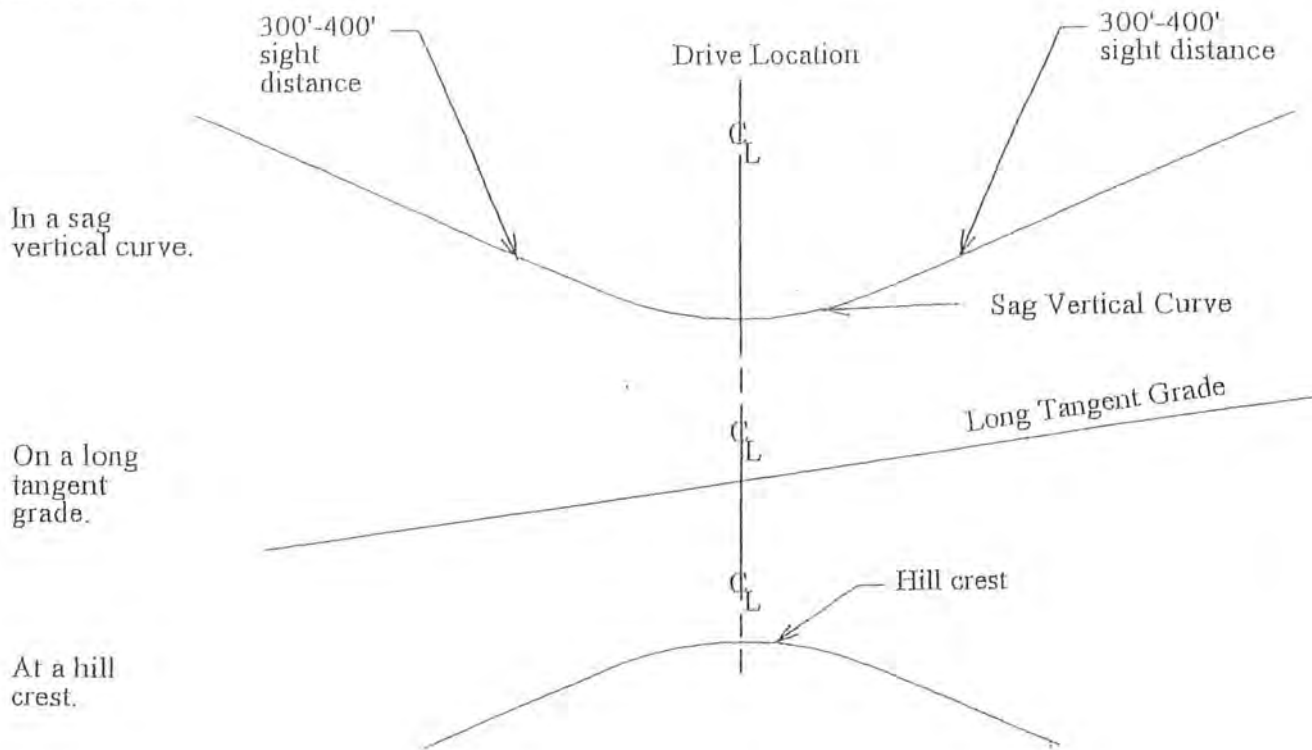
Speed-Distance Table

25 mph	160'
30 mph	200'
35 mph	240'
40 mph	275'
45 mph	315'
50 mph	350'
55 mph	410'

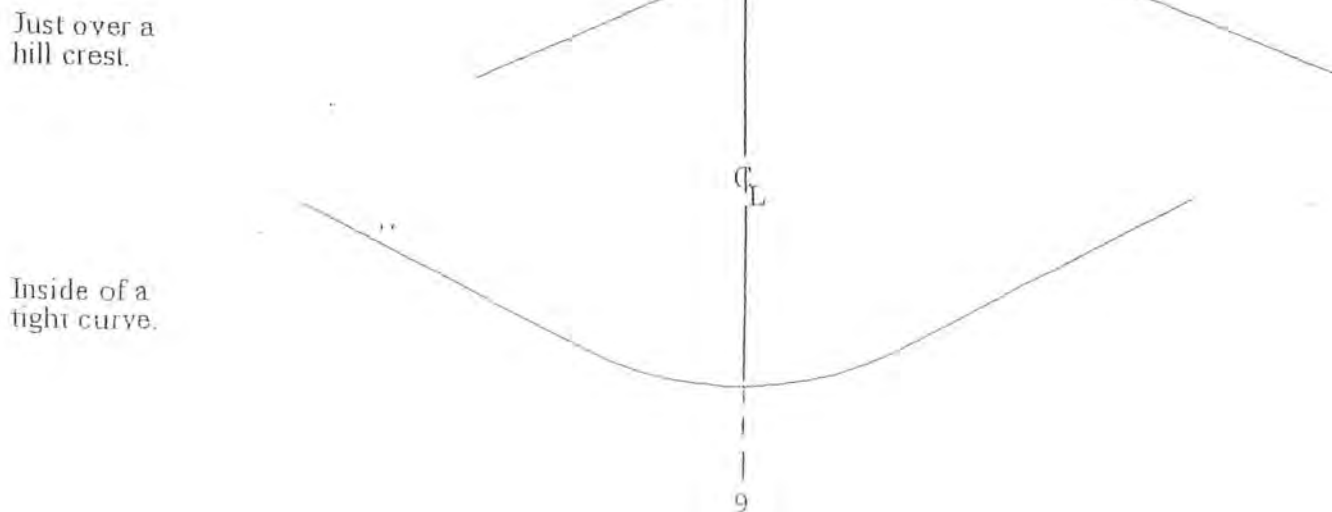
Sight Distance:

Every effort shall be made to obtain the best sight distance possible at all times. All approaches should be put in a sag vertical curve, on a long tangent grade or at a hill crest if possible. At no time should a driveway be put just over the crest of a hill or inside of a tight horizontal curve. It shall not be the responsibility of the public road crews to put up "Hidden Drive" signs for new drives.

Acceptable

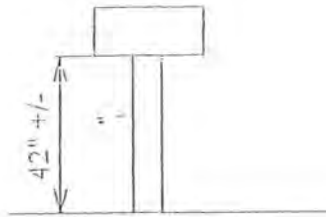
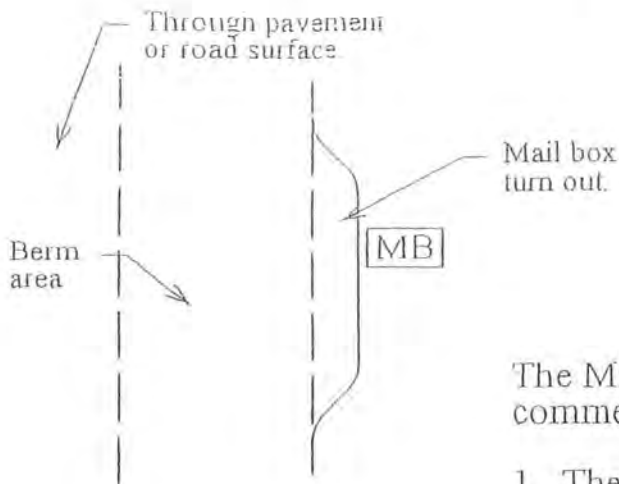


NOT Acceptable



Section 3.06

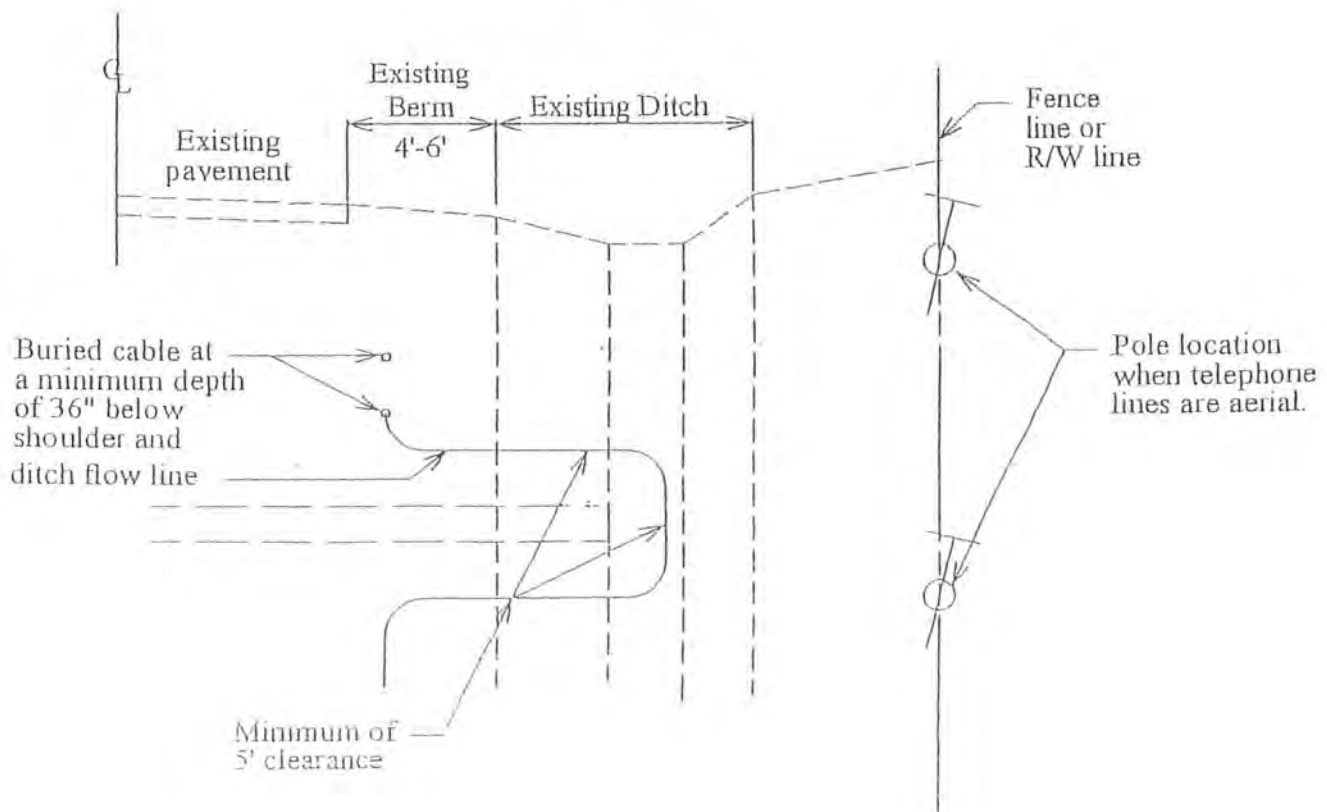
Mail Boxes

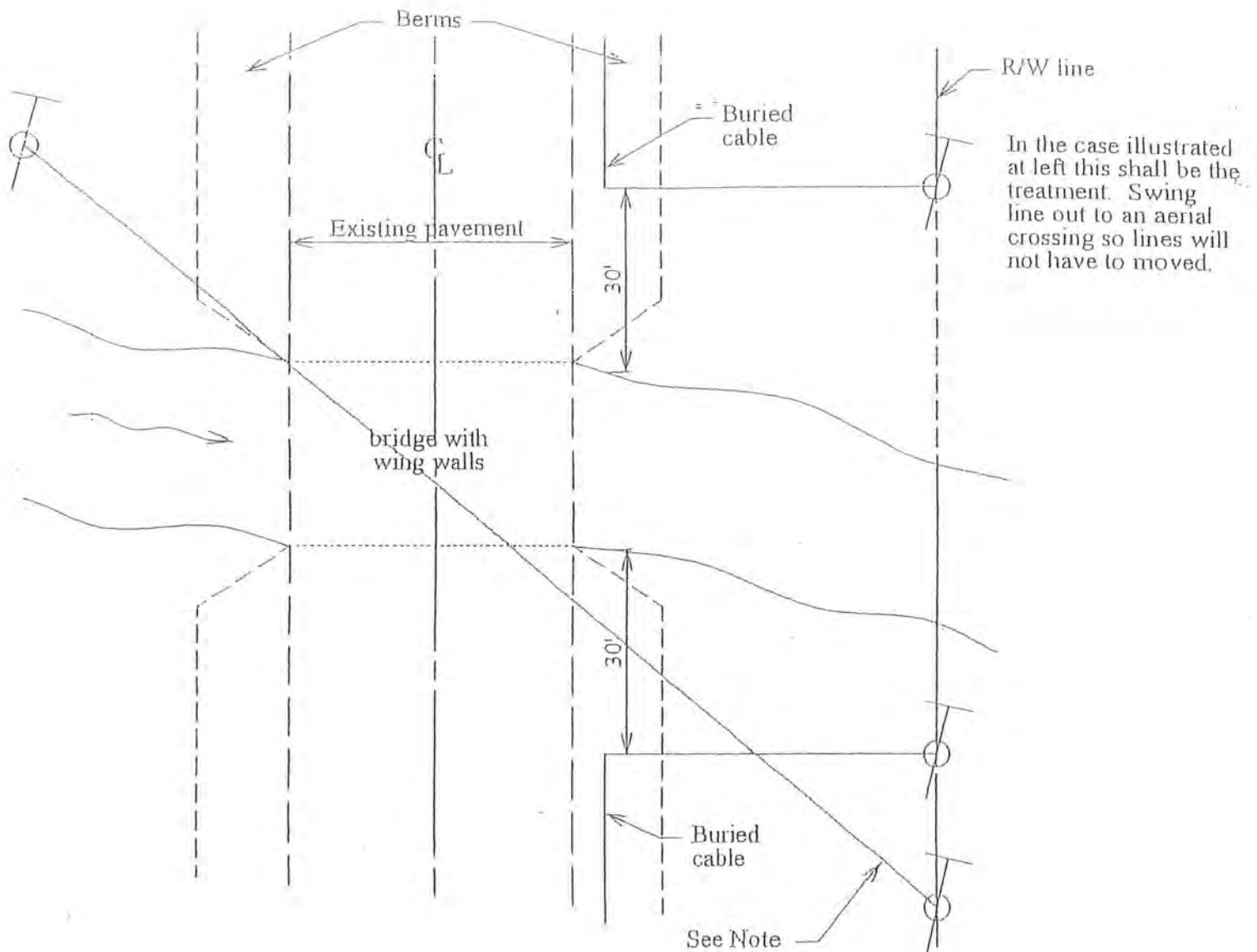


The Millersburg post master has offered the following comments about mail box locations:

1. They prefer that mail boxes belong as near a full car width from the traveled portion of the road surface as possible.
2. Mail boxes should have their bases 42" plus or minus above the ground.

Telephone Lines



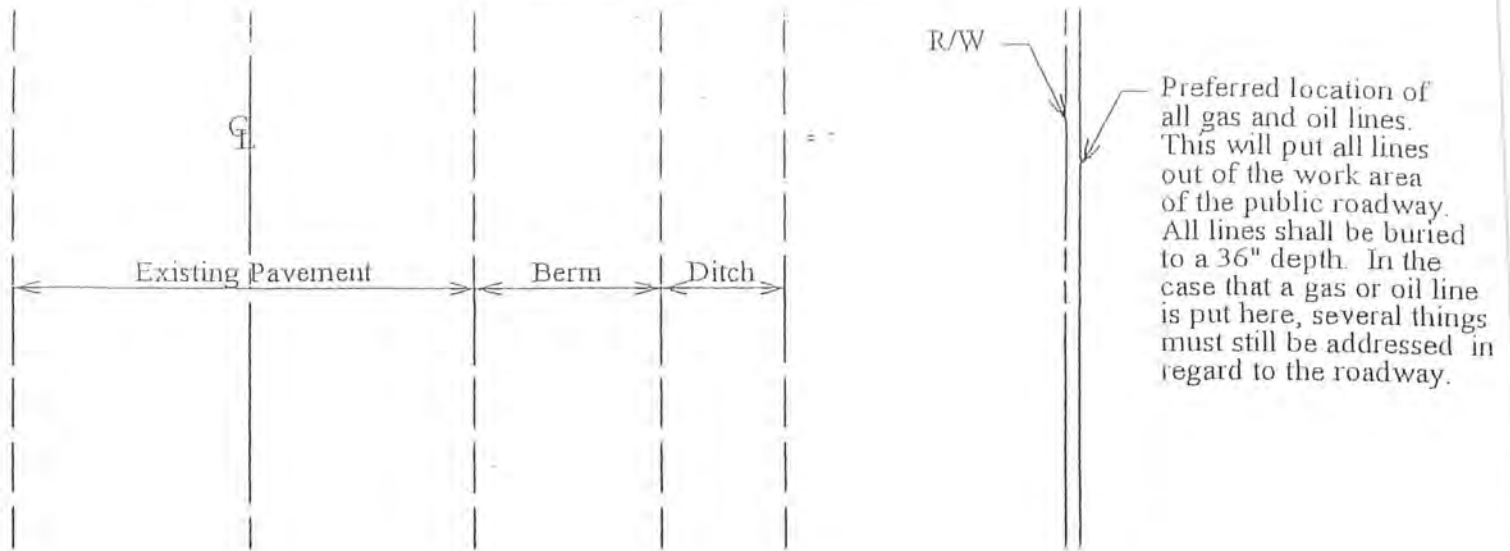


Note:

Some instances have been noted of this condition in the past and it shall not be permitted. If a utility must cross a road it shall not occur at or over a bridge.

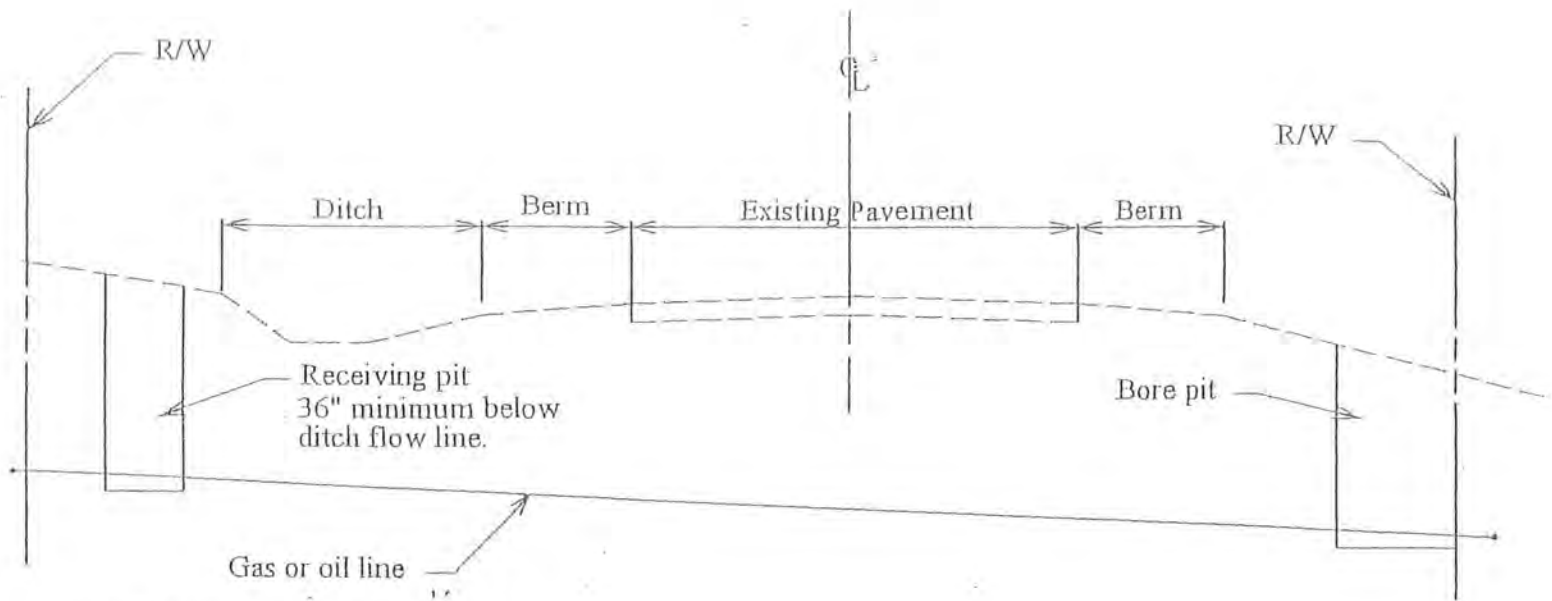
Section 3.08

Gas and Oil Lines Plan View



If a line is buried outside the R/W when it comes to a stream it shall be buried under the stream bed a minimum of 6' deep below flow line at the crossing point and up both stream banks. It shall also be marked at both stream banks with a substantial marker bearing the name, address, and telephone number of the owner. If it is not marked, the county engineer shall not be held responsible for damage caused by channel work at a bridge.

Gas and Oil Lines Profile View
(showing crossing)



Acceptable
Crossing methods: (In Order of Preference)

1. Boring and encasement in which a pit is made on both sides of the road, one called a boring pit and one called a receiving pit.
2. Mole crossing in which a small hole is made and a plugged pipe is put through and then connections are made.
3. Push through, usually done in soft soil, in which a small diameter casing is pushed through, then uncapped, and the carrying pipe is put through the casing.
4. Directional boring in which a boring device is put in a pipe and is guided from above as it eats it's way across.
5. Last and least desirable is the plain open cut method.

Section 3.10 Line Crossing Standards

Where a line is encased, said encasement shall be vented. All crossings except long large transmission lines shall have a valve on the wellhead side. By this statement it is meant that those lines that come from a well and service several houses shall have this shut off valve.

All crossings shall be marked with the name, address, and phone number of the owner plainly marked and maintained in a clear and neat manner. Said marking shall be color coded as per O.U. P. S. colors.

Telephone lines, gas lines, and other applicable utilities disturbed or installed as a result of a driveway access shall be designed to be permanent based upon acceptable engineering practices. Utility lines shall not cause any unnecessary risk to public health or safety.

RED	Electric
YELLOW	Gas or Oil
ORANGE	Telephone or Communication
BLUE	Water
GREEN	Sewer

Oil Well Roads

Oil well roads represent a potential hazard to public safety. Oil companies shall seek legal permits for access under these regulations.

Logging Roads

Logging roads represent a significant potential hazard to public safety. Logging companies shall seek legal permits for access under these regulations.

Field Drives

Typically used for agricultural purposes, they are usually permanent and will often change in use from agriculture to commercial/residential. A key concern regarding field drives as an agricultural use is the access of large, and slow moving machinery to the highway. Based upon past inspections of existing drive pipes, it is also a concern that pipes are sized incorrectly or are not used. Appropriate installation of drive pipes is a requirement of these regulations.

Seldom Used Driveways

Typically, a "seldom used drive" originated for a purpose no longer applicable. As the uses changes the potential exists for new problems to develop. Prior to the adoption of these regulations, site distance was not a significant consideration. The focus of these regulations is to insure public health and safety by requiring access be designed with appropriate site distances. Impact upon the use of the parcel may be a consideration in determining the location of the driveway, however public safety shall be the main consideration.

ARTICLE IV

TRAFFIC IMPACT STUDY

Section 4.01: General Requirements

A proposed residential or commercial development that has been determined through a preliminary review by the County to substantially increase Average Daily Traffic or have an otherwise adverse impact on the transportation infrastructure, which is a direct result of the proposed development, shall be required to submit a Traffic Impact Study. This requirement shall be based upon the following criteria:

- 1) Increase of greater than 100 average daily trips.
- 2) Impact on existing traffic patterns.
- 3) Safety hazards.
- 4) Condition of existing roadway.
- 5) Emergency vehicle access.

A registered civil engineer in the State of Ohio shall be required to prepare the Traffic Impact Study. The cost of the study shall be at the expense of the applicant. The County reserves the right to review and approve the Traffic Impact Study based upon input from the Holmes County Engineer or a registered civil engineer retained by the County for the purposes of reviewing a specific project.

Section 4.02: Required Improvements

The County and the developer, upon completion of the Traffic Impact Study, shall enter into a Development Agreement that includes any infrastructure improvements that are determined necessary in the Traffic Impact Study. The owner / developer shall provide and pay the entire cost of improvements applicable to the proposed development, as follows:

- A. Streets and parking areas, including drainage structures, bridges, curbing and other improvements as may be required by the County Engineer, pursuant to the provisions of this Resolution.
- B. Street signs designating the name of each street at each intersection within the development.
- C. Fire protection facilities shall be installed in accordance with State and local fire district regulations. Roadways shall be designed to accommodate emergency vehicles and shall have a minimum pavement width of 22 feet and a right of way of no less than 50'. Dead end cul-de-sac roads shall be installed with a minimum 50' turning radius. Dead End private streets shall not exceed 1000' feet in length.

Section 4.03 Obligations of Owner / Developer

The Owner/ Developer shall be subject to the following obligations:

- A. All construction work and materials used in connection with improvements shall conform to the requirements of, and be installed under the general supervision of the County Engineer. The Owner / Developer shall be responsible for the payment of all fees incurred by the County pertaining to inspection of the improvements.
- B. The Owner / Developer, or his agent, shall give three (3) working days notice to the County Engineer for any inspection to be conducted. The Owner / Developer shall also insure that no work shall be covered or obscured prior to inspection.
- C. The Owner/ Developer shall hold the County free and harmless from any and all claims for damage of any nature arising or growing out of the construction of improvements or resulting from improvements and shall defend, at his own cost and expense, any suit or action brought against the County by reason thereof.
- D. All improvements shall be satisfactorily installed within one year from the date of approval of the Construction Plans or within such time schedule as presented and approved by the County Engineer.
- E. As an alternative to the construction and approval of the required public improvements and acceptable performance assurance equal to one-hundred percent (100%) of the estimated cost of all required improvements shall be deposited with County. Such performance assurance shall consist of one of the following:
 - 1) A performance or construction bond to the estimated construction cost as approved by the County Engineer for the public improvements. Such bond shall be without time limit;
 - 2) A certified check equal to one hundred percent (100%) of the estimated construction cost as approved by the County Engineer for the public improvement; or
 - 3) Subject to the approval of the chief fiscal officer of the County, a certification to the County by the institution, person or corporation financing the construction of the public improvements. Such certification shall consist of a bond, irrevocable letter of credit, or escrow account in favor of the County, stipulating that the funds in the amount of the estimated construction cost are available and set aside from all other funds;
 - a. That these funds will not be released to the owner, developer, or their agent, unless said release is signed by the County;
 - b. That such release by the County only certifies that as best as the County can determine, the construction was completed to the County's

satisfaction and does not relieve the Owner/Developer of the County's maintenance guarantee requirement;

- c. That ten percent (10%) of all monies released will be placed in an escrow account for use by the County should there be cause for the County to have to finish any work through the default, neglect or negligence of the owner, developer, or their agents;
 - d. That only the County shall have the right to release the funds in the escrow account; and
 - e. That acceptance of the public improvements by the County and the posting of the one year maintenance guarantee shall constitute release of the funds in the escrow account lacking any formal release by the County.
- F. All permits and approvals shall be obtained and all fees and deposits paid prior to beginning any construction of improvements;
- G. During construction and prior to acceptance of any public improvement, the Owner/Developer shall remove or cause to be removed such dirt and debris and foreign matter from all public rights of way, improvements and/or easements as were deposited, left or resulted from the construction of improvements of any nature within the development. Such removal shall take place within twenty-four (24) hours after being notified by the County that such work is required, and shall be completed to the satisfaction of the County Engineer.
- H. All public improvements shall be guaranteed by the Owner/Developer for a period of one year from the date such improvement is accepted, in writing, by the County Engineer. Such guarantee shall consist of a maintenance bond, certified check or other acceptable instrument, for five percent (5%) of the total cost of the improvements. Such guarantee shall include any and all defects and deficiencies in workmanship and materials. The cost of all labor, materials, equipment and other incidentals required to maintain, repair and replace any or all of such improvements and to maintain them in good and proper condition, excluding ordinary wear and tear, but including filling trenches and restoring lawns, sidewalks, yards, streets, sewers, pipe lines, etc., during the one year guarantee period shall be assumed by maintenance, repairs or replacements within a reasonable time after notice in writing by the County, or in the event of an emergency which may endanger life or property, the County may make or cause to be made, such repairs or replacements from the above guarantee.
- I. The Owner/Developer shall execute a development agreement with the County, specifying the terms and conditions required under this Section of this

Resolution. Such development agreement shall be approved by the County Engineer and County Prosecutor.

- J. No person or owner shall violate any of the regulations established in this Section and upon violation the County shall have the right to:
- a) Stop all work on the development site forthwith;
 - b) Hold the bonding company responsible for the completion of the public improvement according to the approved construction drawings and the agreement.

ARTICLE V
PERMITTING PROCESS

Section 5.01 Submittal Materials

The applicant for a drive permit shall submit the following items for approval to the Holmes County Engineer's Office per Section 1.06 of the Regulations.

- A. One copy of a location map on 8.5"X11" paper. Map shall be excerpted from the official Holmes County Highway Map produced by the Holmes County Engineer's Office.
- B. A completed application form that identifies the name of the applicant and the location of the proposed drive. Drive locations shall be provided to the nearest foot and are subject to verification by Holmes County Engineer's Office.
- C. Applicable permit fees shall be set through resolution of the Holmes County Board of Commissioners.

Section 5.02 Approval Process

After determination that such request for a driveway permit meets the criteria of these regulations, the designated agent of the Holmes County Engineer's Office shall, within thirty (30) working days, approve or otherwise take action on said request. If the permit is approved, such agent shall mark the application "approved for driveway access."

If an application has been determined not to be approvable, an additional statement so indicating shall be marked on the application.

ARTICLE VI VARIANCES AND APPEALS

Section 6.01 Variances

For consideration of variances, The Holmes County Planning Commission is designated by the County Engineer's Office to review variance requests for proposals under consideration by the Holmes County Engineer. Variance requests shall adhere to the standards set fourth in this section. Input regarding the merit of a variance request shall be sought from the County Engineer's Office and/or the designated agent of the Holmes County Planning Commission.

Section 6.02 Criteria for Variances

Where the Planning Commission finds that extraordinary and unnecessary hardship may result from strict compliance with these regulations, it may grant a variance so as to relieve such hardship, provided such relief does not impair the intent and purpose of these regulations.

Such variances shall only be granted in cases of special conditions, involving physical conditions of the land, whereby strict application of such provisions or requirements would result in *practical difficulty and unnecessary hardship* that would deprive the owner of the reasonable use of the land and buildings involved. In granting such variance, the HCPC shall find that such conditions do not apply generally to other land in the vicinity, that such hardship has not been self-inflicted by the applicant, and that the variance, if authorized, will represent the minimum variance that will afford relief.

Section 6.03 Appeals

Any person who believes he/she has been aggrieved by these regulations or actions of the Planning Commission or County Engineer's Office has all the rights of appeal as set forth in Chapter 711 or other applicable sections of the Ohio Revised Code. Within 60 days after refusal to approve a driveway permit, the applicant may appeal the decision of the Holmes County Engineer and/or Holmes County Planning Commission to the Holmes County Court of Common Pleas, in which he/she shall be named plaintiff.