



CARVER COUNTY DIVISION OF PUBLIC WORKS

PRIVATE ACCESS POLICY

Adopted by the Carver County Board of Commissioners – March 7th, 2023

Policy Statement

Purpose & Need

The purpose of the Private Access Policy is to set standards that determine how private access onto roads under Carver County Road Authority is to be permitted. The standards set forth encourage orderly access onto county roads, which promotes the safety and mobility of roadway users across the county highway system. Access spacing guidance for accesses that are not private, such as city and township road intersections onto county roads, are determined by Table 4.11 on page 4.52 of the Comprehensive Plan (see appendix). Adopted Corridor Studies supersede the spacing guidance of the Comprehensive Plan.

Without a Private Access Policy, Public Works has the Comprehensive Plan and Section 152.036 of the Carver County Zoning Code to base decisions on when determining access. This alone leaves some decisions open to discretion when determining where and how access is permitted. By adopting a Policy, the details of how private access is to be permitted will be solidified as a standard that will apply to all applicants of access permits. This document is the **Policy** referred to in Section 152.036 (E) (1) of the Carver County Zoning Code.

§ 152.036 ACCESS REQUIREMENTS.

(E) *Access to county roads.*

(1) All new driveways for residential, commercial or zoning permits shall be constructed in accordance with county adopted standards and **policy**.

Applicability

This policy is used in conjunction with Section 152.036 *Access Requirements* of the Carver County Zoning Code, Chapter 93 *Public Right-Of-Way Management* of the Carver County Code, the Comprehensive Plan, and other Adopted Public Work's Policies to permit accesses and their spacing. Carver County Public Work's utilizes the Private Access Policy when reviewing an Access Permit. Access Permits are needed to gain access to a road or road right of way that is under the County's Road Authority.

If the adjacent lands surrounding a parcel only provide abutting frontage with County Right of Way, and not any other public street access, then Public Works will not prohibit

access onto the county road per Minnesota Statutes §160.18, and other relevant law. Public Works will apply the standards of the policy to determine the best access location.

An Access Permit is required, including within Cities, when there is county road Authority under the following conditions:

- Development of a property that is requesting or requiring direct access to a county road
- Change in use of a property that has access from a county road
- Change in the intensity of the use of a property that has access to a county road
- Impacts from a land use action that has significant traffic impact on a county road

Definitions

Access Permit: As defined in Section 93.03 *Definitions* of the Public Right-Of-Way Management Ordinance of Carver County Code.

Average Daily Traffic: Adopted Minnesota Department of Transportation Official AADT for a roadway segment.

Change in Intensity of Use: A change in the intensity of a use is determined if any of the following apply:

- A Conditional Use Permit (CUP) is required.
- A CUP amendment is required.
- An Interim Use Permit (IUP) is required.
- An IUP amendment is required.
- When traffic related to the subject use increases beyond what was approved in a CUP or IUP.
- When traffic related to the subject use reaches levels where a Transportation Impact Analysis is required.

This definition is only used by Public Works in relation to the Access Policy. This definition does not apply to Land Use Decisions by the Department of Land Management.

Comprehensive Plan: The current Comprehensive Plan adopted by Carver County.

Departure Request: A request submitted to Carver County Public Works to diverge from the Access Policy when there is a stated inability to meet the standards within the Access Policy.

Feasibility: The state or degree to which the dimensions of the abutting road frontage or environmental, topographical, operational, and safety factors allow for an access configuration.

Fee Schedule: The current Fee Schedule adopted by Carver County.

Future Functional Classification: As identified in the Comprehensive Plan.

Road: Inclusive of highways or streets that are for public use.

Temporary Access Permit: When an Access Permit is issued for a limited duration of time by the permitting process. An Access Permit is required when a Temporary Access Permit is expired, and a permanent access is wanted at the same location.

Transportation Impact Analysis: When any of the following criteria apply in relation to a land use action a Transportation Impact Analysis (TIA) will be required.

- Development generates 750 or more vehicle trips per day.
- Development generates 100 or more vehicle trips in any one hour period.
- The location of the development is in an environmentally or otherwise sensitive area, or in an area which is likely to generate public controversy, as determined by the County Engineer or their designees.
- Development will substantially change the off-site transportation system or connections to it.
- Development will create a potential hazard to public safety as determined by the County Engineer or their designee.
- Development traffic could substantially affect an intersection or roadway segment already identified as operating at a level of service D or worse for the whole intersection or individual intersection movements.

A TIA may be required without one of the following criteria being present when it is determined, by the County Engineer or their designee, that the development has potential to lower the roadway network's level of service or present new or increased safety risk concerns.

An existing traffic report may be used in replacement of a new TIA when it is determined by the County Engineer or their designee that the report accurately studies the same impact.

Transition Growth Area: As Transition Area Overlay District is defined on the currently adopted Carver County Zoning Map.

Standards

1. If there is an opportunity to access from more than one roadway or roadway right of way, then the access shall come from the lower class road or road right of way.
 - a. When the lower class road is a township road, then township road requirements apply. See Section 152.036 (F) *Access to township roads* of the Zoning Code.
 - i. This is inclusive of the requirement for Conditional Use Permits and Interim Use Permits to be located on a paved road. Access associated with a Conditional Use Permit or Interim Use Permit is to have a

paved connection on the lower class road unless approved otherwise through the permitting process subject permit. As detailed in Section 152.079 (A) (4) of the Zoning Code, the pavement requirement may be waived by the affected township with written approval.

- b. Average Daily Traffic shall determine where access is granted when there are comparable classes of roads, with the access being permitted on the road with lower Average Daily Traffic.
2. For properties located within a city or inside of the Transition Growth Area, private access is granted by deviation only. Adopted Corridor Studies supersede the following standards.
- a. **Option 1:** Share with existing access
 - b. **Option 2:** Private access shall meet access spacing guidance for public street spacing (as defined in Table 4.11 of the Comprehensive Plan) from the nearest intersection and 600 feet between driveways
3. For properties located outside of cities and outside of the Transition Growth Area, the following table sets private access standards that relate to the roadway’s future functional classification. Adopted Corridor Studies supersede the following standards.

Future Functional Class				
	Principal Arterial*	Minor Arterial*	Collector	Local
Private Access Guidelines	By deviation only	By deviation only	Permitted, subject to conditions	Permitted, subject to conditions
Option 1	Deviation - Share with existing access	Deviation - Share with existing access	Condition - Share with existing access	Condition - Share with existing access
Option 2	Deviation – Private access shall meet access spacing guidance for public street spacing from the nearest intersection and 600 feet between driveways	Deviation – Private access shall meet access spacing guidance for public street spacing from the nearest intersection and 600 feet between driveways	Condition – 1/8 mile spacing from the nearest intersection and 600 feet between driveways	Condition – 1/8 mile spacing from the nearest intersection and 600 feet between driveways

* If the roadway is under 1500 Average Daily Traffic, Collector standards apply

4. Private access to signalized intersections and roundabouts shall not be allowed. Existing private access onto signalized intersections and roundabouts at the time of this Policy being adopted may remain. This restriction applies to intersections identified in the Capital Improvement Plan as future potential signals or roundabouts.

Access to these intersections is only allowed by way of publicly owned road right of way.

Departure Request

Under specified circumstances the applicant of an Access Permit may request to depart from the private access guidelines that guides the standards of their proposed access. Only when one of the following opportunities is present, the applicant may be granted a departure from the guidelines.

Opportunities for Departure

- If there is a feasibility concern about locating on the lower class road.
- When the property is in a Transition Growth Area, or inside of a city, and there is a feasibility concern about sharing with an existing access.
- When the property is in a Transition Growth Area, or inside of a city, and there is a feasibility concern about following access spacing guidance compatible with future public street intersection spacing, coordination and agreement with future City is required in addition to the Departure Request.
- When the standards of a Minor Arterial or Principal Arterial future functional class apply and the County's Deviation option has feasibility issues.
- When the standards of a Collector or Local future functional class apply, and the County's Condition option has feasibility issues.
- When the proposed access is onto a current or future signalized intersection or roundabout and there is a feasibility concern about standard #4 prohibiting a connection.

Departure Request Review Process

For review, applicants are to apply for a Departure Request. The applicant is to detail in their request how one of the stated Opportunities is applicable to their request. In addition to the submission of applicable fees, as prescribed in the Fee Schedule, the request is made eligible for review upon determination there is an applicable Opportunity.

Departure Requests are reviewed by the Public Works Director or their designee. Eligible Departure Requests will have their access location determined by Public Works, the proposed location is not granted solely on eligibility.

Public Works Division Director Discretion

Situations may occasionally arise which require flexibility and practicality when following this policy. The Public Works Division Director is authorized to make good management decisions relating to matters not specifically addressed by this policy. Management decisions that are made should follow the general intent of this policy.

Appendix

□ **Table 4.11: Carver County Access Spacing Guidelines**

Source: MnDOT Access Management Manual, Chapter 3 (January 2008) & Carver County

Category	Area or Facility Type	Typical Functional Class	Public Street Intersection Spacing		Signal Spacing	Private Access	
			Primary Full Movement Intersection	Conditional Secondary Intersection			
Carver County Access Spacing Guidelines - Based on MnDOT Access Management Manual	1	High Priority Interregional Corridors					
	1F	Interstate Freeway	Principal Arterials	Interchange Access Only			
	1AF	Non-Interstate Freeway		Interchange Access Only			
	1A	Rural, Exurban & Bypass		1 mile	1/2 mile	Interim Only By Deviation Only	By Deviation Only
	2	Medium Priority Interregional Corridors					
	2AF	Non-Interstate Freeway	Principal Arterials	Interchange Access Only			
	2A	Rural, Exurban & Bypass		1 mile	1/2 mile	Strongly Discouraged By Deviation Only	By Deviation Only
	2B	Urban/Urbanizing		1/2 mile	1/4 mile	1/2 mile	By Deviation Only
	2C	Urban Core		300-660 feet dependent upon block length		1/4 mile	Permitted Subject to Conditions
	3	Regional Corridors					
	3AF	Non-Interstate Freeway	Principal and Minor Arterials	Interchange Access Only			
	3A	Rural, Exurban & Bypass		1 mile	1/2 mile	1 mile	By Deviation Only
	3B	Urban/Urbanizing		1/2 mile	1/4 mile	1/2 mile	By Deviation Only
	3C	Urban Core		300-660 feet dependent upon block length		1/4 mile	Permitted Subject to Conditions
	4	Principal Arterials					
	4AF	Non-Interstate Freeway	Principal Arterials	Interchange Access Only			
	4A	Rural, Exurban & Bypass		1 mile	1/2 mile	1 mile	By Deviation Only
	4B	Urban/Urbanizing		1/2 mile	1/4 mile	1/2 mile	By Deviation Only
	4C	Urban Core		300-660 feet dependent upon block length		1/4 mile	Permitted Subject to Conditions
	5	Minor Arterials					
	5A	Rural, Exurban & Bypass	Minor Arterials	1/2 mile	1/4 mile	1/2 mile	By Deviation Only
	5B	Urban/Urbanizing		1/4 mile	1/8 mile	1/4 mile	By Deviation Only
	5C	Urban Core		300-660 feet dependent upon block length		1/4 mile	Permitted Subject to Conditions
	6	Collectors					
	6A	Rural, Exurban & Bypass	Collectors	1/2 mile	1/4 mile	1/2 mile	Permitted Subject to Conditions
	6B	Urban/Urbanizing		1/4 mile	1/8 mile	1/4 mile	
	6C	Urban Core		300-600 feet dependent upon block		1/8 mile	
	7	Specific Action Plan					
	7	All	All	By Adopted Plan			