DRAFT

TECHNICAL MEMORANDUM 1

DEFINITION AND BACKGROUND

FERN VALLEY INTERCHANGE AREA MANAGEMENT PLAN

JACKSON COUNTY

REGION 3

KEY# 12723

September 20, 2007

INTRODUCTION

This technical memorandum is intended to state the reasons and context for preparing the an interchange area management plan (IAMP) for the Fern Valley Interchange. It states the purpose and intent of the Fern Valley Interchange Area Management Plan (FVIAMP), defines the problem the FVIAMP is intended to address, identifies applicable standards and the interchange's intended function, and lists goals and objectives. These will serve as the basis for evaluating alternative land use and access management measures for incorporation into the FVIAMP. The technical memorandum also describes the proposed boundaries of the interchange management area.

The Oregon Department of Transportation (ODOT) is proposing to replace the existing Fern Valley Interchange with an interchange that will accommodate existing traffic volumes and projected traffic volume growth through 2030. The Fern Valley Interchange is located on Interstate-5 (I-5) approximately 24 miles north of the Oregon/California border, in the City of Phoenix and Jackson County. The interchange accesses the Phoenix area via Fern Valley Road, which crosses over I-5. The interchange accommodates all directional motor vehicle movements between the two roadways.

PURPOSES AND INTENT

Purpose of the Fern Valley Interchange Project

The purpose of the project to replace the Fern Valley Interchange is to "to reduce congestion and improve operational conditions at the I-5 (I-5) interchange with Fern Valley Road, on Fern Valley Road within the City of Phoenix Urban Growth Boundary [UGB], and on OR 99 near its intersection with Fern Valley Road."[1]

Regulatory Requirements Applicable to IAMPs

The FVIAMP is being developed to meet the requirements of Oregon Administrative Rule (OAR) Section 734-051-0155(7), adopted by the Oregon Transportation Commission (OTC). The OTC establishes ODOT policy. OAR 734-051-0155(7)states:

> An Interchange Area Management Plan is required for new interchanges and should be developed for significant modifications to existing interchanges. An Interchange Area Management Plan must comply with the following criteria, unless the Plan documents why compliance with a criterion is not applicable:
>
> (a) Be developed no later than the time an interchange is designed or is being redesigned.
>
> (b) Identify opportunities to improve operations and safety in conjunction with roadway projects and property development or redevelopment and adopt policies, provisions, and development standards to capture those opportunities.

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[1]URS Corp., Draft, Chapter 1, Environmental Assessment, Fern Valley Interchange Project, August 2, 2007.

(c) Include short, medium, and long-range actions to improve operations and safety within the designated study area.

(d) Consider current and future traffic volumes and flows, roadway geometry, traffic control devices, current and planned land uses and zoning, and the location of all current and planned approaches.

(e) Provide adequate assurance of the safe operation of the facility through the design traffic forecast period, typically 20 years.

(f) Consider existing and proposed uses of all the property within the designated study area consistent with its comprehensive plan designations and zoning.

(g) Be consistent with any applicable Access Management Plan, corridor plan or other facility plan adopted by the Oregon Transportation Commission.

(h) Include polices, provisions and standards from local comprehensive plans, transportation system plans, and land use and subdivision codes that are relied upon for consistency and that are relied upon to implement the Interchange Area Management Plan.

OAR 734-051-0040(34) defines an IAMP as "a plan for managing a grade-separated interchange area to ensure safe and efficient operation between connecting roadways and to protect the functional integrity, operations, and safety of the interchange."

ODOT adopted the requirement for IAMPs as a way to maximize the value the people of Oregon receive from the large expenditure of tax dollars required to construct new interchanges. This reflects ODOT's elevated fiduciary responsibility that has resulted from the increasing scarcity of public funds for transportation investments relative to need. It also reflects a more thorough understanding of the relationships between transportation facilities and land use and between local and state transportation networks. Together, these changes have also increased the importance of collaboration between ODOT and the communities in which its transportation network is located.

Purposes and Intent of the FVIAMP

In light of the purpose of the proposed new Fern Valley Interchange and the IAMP regulatory requirements listed above, the purpose and intent of the FVIAMP are to:

- Preserve the capacity of the proposed interchange for at least the first 20 years of its design life and the capacity of Fern Valley Road and OR 99 in the vicinity of the interchange.
- Ensure the safe and efficient operation of the interchange and these roadways and protect their functional integrity, operations, and safety.

PROBLEM STATEMENT

The FVIAMP must meet both challenges common to interchanges and challenges specific to the Fern Valley Interchange. The fundamental challenge common to most interchanges is that interchange areas are attractive to retail and other land uses that benefit from good motor vehicle access and visibility and those uses can generate so much traffic that it overwhelms the capacity of the interchange. This is a problem because interchanges cost tens of millions of dollars and they and the land uses they attract can impinge on the livability of areas around them. The problem is especially acute where urban growth is rapid, as is the case in the Medford-Phoenix-Talent-Ashland corridor of Jackson County.

Challenges unique to the Fern Valley Interchange area that the FVIAMP must balance include:

1. Access to existing businesses near the interchange needs to be preserved. These include the retail mall in the existing interchange's northwest quadrant; DSU Peterbilt & GMC Truck, Inc., Home Depot, and other retail businesses along North Phoenix Road in the interchange's northeast quadrant; the Pear Tree Truck Stop (recently purchased by TravelCenters of America) and nearby businesses in the interchange's southeast quadrant; the business in the interchange's southwest quadrant, and the businesses along OR 99 near its intersection of Fern Valley Road.
2. The Phoenix Comprehensive Plan calls for additional commercial development near the interchange.
3. Such development has the potential to generate traffic that exceeds the capacity of the new interchange.
4. The viability for commercial use of the land zoned commercial along OR 99 to the north and south of Fern Valley Road needs to be supported.
5. Access to and the livability of residential areas near the interchange need to be preserved. These include the Phoenix Hills subdivision in the interchange's southeast quadrant and the mobile home parks in the interchanges northwest and southwest quadrants.
6. OR 99, Fern Valley Road, and North Phoenix Road serve important intra-regional travel roles.
7. The ODOT, City of Phoenix, and Jackson County policies identified below under "Applicable Policies and Standards" need to be met.

APPLICABLE POLICIES AND STANDARDS

Classifications

Table 1 shows ODOT, City of Phoenix, and Jackson County jurisdiction over the principal roadways in the interchange area and the classification of each roadway segment.

Table 1 ROADWAY JURISDICTION AND CLASSIFICATION		
Facility	**Jurisdiction**	**Classification**
I-5	ODOT	Interstate Highway, National Highway System,[1] Freeway,[2] Statewide Freight Route[3]
OR 99, City Center Special Transportation Area[4]	Phoenix	Arterial,[6] Regional Freight Route[7]
OR 99, outside City Center Special Transportation Area	ODOT	District Highway,[8] Regional Freight Route[7]
Fern Valley Rd. within Urban Growth Boundary	Phoenix	Arterial[6]
Fern Valley Rd. outside Urban Growth Boundary	Jackson County	Arterial[9]
North Phoenix Rd. within Urban Growth Boundary	Phoenix	Collector[6]
North Phoenix Rd. outside Urban Growth Boundary	Jackson County	Arterial[9]

Notes
[1]ODOT, *Oregon Highway Plan (OHP)*, Updated in June 2006, Highway Classification Maps.
[2] Ibid., p. 120.
[3] Ibid., p. 68
[4] The City of Phoenix owns the couplet segment of OR 99 (the Rogue Valley Highway) in downtown Phoenix, i.e., Main Street and Bear Creek Road from 6th Street on the south to just north of the north end of the couplet, including 4th Street and 1st Street between Main Street and Bear Creek Road. See Jurisdictional Transfer Agreement, Rogue Valley Highway, State Highway No. 63 – OR 99 (MP 11.37-12.00), Jackson County, City of Phoenix, January 3, 2006. The Phoenix Transportation System Plan designates an area with similar boundaries the City Center Special Transportation Area. See Figure 3-1, p. 24 of the TSP.
[6]City of Phoenix Transportation System Plan, p. 29.
[7]Rogue Valley Metropolitan Planning Organization, Regional Transportation Plan, p. 175.
[8]ODOT, OHP, State Highway Classification System map, PDF p. 307.
[9]Jackson County Transportation System Plan, p. 52.

Policies

Regarding Interstate Highways, the OHP states:

> Interstate Highways (NHS) provide connections to major cities, regions of the state, and other states. A secondary function in urban areas is to provide connections for regional trips within the metropolitan area. The Interstate Highways are major freight routes and their objective is to provide mobility. The management objective is to provide for safe and efficient high-speed continuous-flow operation in urban and rural areas.[2]

Regarding Freeways, the OHP states:

- Freeways are multi-lane highways that provide for the most efficient and safe high speed and high volume traffic movement.
- Interstate Freeways are subject to federal interstate standards as established by the Federal Highway Administration."
- Freeways are subject to ODOT's Interchange Policy.

[2] Ibid., p. 41.

- ODOT owns the access rights and direct access is not allowed. Users may enter or exit the roadway only at interchanges.
    - Preference is given to through traffic.
    - Driveways are not allowed.
- Traffic signals are not allowed.
- Parking is prohibited.
- Opposing travel lanes are separated by a wide median or a physical barrier.
- Grade separated crossings that do not connect to the freeway are encouraged to meet local transportation needs and to enhance bicycle and pedestrian travel.
- The primary function is to provide connections and links to major cities, regions of the state, and other states."[3]

"ODOT's Interchange Policy," as referenced above, is understood to mean Oregon Administrative Rule Section 734-051-0155, Access Management Plans and Interchange Area Management Plans. OAR 734-051-0155 states:

(1) The Department encourages the development of Access Management Plans and Interchange Area Management Plans to maintain and improve highway performance and safety by improving system efficiency and management before adding capacity. Access Management Plans and Interchange Area Management Plans:
(a) Must be consistent with Oregon Highway Plan;
(b) Must be used to evaluate development proposals; and
(c) May be used to determine mitigation for development proposals.

(2) Access Management Plans and Interchange Area Management Plans must be adopted by the Oregon Transportation Commission as a transportation facility plan consistent with the provisions of OAR 731-015-0065. Prior to adoption by the Oregon Transportation Commission, the Department will work with local governments on any amendments to local comprehensive plans and transportation system plans and local land use and subdivision codes to ensure the proposed Access Management Plan and Interchange Area Management Plan is consistent with the local plan and codes.

(3) The priority for developing Access Management Plans should be placed on facilities with high traffic volumes or facilities that provide important statewide or regional connectivity where:
(a) Existing developments do not meet spacing standards;
(b) Existing development patterns, land ownership patterns, and land use plans are likely to result in a need for deviations; or
(c) An Access Management Plan would preserve or enhance the safe and efficient operation of a state highway or interchange.

(4) An Access Management Plan may be developed:

[3] Ibid., Action 3A.1, p. 120.

(a) By the Department;
(b) By local jurisdictions; or
(c) By consultants.

(5) An Access Management Plan must comply with all of the following criteria, unless the Plan documents why a criterion is not applicable:
(a) Include sufficient area to address highway operation and safety issues and development of adjoining properties including local access and circulation.
(b) Describe the roadway network, right-of-way, access control, and land parcels in the analysis area.
(c) Be developed in coordination with local governments and property owners in the affected area.
(d) Be consistent with any applicable Interchange Area Management Plan, corridor plan, or other facility plan adopted by the Oregon Transportation Commission.
(e) Include polices, provisions and standards from local comprehensive plans, transportation system plans, and land use and subdivision codes that are relied upon for consistency and that are relied upon to implement the Access Management Plan.
(f) Contain short, medium, and long-range actions to improve operations and safety and preserve the functional integrity of the highway system.
(g) Consider whether improvements to local street networks are feasible.
(h) Promote safe and efficient operation of the state highway consistent with the highway classification and the highway segment designation.
(i) Consider the use of the adjoining property consistent with the comprehensive plan designation and zoning of the area.
(j) Provide a comprehensive, area-wide solution for local access and circulation that minimizes use of the state highway for local access and circulation.

(6) The Department encourages the development of an Interchange Area Management Plan to plan for and manage grade-separated interchange areas to ensure safe and efficient operation between connecting roadways:
(a) Interchange Area Management Plans are developed by the Department and local governmental agencies to protect the function of interchanges by maximizing the capacity of the interchanges for safe movement from the mainline facility, to provide safe and efficient operations between connecting roadways, and to minimize the need for major improvements of existing interchanges;
(b) The Department will work with local governments to prioritize the development of Interchange Area Management Plans to maximize the operational life and preserve and improve safety of existing interchanges not scheduled for significant improvements; and
(c) Priority should be placed on those facilities on the Interstate system with cross roads carrying high volumes or providing important statewide or regional connectivity.

(7) An Interchange Area Management Plan is required for new interchanges and should be developed for significant modifications to existing interchanges. An Interchange Area Management Plan must comply with the following criteria, unless the Plan documents why compliance with a criterion is not applicable:
   (a) Be developed no later than the time an interchange is designed or is being redesigned.
   (b) Identify opportunities to improve operations and safety in conjunction with roadway projects and property development or redevelopment and adopt policies, provisions, and development standards to capture those opportunities.
   (c) Include short, medium, and long-range actions to improve operations and safety within the designated study area.
   (d) Consider current and future traffic volumes and flows, roadway geometry, traffic control devices, current and planned land uses and zoning, and the location of all current and planned approaches.
   (e) Provide adequate assurance of the safe operation of the facility through the design traffic forecast period, typically 20 years.
   (f) Consider existing and proposed uses of all the property within the designated study area consistent with its comprehensive plan designations and zoning.
   (g) Be consistent with any applicable Access Management Plan, corridor plan or other facility plan adopted by the Oregon Transportation Commission.
   (h) Include polices, provisions and standards from local comprehensive plans, transportation system plans, and land use and subdivision codes that are relied upon for consistency and that are relied upon to implement the Interchange Area Management Plan.

Regarding Freight Routes, the OHP states "Consider the importance of timeliness in freight movements in developing and implementing plans and projects on freight routes."[4] The Regional Transportation System Plan does not contain similar policies.[5] FVIAMP Technical Memorandum 2 addresses broader policies regarding freight movement.

Mobility Performance Standards

ODOT, the City of Phoenix, and Jackson County prescribe mobility performance standards in volume to capacity (v/c) ratios. For freeways, the v/c ratio is the ratio of peak-hour volumes traveling on a roadway segment compared to the estimated one-hour roadway capacity. There are two separate ODOT v/c standards. One is in the OHP and the other is in the 2003 Highway Design Manual (English) (HDM). Transportation plans, including this IAMP, must apply OHP standards, whereas facility designs must meet HDM standards. Table 2 contains the mobility performance standards applicable to I-5, the Fern Valley Interchange, OR 99, Fern Valley Road, and North Phoenix Road.

[4] Ibid., Action 1C.4, p. 67.
[5] See Rogue Valley Metropolitan Planning Organization, Regional Transportation Plan. p. 170.

Table 2 ROADWAY JURISDICTION AND MOBILITY PERFORMANCE STANDARDS		
Facility	**Jurisdiction**	**Mobility Performance Standard**
I-5	ODOT	OHP: 0.80[1] HDM: 0.75[2]
Interchange ramp terminals	ODOT	OHP:0.85[3] HDM: 0.75[2]
OR 99, City Center Special Transportation Area	Phoenix	0.95 to > 0.95[4]
OR 99, outside City Center Special Transportation Area	ODOT	OHP: 0.90[5] HDM: 0.85[2]
Fern Valley Rd. within Urban Growth Boundary	Phoenix	0.90[4]
Fern Valley Rd. outside Urban Growth Boundary	Jackson County	0.95[6]
North Phoenix Rd. within Urban Growth Boundary	Phoenix	0.90[4]
North Phoenix Rd. outside Urban Growth Boundary	Jackson County	0.95[6]

Notes
[1]ODOT, *Oregon Highway Plan (OHP)*, Updated in June 2006, Highway Classification Maps.
[2]2003 Highway Design Manual, p. 10-38, http://www.oregon.gov/ODOT/HWY/ENGSERVICES/hwy_manuals.shtml).
[3]OHP, op. cit., Action 1F.1, p. 79 (. . . the maximum volume to capacity ratio for the ramp terminals of interchange ramps shall be the smaller of the values of the volume to capacity ratio for the crossroad, or 0.85."
[4]City of Phoenix Transportation System Plan, p. 29.
[5]OHP, op. cit., Table 6, p. 83.
[6]Jackson County Transportation System Plan, p. 62.

Access Spacing Standards

As applied to Fern Valley Road, ODOT access spacing standards require that:

- the distance between a ramp intersection and the first approach on the right; right in/right out only, be no less than 1,320 feet;
- the distance between a ramp intersection and the first intersection where left turns are allowed be no less than 1,320 feet;
- the distance between the start of the taper for the on-ramp and the last right in/right out approach road be no less than 990 feet;

unless ODOT approves a "deviation."[6] The listed standards are based on categorization of the interchange management area as "urban." Appendix A contains OAR 734-051-0135, which specifies the requirements for deviations from these standards.

As applied to the portion of OR 99 under ODOT jurisdiction (i.e., north of the couplet), ODOT access spacing standards require that unsignalized public and private approaches be spaced at least 350 feet apart.[7] The City of Phoenix does not have access spacing standards. The Jackson County TSP recommends a 300-foot minimum spacing between accesses for roadways classified as Arterial, which includes North Phoenix Road outside the Phoenix UGB.[8]

[6] ODOT, *Oregon Highway Plan*, Appendix C, Table 16, Minimum Spacing Standards Applicable to Freeway Interchanges with Two-Lane Crossroads.
[7] Ibid., Table 15, Access Management Spacing Standards for District Highways. This is the standard for District Highways in urban areas with a posted speed of 30 or 35 mph.
[8] Jackson County TSP, Table 5-2.

INTERCHANGE FUNCTION

Based on the classification of I-5 above and applicable policies, the function of the Fern Valley Interchange is to serve statewide and regional travel and freight mobility by providing safe and efficient connections between I-5 and Fern Valley Road that meet or exceed applicable mobility standards.

GOAL AND OBJECTIVES

The goal of the FVIAMP is to preserve over at least the first 20 years of the design life of the proposed new Fern Valley Interchange its function to serve statewide and regional travel and freight mobility by providing safe and efficient connections between I-5 and Fern Valley Road that meet or exceed applicable mobility standards. The FVIAMP seeks to achieve the following objectives to the greatest extent possible:

1. Provide for the safe and efficient operation of the interchange and approaches to it;
2. Protect the function of I-5 as an Interstate Highway, part of the National Highway System, a Freeway, and a Statewide Freight Route; the function of the City of Phoenix portion of OR 99 as an Arterial and Regional Freight Route; the function of Fern Valley Road and North Phoenix Road as Arterials; and the functions of the ODOT portion of OR 99 as a District Highway and Regional Freight Route;
3. Meet the performance standards applicable to I-5, the interchange, OR 99, Fern Valley Road, and North Phoenix Road in the Interchange Management Area (IMA) for at least the first 20 years of the design life of the interchange;
4. Meet or move in the direction of meeting ODOT access spacing standards applicable to the interchange and to Fern Valley Road, North Phoenix Road, and OR 99 ;
5. Provide for the transportation needs of current and planned land uses, as contained in the City of Phoenix Comprehensive Plan; and
6. Minimize adverse impacts on existing businesses and residences.
7. Provide adequate access to developable lands in the IMA, within the constraints required to ensure continued function of the interchange and local street network.

MANAGEMENT AREA

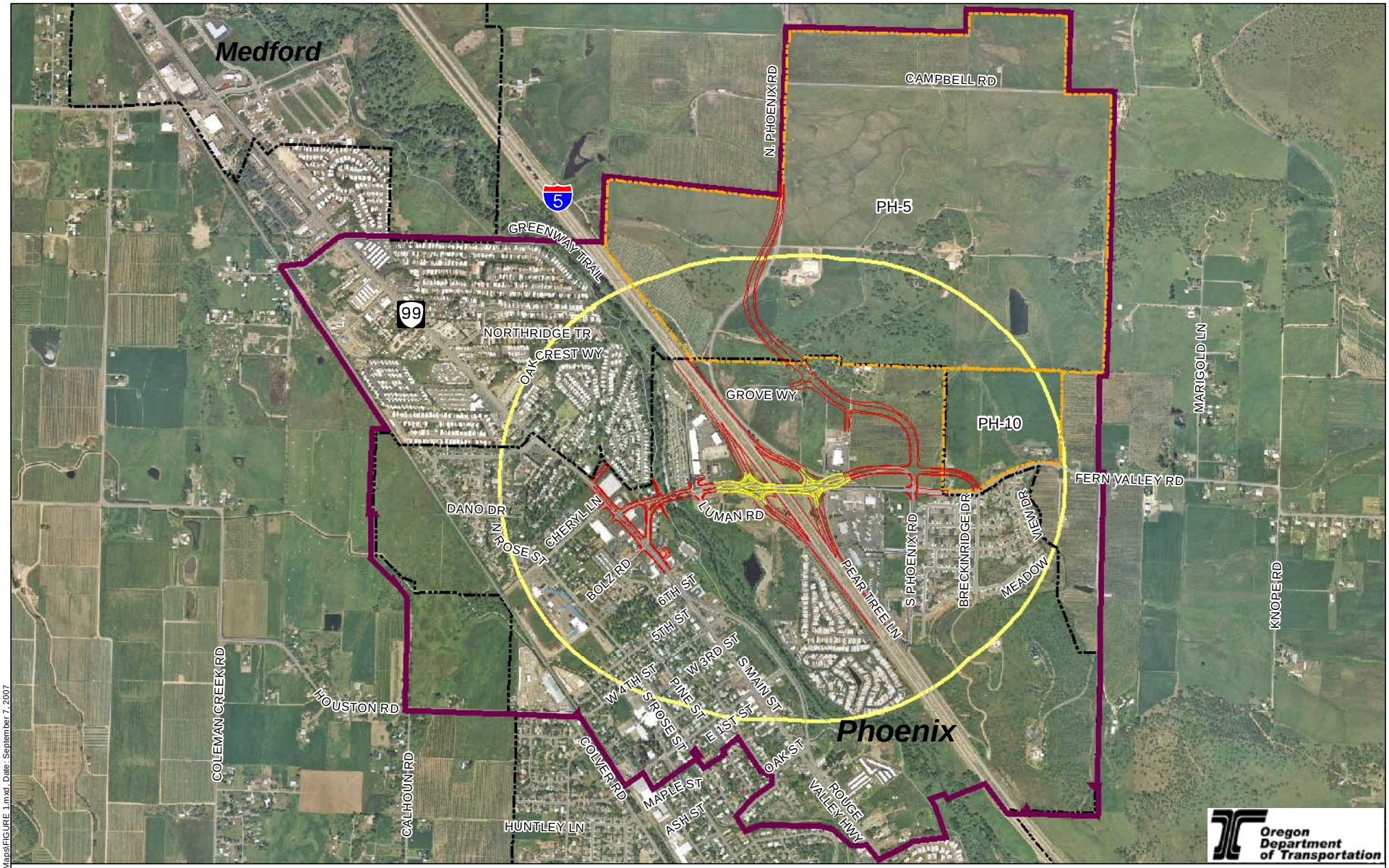
Figures 1 and 2 show the proposed boundaries of the Interchange Management Area (IMA) for the FVIAMP, and the alignments of the two build alternatives under consideration. The IMA boundary would be the same under both alternatives. The boundaries are intended to:

1. Include all lands within one-half mile of the interchange.[9]
2. Include urban reserve areas near the interchange which are identified by the Greater Bear Creek Valley Regional Problem Solving Plan.[10]
3. Include lands zoned for commercial development.

[9] See ODOT, Interchange Area Management Plan Guidelines, July 12, 2006, p. 10.
[10] Rogue Valley Council of Governments, Greater Bear Creek Valley Regional Problem Solving Plan, September 2007, http://rvcog.org/MN.asp?pg=rps_draftplan.

4. Include large parcels that could be redeveloped within the 20-year design life of the Fern Valley Interchange.
5. Exclude land zoned and developed for single-family development and other land unlikely to be developed or redeveloped with uses that could generate large amounts of motor vehicle traffic.

Figure 3 shows the proposed IMA boundary in relation to existing zoning.



Proposed Interchange Alignment

Proposed Roadway Alignment

PH-5 Proposed Urban Reserve Area

UGB

Interchange Management Area Boundary

One-half Mile Radius from Interchange Alignment

N

Feet

0 1,000 2,000

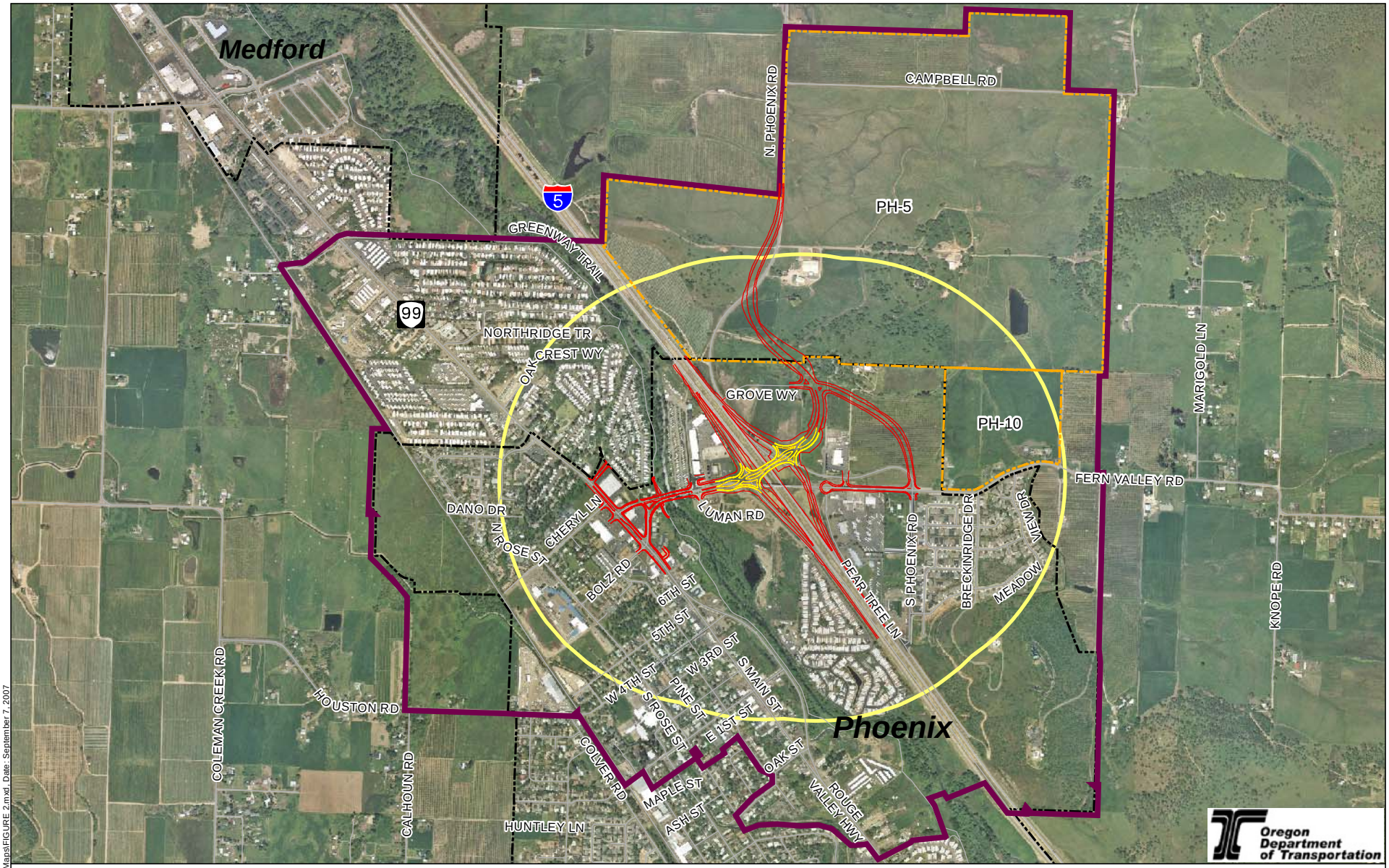
Figure 1
Interchange Management Area

Fern Valley East Alternative

Fern Valley Interchange

September 7, 2007

File Path: K:\Fern_Valley_MXDs\Alternative_Maps\FIGURE 1.mxd, Date: September 7, 2007



Proposed Interchange Alignment

Proposed Roadway Alignment

PH-5 Proposed Urban Reserve Area

UGB

Interchange Management Area Boundary

One-half Mile Radius from Interchange Alignment

N

Feet

0 1,000 2,000

Figure 2
Interchange Management Area

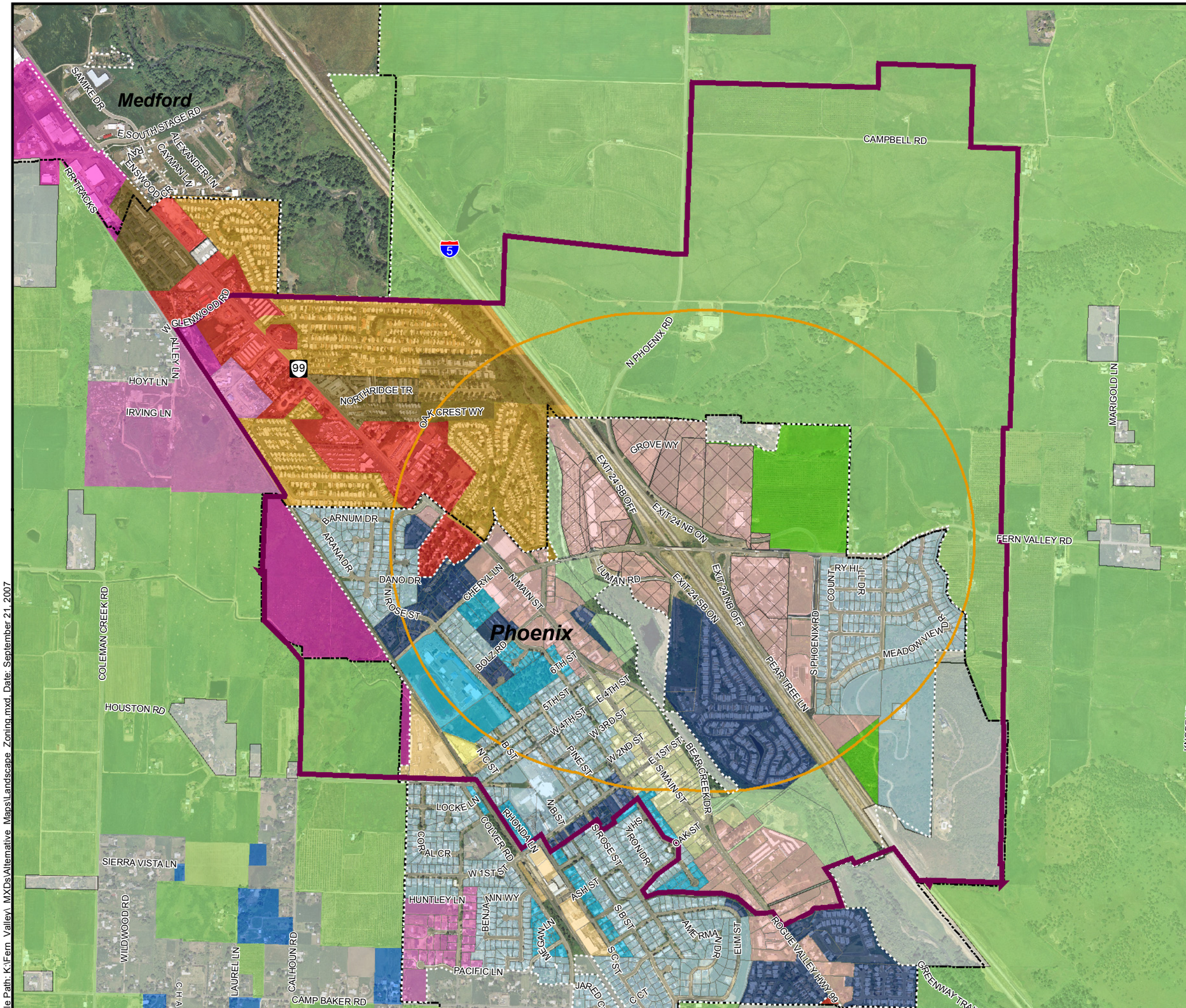
North Phoenix
Through Alternative

Fern Valley Interchange

September 7, 2007

File Path: K:\Fern_Valley_MXDs\Alternative_Maps\FIGURE 2.mxd, Date: September 7, 2007

Figure 3
Zoning, Interchange Management Area



UGB

City Boundary

One-half Mile Radius from Interchange Alignment

Interchange Management Area Boundary

City Zoning

- Bear Creek Greenway
- City Center
- Commerical Highway
- Farm Residential
- Hilsinfer Overlay
- Light Industrial
- Industrial
- Low Density Residential
- Medium Density Residential
- High Density Residential
- I-5 Overlay

County Zoning

- Exclusive Farm Use
- General Commercial
- General Industrial
- Light Industrial
- Rural Residential - 00
- Rural Residential - 2.5
- Rural Residential - 5
- Urban Residential - 1
- Urban Residential - 10
- Urban Residential - 8
- Urban Residential - 30

Feet

0 1,000 2,000

N

Oregon Department of Transportation

Fern Valley Interchange

September 21, 2007

File Path: K:\Fern_Valley_MXDs\Alternative_Maps\Landscape_Zoning.mxd, Date: September 21, 2007

Appendix A

OAR 734-051-0135, Deviations from Access Management Spacing Standards

(1) A deviation will be considered when an approach does not meet spacing standards and the approach is consistent with safety factors in OAR 734-051-0080(9). The information necessary to support a deviation must be submitted with an application or with the supplemental documentation as set forth in OAR 734-051-0070(5) and (6).

(2) For a private approach with no reasonable alternate access to the property, as identified in OAR 734-051-0080(2), spacing standards are met if property frontage allows or a deviation is approved as set forth in this section. The Region Manager shall approve a deviation for a property with no reasonable alternate access if the approach is located:

(a) To maximize the spacing between adjacent approaches; or

(b) At a different location if the maximized approach location:

(A) Causes safety or operational problems; or

(B) Would be in conflict with a significant natural or historic feature including trees and unique vegetation, a bridge, waterway, park, archaeological area, or cemetery.

(3) The Region Access Management Engineer shall approve a deviation if:

(a) Adherence to spacing standards creates safety or traffic operation problems;

(b) The applicant provides a joint approach that serves two or more properties and results in a net reduction of approaches to the highway;

(c) The applicant demonstrates that existing development patterns or land holdings make joint use approaches impossible;

(d) Adherence to spacing standards will cause the approach to conflict with a significant natural or historic feature including trees and unique vegetation, a bridge, waterway, park, archaeological area, or cemetery;

(e) The highway segment functions as a service road;

(f) On a couplet with directional traffic separated by a city block or more, the request is for an approach at mid-block with no other existing approaches in the block or the proposal consolidates existing approaches at mid-block; or

(g) Based on the Region Access Management Engineer's determination that:

(A) Safety factors and spacing significantly improve as a result of the approach; and

(B) Approval does not compromise the intent of these rules as set forth in OAR 734-051-0020.

(4) When a deviation is considered, as set forth in section (1) of this rule, and the application results from infill or redevelopment:

(a) The Region Access Management Engineer may waive the requirements for a Traffic Impact Study and may propose an alternative solution where:

(A) The requirements of either section (2) or section (3) of this rule are met; or

(B) Safety factors and spacing improve and approaches are removed or combined resulting in a net reduction of approaches to the highway; and

(b) Applicant may accept the proposed alternative solution or may choose to proceed through the standard application review process.

(5) The Region Access Management Engineer shall require any deviation for an approach located in an interchange access management area, as defined in the Oregon Highway Plan, to be evaluated over a 20-year horizon from the date of application and may approve a deviation for an approach located in an interchange access management area if:

(a) A condition of approval, included in the Permit to Operate, is removal of the approach when reasonable alternate access becomes available;

(b) The approach is consistent with an access management plan for an interchange that includes plans to combine or remove approaches resulting in a net reduction of approaches to the highway;

(c) The applicant provides a joint approach that serves two or more properties and results in a net reduction of approaches to the highway; or

(d) The applicant demonstrates that existing development patterns or land holdings make utilization of a joint approach impracticable.

(6) The Region Access Management Engineer may approve a deviation for a public approach that is identified in a local comprehensive plan and provides access to a public roadway if:

(a) Existing public approaches are combined or removed; or

(b) Adherence to the spacing standards will cause the approach to conflict with a significant natural or historic feature including trees and unique vegetation, a bridge, waterway, park, archaeological area, or cemetery.

(7) The Region Access Management Engineer may require that an access management plan, corridor plan, transportation system plan, or comprehensive plan identifies measures to reduce the number of approaches to the highway to approve a deviation for a public approach.

(8) The Region Access Management Engineer shall not approve a deviation for an approach if any of the following apply:

(a) Spacing standards can be met even though adherence to spacing standards results in higher site development costs.

(b) The deviation results from a self-created hardship including:

(A) Conditions created by the proposed site plan, building footprint or location, on-site parking, or circulation; or

(B) Conditions created by lease agreements or other voluntary legal obligations.

(c) The deviation creates a significant safety or traffic operation problem.

(9) The Region Access Management Engineer shall not approve a deviation for an approach in an interchange access management area where reasonable alternate access is available and the approach would increase the number of approaches to the highway.

(10) Where section (2), (3), (4), (5) or (6) of this rule cannot be met, the Region Manager, not a designee, may approve a deviation where:

(a) The approach is consistent with safety factors; and

(b) The Region Manager identifies and documents conditions or circumstances unique to the site or the area that support the development.

(11) Approval of a deviation may be conditioned upon mitigation measures set forth in OAR 734-051-0145.
(12) Denial of a deviation is an appealable decision.

OAR 734-051-0080(9) states:

For purposes of division 51, safety factors include:
(a) Roadway character;
(b) Traffic character;
(c) Geometric character;
(d) Environmental character; and
(e) Operational character.