

## Exhibit 7

## Chapter 6.3 – Transportation Facilities

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### 6.3.1 – Purpose

The purpose of this chapter is to establish procedures and standards for the consolidated review and approval of transportation projects. The chapter implements the provision of Oregon Administrative Rule 660-012-0045(1)(c), which states “To facilitate implementation of the TSP [transportation system plan], each local government shall amend its land use regulations to provide for consolidated review of land use decisions required to permit a transportation project.” The chapter also implements Oregon Administrative Rule 660-012-0050(3), which addresses land use decision-making regarding projects authorized in a TSP.

### 6.3.2 – Definitions

The following definitions apply to this Section:

- A. Maintenance.** Recurring activities that are needed to keep an existing transportation facility in good operating condition to maintain the functional integrity and safe operation of the facility. Maintenance activities are generally carried out within existing rights-of-way and result in no increase in 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; painting; road surface layer repair, sealing, or replacement; grading of aggregate roads; street cleaning and flushing; vegetation and landscape management; and bridge cleaning and repair.
- B. Operational Improvements.** New or additional features such as striping, guard rails, street lighting, signals, reflectors, buttons, signs, flashing beacons, shoulder widening, channelization, medians, access controls, and traffic calming features when not added as part of a transportation project.
- C. Reconstruction.** The rebuilding of substandard or deteriorated transportation facilities.
- D. Transportation Facility.** Any physical facility that moves or assists in the movement of people or goods, but excluding electricity, storm drainage, wastewater, and water systems.

**E. Transportation Project.** The construction or reconstruction of transportation facility improvements in public right-of-way which is planned, designed, and implemented as a package.

### **6.3.3 – Applicability**

- A.** This chapter applies to all transportation projects except transportation projects which are part of the development of land abutting the public right-of-way where the project is located and which are approved under other provisions of this Development Code.
- B.** This chapter does not apply to:
  - 1. The maintenance of transportation facilities.
  - 2. Operational improvements made within existing rights-of-way.
- C.** No other provisions of the Phoenix Development Code apply to transportation projects to which this chapter applies, except provisions expressly referenced in this chapter.
- D.** Exempt transportation projects are allowed uses in all zone districts and do not require land use approval. Exempt transportation projects are:
  - 1. 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.
  - 2. Activities within rights-of-way other than state highways that are incidental to construction of non-transportation facilities, such as contractor use for staging and the stockpiling of materials.
  - 3. Bus stops, bus shelters, and bus turnouts within existing rights-of-way.
- E.** A transportation project authorized by the City’s Transportation System Plan is a permitted use in all zone districts, subject to design review under subsection 6.3.4.A of this chapter. If none of the standards in subsection 6.3.7.B apply to such a project, no design review is required.
- F.** A transportation project not authorized by the City’s Transportation System Plan is a conditional use in all zone districts and is subject to conditional use approval under subsection 6.3.4.B of this chapter and the approval standards in subsection 6.3.7.C of this chapter.
- G.** The standards of this chapter are intended to address community or neighborhood impacts of transportation projects, rather than impacts on individual properties from which right-of-way or easements may be obtained for a transportation project. These impacts on individual properties shall be addressed through the acquisition of the rights-of-way or easements.

### **6.3.4 – Review Process**

- A.** Design review of a transportation project authorized by the City’s Transportation System Plan shall be processed as a Type II procedure subject to the process in Section 4.1.4, Type II Procedure (Administrative).
- B.** An application for conditional use approval of a transportation project not authorized by the City’s Transportation System Plan shall be processed as a Type III procedure subject to the process in Section 4.1.5, Type III Procedure (Quasi-Judicial).
- C.** Modifications to conditional use approvals issued under this chapter shall be processed in accordance with Chapter 4.6, Modifications to Approved Plans and Conditions of Approval.

### **6.3.5 Application Requirements for Transportation Projects Authorized by the City's Transportation System Plan**

- A.** In addition to the requirements in Section 4.1.4.C, an application for design review of a transportation project authorized by the City's Transportation System Plan must include the following.
1. Plans that show:
    - a. If Chapter 3.7.3, Flood Damage Prevention Regulations, is applicable:
      - (1) The location of stream channels and the boundaries of the flood plain and floodway as shown on National Flood Insurance Program maps;
      - (2) The location of dikes, revetments, and other flood control works;
      - (3) The location of sanitary sewer system facilities, water lines, gas lines, and wells, including distances from property lines and creek/river bank;
      - (4) The location and elevation of the temporary elevation marks required in subsection B, below.
    - b. If Chapter 3.7.2, Riparian Setbacks, Protection of Class 1 & 2 Streams, is applicable, the location of the stream bank.
    - c. The boundaries of the Bear Creek Greenway, if project improvements would cross one or more of the boundaries.
    - d. For each location where subsection a, b, or c of this section applies or where the project would impact a site or building designated under Section 2.7.4, Designation of Historic Buildings or Sites, the information in subsections 6.3.6.A.2.a, b, and c.
  2. Other plans or documentation needed to demonstrate that the improvements meet the standards in subsection 6.3.7.B of this chapter.
  3. A description of each instance in which the applicant proposes a variance from a standard in subsection 6.3.6.B of this chapter, and, for each such variance, an explanation of why the public interest and conditions specific to the location justify the variance.
- B.** If Section 3.7.3, Flood Damage Prevention Regulations, is applicable:
1. Two temporary elevation marks within 50 feet of the proposed development shall be placed by the applicant's registered engineer or surveyor. Elevations shall be established from reference mark elevations shown on the Flood Insurance Program Map.
  2. The floodway boundary shall be marked every 50 feet in the area of the proposed improvements by the applicant's registered engineer or surveyor. The floodway shall be established from the National Insurance Program maps.

### **6.3.6 – Application Requirements for Transportation Projects Not Authorized by the City's Transportation System Plan**

- A.** In addition to the requirements in Section 4.1.5.B, an application for conditional use approval under this Chapter must include the following.
1. A written description of the proposed project and explanation of how it is consistent with the

goals and policies of the City's Transportation System Plan on roadways, bicycle facilities, and pedestrian facilities.

2. Plans that show:
  - a. Existing and proposed boundaries of rights-of-way and permanent easements.
  - b. All existing and proposed transportation improvements, including, but not limited to, roadways, bridges, traffic signals, pedestrian facilities, bicycle facilities, retaining walls, noise walls, signs, illumination, drainage facilities, and locations where fill is required.
  - c. Existing conditions within the limits of the proposed improvements and within 100 feet of the project limits, including but not limited to:
    - (1) the location and type of structures and other improvements, including proposed removal of structures and other improvements;
    - (2) lot boundaries and areas, building setbacks, and property dimensions for all properties within 100 feet of the proposed improvements; and
    - (3) proposed alterations, if any, to existing parking and access.
  - d. Proposed access control locations, if any.
  - e. Proposed landscaping, including the location and name of trees, shrubs, and ground cover plants, and descriptions of non-plant ground covers.
  - f. Proposed facilities for stormwater drainage and treatment.
  - g. Cross sections of the proposed improvements.
  - h. If Chapter 3.7.3, Flood Damage Prevention Regulations, is applicable:
    - (1) the location of stream channels and the boundaries of the flood plain and floodway as shown on National Flood Insurance Program maps;
    - (2) the location of dikes, revetments, and other flood control works;
    - (3) the location of sanitary sewer system facilities, water lines, gas lines, and wells, including distances from property lines and creek/river bank; and
    - (4) the location and elevation of the temporary elevation marks required in subsection B, below.
  - i. If Chapter 3.7.2, Riparian Setbacks, Protection of Class 1 & 2 Streams, is applicable, the location of the stream bank.
  - j. The boundaries of the Bear Creek Greenway, if project improvements would cross one or more of the boundaries.
3. Other plans or documentation needed to demonstrate that the improvements meet the standards of this chapter.
4. A description of each instance in which the applicant proposes a variance from a standard in subsection 6.3.6.B, and, for each such variance, an explanation of why the public interest and conditions specific to the location justify the variance.

**B.** If Section 3.7.3, Flood Damage Prevention Regulations, is applicable:

1. Two temporary elevation marks within 50 feet of the proposed development shall be placed by the applicant's registered engineer or surveyor. Elevations shall be established from reference mark elevations shown on the Flood Insurance Program Map.
2. The floodway boundary shall be marked every 50 feet in the area of the proposed improvements by the applicant's registered engineer or surveyor. The floodway shall be established from the National Insurance Program maps.

**6.3.7 – Standards**

**A.** Only the standards in this Section shall apply to transportation projects regulated by this chapter.

**B. Standards Applicable to Projects Authorized by the City's Transportation System Plan**

1. **Flood Damage Prevention.** If Section 3.7.3, Flood Damage Prevention Regulation is applicable, the project must comply with applicable standards in Section 3.7.3.E, Provisions for Flood Hazard Reduction.
2. **Riparian Setbacks and Protection of Class 1 & 2 Streams.** If applicable, the project must comply with the standards in Chapter 3.7.2, Riparian Setbacks, Protection of Class 1 & 2 Streams.
3. **Bear Creek Greenway.** If applicable, the project must comply with the standards in Chapter 2.8, Bear Creek Greenway District.
4. **Historical and Cultural Resources.** The improvements shall not significantly impact a site or building designated under Section 2.7.4 of this Code unless the application demonstrates that the impact is unavoidable and that the applicant commits to take reasonable efforts to mitigate the unavoidable impact.

**C. Approval Standards Applicable to Projects Not Authorized in the City's Transportation System Plan**

1. **Consistency with Transportation System Plan.** The project must be consistent with the goals and policies of the City's Transportation System Plan on roadways, bicycle facilities, and pedestrian facilities.
2. **Street Design Standards.** The project must meet or exceed the applicable standards in Table 3.5.2, City of Phoenix Right-of-Way and Street Design Standards, in Chapter 3.5, Street and Public Facilities Standards. Where a range of widths is indicated, the Planning Commission shall determine the appropriate width standard based on the factors in Section 3.5.2.F.
3. **Landscaping.** Project improvements, including landscaped medians, must comply with all standards in Section 3.3.3, New Landscaping, applicable to planting strips.
4. **Stormwater Drainage and Treatment.** The Public Works Director or City Engineer approves the design of proposed facilities for stormwater drainage and treatment.
5. **Flood Damage Prevention.** If Section 3.7.3, Flood Damage Prevention Regulation is applicable, the project must comply with applicable standards in Section 3.7.3.E, Provisions for Flood Hazard Reduction.
6. **Riparian Setbacks and Protection of Class 1 & 2 Streams.** If applicable, the project must

comply with the standards in Chapter 3.7.2, Riparian Setbacks, Protection of Class 1 & 2 Streams.

7. **Bear Creek Greenway.** If applicable, the project must comply with the standards in Chapter 2.8, Bear Creek Greenway District.
8. **Historical and Cultural Resources.** The improvements shall not significantly impact a site or building designated under Section 2.7.4 of this Code unless the application demonstrates that the impact is unavoidable and that the applicant commits to take reasonable efforts to mitigate the unavoidable impact.
9. **Non-linear Facilities.** Non-linear transportation facilities, such as park-and-ride lots, shall meet all development standards applicable in the zone in which they are proposed to be located.

### **6.3.8 – Conditions of Approval**

An approval issued under this chapter shall impose conditions to ensure compliance with the standards in subsection 6.3.7.B and C of this chapter.

### **6.3.9 – Variances from Standards of Approval**

Approvals issued under this chapter may allow variances from standards in subsection 6.3.7.B and C of this chapter, if, for each such variance, the approval includes:

- A. as a condition of approval, the requirement the project must meet as an alternative to compliance with the standard; and
- B. findings that the public interest and conditions specific to the location justify the variance.

### **6.3.10 – Expiration of Approval**

Approval of a transportation project under this chapter shall be void after five years, unless substantial construction pursuant to the approval has taken place.