

**701 PUBLIC TRANSPORTATION FACILITIES**

**701 INTENT AND PURPOSE**

The intent of this Article is to identify public transportation improvements that are subject to development review and establish the standards and procedures for such review. Public transportation improvements that are not authorized by this Article, such as airport improvements, are permitted as specified by Article III Land Use Districts.

**701-1 Applicability**

701-1.1 This Article applies to project development for the design, construction, operation, maintenance, repair and preservation of public transportation facilities including roadways and bridges, and transit, bicycle and pedestrian facilities authorized by the Washington County Transportation Plan. Conditions of approval may be imposed to address significant impacts demonstrated to arise from the specific location or design of the improvements or decisions authorized by this Article. Except as expressly provided in this Article, the improvements and decisions identified herein:

- A. Are permitted in each district, and
- B. Shall be subject only to the standards set forth in this Article.

701-1.2 Except as expressly provided in this Article, the standards of this Article shall not apply to Local and Neighborhood Route streets inside an urban growth boundary. The standards in this Article are applicable to all public roads and highways outside an urban growth boundary.

701-1.3 The review standards of this Article are intended to address community or neighborhood impacts rather than isolated impacts on individual properties from which right-of-way or easements are to be obtained. These isolated impacts shall be addressed through right-of-way acquisition, the eminent domain process or dedications required by development in accordance with the procedures and standards applicable thereto.

**701-2 Project Categories**

The following categories of public transportation improvement projects are established:

- A. Exempt Projects: Projects that are exempt from the provisions of this Code. Decisions authorizing exempt projects are not land use decisions.
- B. Category A Projects: Projects that involve land use standards that do not require interpretation or the exercise of policy or legal judgment. Decisions authorizing Category A projects are not land use decisions.
- C. Category B Projects: Projects that involve land use criteria that are reasonably objective and generally require only limited discretion or judgment. Category B projects are assumed to be appropriate in the District. Decisions authorizing Category B projects are land use decisions.

- D. Category C Projects: Projects that involve land use criteria that require the exercise of a more significant level of discretion and judgment. Category C projects generally have more significant impacts or involve more complex land use issues. Decisions authorizing Category C projects are land use decisions.

### **701-3 Supplemental Procedures and Standards**

In addition to the standards of this Article, public transportation improvements are subject to other regulations that are not land use regulations and other practices and procedures that do not involve land use decision-making. It is not the intent of this Article to convert these supplemental regulations, procedures or practices into land use criteria or proceedings. Rather, they are mentioned to inform the public that the public transportation improvement process involves actions that extend beyond land use decision-making. These regulations, procedures and practices include the following.

- A. Uniform road improvement design standards and other uniformly accepted engineering design standards and practices that are applied during project development.
- B. Procedures and standards for right-of-way acquisition as set forth in Oregon Revised Statutes.
- C. Public involvement guidelines and practices for involving the public during the project development phase of a public transportation improvement, as approved by the Washington County Board of Commissioners.
- D. Interagency coordination, including coordination among affected Departments and Divisions within Washington County, and coordination with cities, Tri-Met, special districts, state and federal agencies, public utilities, and other service providers.
- E. Compliance with applicable local, state, or federal rules and regulations outside of this Code.

It is recognized that public entities have a responsibility to the public to ensure furtherance of certain non-land use objectives, including the need to rapidly address safety problems so as to protect the health and safety of the public, the need for fiscal responsibility and for efficient provision of transportation facilities and compliance with non-land use statutes or ordinances. This Article shall be construed so as to minimize interference with, and promote the furtherance of, non-land use public policy objectives.

### **701-4 Definitions**

In addition to the definitions set forth in Article I, the following govern this Article:

- 701-4.1 Access Road: Outside an urban growth boundary, a low-volume public road that principally provides access to property.

- 701-4.2 Ancillary Easements: Easements related to a transportation facility, including slope, drainage, pedestrian, traffic control, construction and utility easements.
- 701-4.3 Channelization: Outside an urban growth boundary, separation or regulation of conflicting traffic movements into definite paths of travel by traffic islands or pavement markings to facilitate the safe and orderly movement of vehicles, bicycles, and pedestrians. Examples include, but are not limited to, left turn refuges, right turn refuges including the construction of islands at intersections to separate traffic, and raised medians at driveways or intersections to permit only right turns. "Channelization" does not include continuous median turn lanes.
- 701-4.4 Continuous Median Turn Lane: A turn lane typically providing for left turn movements in both travel directions and extending continuously at full width between two or more public street intersections.
- 701-4.5 Existing Right-Of-Way: Property held by a governmental body in fee or pursuant to dedication for roadway, bridge, pedestrian, bicycle, transit, or other public transportation facility purposes at the time that project development for a public transportation improvement is commenced or maintenance or reconstruction of an existing transportation facility is conducted. For project development of a public transportation improvement, existing right-of-way includes property dedicated for public transportation facility purposes to fulfill a condition of development, regardless of when that occurs.
- 701-4.6 Final Engineering: Activities necessary to allow an improvement to be advertised for bid. Activities include but are not limited to final design engineering and right-of-way acquisition.
- 701-4.7 Interim Improvement: Improvements which are constructed to less than a twenty (20) year design life or are constructed with less than the maximum number of lanes shown on the Transportation Plan. For town centers and transit station areas, improvements that do not provide the pedestrian, bicycle, or transit facilities or improvements set forth specifically in the Community Plan shall be considered "interim."
- 701-4.8 Intersection: The center point of the convergence of two or more county or public roads. Transportation facility modifications with travel or turn lanes extending up to one thousand (1,000) linear feet from the center of the convergence point are considered intersection modifications.
- 701-4.9 Maintenance: Recurring activities that are needed to keep an existing transportation facility in good operating condition in order to maintain the functional integrity and safe operation of the facility. Maintenance activities are carried out within existing right-of-way and result in no increase of traffic capacity or change in the character of a facility. Maintenance activities include but are not limited to: ditch cleaning and shaping; culvert or pipe repair, cleaning or in-kind replacement; road surface repair, sealing, reconstruction or reversion; grading of aggregate roads; street cleaning and flushing; vegetation management; and bridge cleaning and repair.
- 701-4.10 New Road: Outside an urban growth boundary, a public road or road segment that is not a realignment of an existing road or road segment.

- 701-4.11 Public Transportation Facilities: Facilities that move or assist in the movement of people or goods. For purposes of this Article, public transportation facilities include roadways and bridges, and transit, bicycle and pedestrian facilities, as well as their component and appurtenant structures. For roadways, these structures include the roadway surface, base, and subgrade; shoulders; embankments and revetments; bridges; traffic signals; signs; guardrails; landscaping; illumination and drainage facilities. For purposes of this Article, public transportation facilities include related facilities such as water quality and quantity improvement facilities and wetland mitigation sites. Public transportation facilities may include utilities and other service facilities that are located within or make use of the transportation facility.
- 701-4.12 Public Transportation Improvements: Improvements to public transportation facilities that are authorized by the Washington County Transportation Plan.
- 701-4.13 Realignment: Outside an urban growth boundary, rebuilding an existing roadway on a new alignment where the new centerline shifts outside the existing right-of-way, and where the existing road surface is either removed, maintained as an access road or maintained as a connection between the realigned roadway and a road that intersects the original alignment. The realignment shall maintain the function of the existing road segment being realigned as specified in the acknowledged comprehensive plan.
- 701-4.14 Reconstruction: Rebuilding substandard or deteriorated transportation facilities including roadways and bridges, and bicycle, pedestrian, and transit facilities. For roadways, the primary objective of reconstruction activities is to improve the roadway base or its sub-grade. The dimensions of a road either remain unchanged or are only slightly modified and no lanes are added.
- 701-4.15 Roadway Prism: The original constructed embankment or excavation of an existing roadway.
- 701-4.16 Significant (Substantial) Reduction in Peak Hour Travel Time: Outside an urban growth boundary, a rural improvement project significantly reduces peak hour travel time when, based on recent data, the time to travel the route is reduced more than fifteen (15) percent during weekday peak hour conditions over the length of the route located within the urban fringe. For purposes of measuring travel time, a route shall be identified by the predominant traffic flows in the project area.
- 701-4.17 Travel Lane: A lane designed primarily for through travel. Travel lane does not include a climbing, passing or turn lane, or lanes that are part of an interchange such as on and off ramps.
- 701-4.18 Turn Lane: A lane designed for right or left turn movement provided at intersections or driveways.
- 701-4.19 Ultimate Improvement: Improvements that are constructed to a twenty (20) year or greater design life, or are constructed to the maximum number of lanes shown on the Transportation Plan.
- 701-4.20 Urban Fringe: Lands outside the urban growth boundary that are within five (5) miles of the Portland Metro urban growth boundary.

**701-5 Review Procedures**

- 701-5.1 Except as provided in Section 701-6, Category A projects shall be reviewed and processed in the same manner as Type I actions. A project authorized under Section 703 may be elevated by the Director to a Category B project.
- 701-5.2 Except as provided in Section 701-6, Category B projects shall be reviewed and processed in the same manner as Type II actions. A project authorized under Section 704 may be elevated by the Director to a Category C project.
- 701-5.3 Except as provided in Section 701-6, Category C projects shall be reviewed and processed in the same manner as Type III actions.
- 701-5.4 Review approval shall expire automatically five (5) years from the date of approval unless a request for an extension is filed with the County prior to expiration.

**701-6 Project Review Committee**

The Director shall establish a Project Review Committee to act in a technical advisory capacity for the review of all public transportation improvement applications subject to this Article.

- 701-6.1 The Project Review Committee shall consist of representatives of all affected Department of Land Use and Transportation divisions, and may include representatives of other County departments and affected agencies as appropriate.
- 701-6.2 It shall be the duty of the Project Review Committee to review all public transportation improvement applications subject to this Article for completeness and conformance with the applicable requirements of this Article, the applicable Community Plan or Rural/Natural Resources Plan, and the Transportation Plan. The Project Review Committee also shall review these applications for conformance with road improvement design and engineering standards and other applicable non-land use regulations. The Project Review Committee shall make recommendations to the Review Authority about an application's conformance with the applicable requirements.

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**702 EXEMPT PROJECTS**

The following public transportation projects and decisions are exempt from the provisions of this Article, both inside and outside an urban growth boundary, unless otherwise specified below.

- 702-1** Decisions taken to regulate the use of roads under the jurisdiction of the Board as the statutory "roads authority". Examples include: eliminating, modifying or imposing prohibitions or restrictions on the classes, dimensions, weights or other characteristics of vehicles or road usage, and installing or removing gates.
- 702-2** Maintenance, preservation, and repair of existing public roads, transportation facilities and structures within existing right-of-way and ancillary easements.
- 702-3** Operational improvements within existing right-of-way and ancillary easements including, but not limited to striping, installation of guard rails, widening shoulders, street lighting, signalization, reflectors, buttons, signs, flashing beacons, channelization and median control.  
  
Outside an urban growth boundary, improvements that meet the definition of channelization (Section 701-4.3), and improvements to restrict access, including channelization and median control, are not exempt operational improvements.
- 702-4** Reconstruction or in-kind replacement of a public transportation facility within existing right-of-way, including the enlargement or removal of culverts, pilings or similar structures, provided they are not located in a flood plain, drainage hazard area or Significant Natural Resource area or they would not change or alter a designated historic or cultural resource pursuant to Section 373.
- 702-5** Emergency repairs, improvements, detours and traffic pattern changes and other actions taken in response to an immediate and significant risk of harm or inconvenience to the traveling public or for the protection of property. To the extent any such action would otherwise require compliance with this Article, compliance shall be demonstrated within six (6) months of the action. Notwithstanding any other provision, the Review Authority shall apply the standards herein and address mitigation of impacts in light of the exigencies upon which the action was taken.
- 702-6** Incidental construction activities including contractor construction staging areas and stockpiling of materials within public right-of-way or easements.
- 702-7** Bus stops, bus shelters and bus turnouts within existing right-of-way.
- 702-8** Acquisition of right-of-way or ancillary easements related to an approved facility or use.
- 702-9** Final design engineering and construction of a public transportation facility that is consistent with an approval granted under this Article.
- 702-10** Changes in frequency of transportation services, including rail, transit and air services.

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**703 CATEGORY A PROJECTS**

The following projects are permitted subject to the applicable development standards of this Article.

**703-1 Category A Projects Permitted Inside an Urban Growth Boundary**

- 703-1.1 Projects listed as exempt but which require the acquisition of right-of-way, provided that the acquisition is no greater than the maximum specified for the road classification in the Transportation Plan.
- 703-1.2 Widening or modification of an existing transportation facility, provided that:
- A. The project is consistent with the Transportation Plan;
  - B. The right-of-way width and dimensional standards do not exceed the right-of-way width and dimensional standards set forth in the Transportation Plan;
  - C. The new centerline of the road does not extend more than 6 feet in either direction from the existing centerline.
- 703-1.3 Alteration of a flood plain, drainage hazard area, or Significant Natural Resource Area, due to reconstruction, modification, or replacement of a transportation facility or any component thereof, occurring entirely within the existing roadway prism, so long as flood levels on adjoining properties do not rise, or the area in which the rise will occur contains no structures and the owner of such property signs a written acceptance of any increase in the flood plain or drainage hazard area elevation, or alternatively, so long as any rise in flood level is consistent with an adopted drainage master plan.
- 703-1.4 Incidental construction activities including contractor construction staging areas and stockpiling of materials outside a public right-of-way or easements.

**703-2 Category A Projects Permitted Outside an Urban Growth Boundary**

- 703-2.1 Climbing and passing lanes within the right-of-way existing as of July 1, 1987.
- 703-2.2 Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.
- 703-2.3 Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
- 703-2.4 Uses listed as exempt in Section 702, excluding Section 702-8, which require the acquisition of right-of-way, provided that the acquisition is no greater than the maximum specified for the road classification in the Transportation Plan.
- 703-2.5 Alteration of a flood plain, drainage hazard area or Significant Natural Resource Area, due to reconstruction, modification, or replacement of a transportation facility or any component thereof, occurring entirely within the existing roadway prism, so long as flood levels on adjoining properties do not rise, or the area in which the rise

will occur contains no structures and the owner of such property signs a written acceptance of any increase in the flood plain or drainage hazard area elevation, or alternatively, so long as any rise is consistent with an adopted drainage master plan.

**704 CATEGORY B PROJECTS**

The following projects are permitted subject to the applicable development standards of this Article.

**704-1 Category B Projects Permitted Inside an Urban Growth Boundary**

704-1.1 Widening or modification of an existing transportation facility, provided that:

- A. The project is consistent with the Transportation Plan;
- B. The right-of-way width and dimensional standards do not exceed the right-of-way width and dimensional standards set forth in the Transportation Plan;
- C. The new centerline of the road extends more than 6 feet from the existing centerline.

704-1.2 New transportation facilities or the extension of existing transportation facilities where the alignment is consistent with the location shown in the Transportation Plan. The right-of-way shall not exceed the right-of-way width standards set forth in the Transportation Plan.

704-1.3 Alteration of a flood plain, drainage hazard area or Significant Natural Resource Area, due to construction, reconstruction, modification, or replacement of a transportation facility or any component thereof, not otherwise permitted by Section 703-1.

704-1.4 Creation or restoration of wetlands in association with a transportation facility.

**704-2 Category B Projects Permitted Outside an Urban Growth Boundary**

704-2.1 The following improvements are allowed within the AF-20, EFU, and EFC Districts, and within the RR-5, AF-5, AF-10, R-COM, R-IND and MAE Districts:

- A. Alteration of a flood plain, drainage hazard area or Significant Natural Resource Area, due to construction, reconstruction, modification, or replacement of a transportation facility or any component thereof, not otherwise permitted by Section 703-2.
- B. A transportation improvement that has been adopted through an exception to the goal related to agricultural lands and to any other applicable goal with which the facility or improvement does not comply.
- C. Creation or restoration of wetlands in association with a transportation facility.

704-2.2 The following improvements are allowed within the RR-5, AF-5, AF-10, R-COM, R-IND and MAE Districts:

- A. Realignment of a public road or highway.
- B. Replacement of an intersection with an interchange.

- C. Continuous median turn lane.
- D. New access roads and collectors within the RR-5, AF-5, AF-10, R-COM, R-IND, and MAE Districts. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.
- E. Transportation facilities, services and improvements other than those listed in Sections 703-2, 704-2, and 705-2 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural/Natural Resource Plan or to provide emergency access.
- F. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.
- G. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.
- H. Channelization of a public road or highway not otherwise allowed by Section 703-2 or as necessary as an accessory transportation improvement allowed by Section 201-2.16.

**705 CATEGORY C PROJECTS**

The projects listed below are permitted subject to the applicable standards of this Article.

**705-1 Category C Projects Permitted Inside an Urban Growth Boundary**

705-1.1 Modification of an existing transportation facility or construction of a new transportation facility that is authorized by and consistent with the Transportation Plan but does not meet the criteria for a Category A or B project.

**705-2 Category C Projects Permitted Outside an Urban Growth Boundary**

705-2.1 The following projects are allowed in AF-20, EFU and EFC Districts:

- A. Realignment of a public road or highway.
- B. Replacement of an intersection with an interchange.
- C. Continuous median turn lane.
- D. New access roads and collectors where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.
- E. Transportation facilities, services and improvements other than those listed in Sections 703-2, 704-3, and 705-4 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural/Natural Resource Plan or to provide adequate emergency access.
- F. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.
- I. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.
- J. Channelization of a public road or highway not otherwise allowed by Section 703-2 or as necessary as an accessory transportation improvement allowed by Section 201-2.16.

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