



MEMORANDUM

**Technical Memorandum #5: Policy and Ordinance Amendments,
Findings [DRAFT]
US 199 Corridor Plan**

DATE July 7, 2022
TO Project Management Team
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INTRODUCTION

This memorandum outlines an approach for amending the State of Oregon and Josephine County’s plans and regulation to incorporate the goals, objectives, and design concepts identified in the US 199 Corridor Plan project. Recommended regulatory amendments are intended to implement project recommendations and to ensure consistency with adopted planning regulations. The memorandum also specifies implementation roles and responsibilities to clarify state and local expectations.

The US 199 Corridor Plan project provided a process to coordinate goals, regulations, and design concepts between Josephine County and the Oregon Department of Transportation (ODOT). The County has authority for land use and local street network planning while ODOT has authority to plan for highway (US 199) facility improvements and access management on the corridor. The US 199 Corridor Plan is the document that memorializes these responsibilities and actions and should be adopted by each governing body to guide the direction and actions moving forward that will implement needed upgrades to US 199.

Upon adoption, the US 199 Corridor Plan will update the County’s Transportation System Plan (TSP) – the transportation element of the County’s Comprehensive Plan – with a focus on increasing safety on the highway corridor. Adoption of the Corridor Plan by the Oregon Transportation Commission (OTC) will ensure that this detailed refinement plan for the corridor will guide the design and location of highway improvements and future state investment.

This memorandum provides a list of recommended modifications to the Josephine *Rural Land Development Code* (RLDC) in order to be consistent with and implement the US 199 Corridor Plan. The RLDC recommendations are summarized below and are accompanied by draft code language provided in Attachment A.

This memorandum also provide sample adoption findings to support adoption of the Corridor Plan and the updated TSP as part of Josephine County's Comprehensive Plan (OHP).

JOSEPHINE COUNTY TRANSPORTATION SYSTEM PLAN AND US 199 CORRIDOR ADOPTION PROCESS

Josephine County completed a planning study in 2020 to update the County's Transportation System Plan (TSP). The County did not officially adopt at that time due to complications resulting from the COVID-19 pandemic. The 2020 TSP will need to be adopted to ensure that transportation facilities and improvements are consistent with the planned transportation networks.

The US 199 Corridor Plan – a refinement to the 2020 TSP – will need to be adopted by the County and the State to ensure that state facilities and improvements are consistent with the planned transportation networks. The State and Josephine County will take action to adopt the recommendations of the US 199 Corridor Plan; however, the processes for each are different, as are the roles and responsibilities at each level of government. Ultimately, the Corridor Plan will be presented to the OTC for adoption as a state facility plan and an amendment to the OHP. Prior to adoption by the OTC, the County, with support from ODOT, will amend local policy documents to support the US 199 Corridor Plan and to ensure consistency between the study's recommendations, local plans, and development regulations.

Upon adoption, the 2020 TSP will provide long-range guidance for transportation planning in the County and the Corridor Plan will become the planning document that governs future transportation investment in the corridor. Future changes to local plans and development requirements will need to be found consistent with the adopted TSP and Corridor Plan.

Josephine County

- Josephine County will adopt the 2020 TSP and the Highway 199 Corridor Plan concurrently. Although adoption will occur through parallel adoption processes, the TSP and Corridor Plan are the result of separate planning efforts completed at different times. Once adopted, the Corridor Plan will be considered a refinement to the 2020 TSP.
- Through a separate adoption process, Josephine County will amend Rural Land Development Code (RLDC) to implement the recommendations of the 2020 TSP and the Highway 199 Corridor Plan.
- Amendments to adopt the 2020 TSP and Highway 199 Corridor Plan as a refinement to the Josephine County Comprehensive Plan will be initiated by Planning Commission pursuant to 19.46 JCC.

ODOT

- The corridor plan will be adopted by the OTC as a refinement to the OHP. The OTC will consider amendments once the County has adopted the plan.
- The corridor plan will be considered a refinement of the OHP once adopted.

JOSEPHINE COUNTY POLICY AMENDMENTS

The Josephine County TSP will be adopted as the transportation element of the Josephine County Comprehensive Plan. A number of transportation Goals from the TSP were identified as relevant to achieving the Corridor Plan objectives; Goals and Objectives are in Corridor Plan Appendix A: Technical Memorandum #1: Goals and Policy Review. The TSP includes policies that achieve specific transportation goals and objectives; similarly, the Corridor Plan will include policies that provide a framework for future decisions along US 199.

Proposed policies related to US 199 planning and future improvements are provided below.

The County and ODOT will work cooperatively to implement location-specific recommendations for different corridor segments along US 199, consistent with the US 199 Corridor Plan.

In locations that are not directly addressed in the US 199 Corridor Plan, future project development will be guided by systemic, corridor-wide strategies that are based on the applicable context zone as described in the plan.

Through the refinement planning and design phase of planned capital projects, the County and ODOT will coordinate with affected parties to balance mobility and access needs along the corridor and help minimize impacts due to right of way acquisition.

Through future land use permitting and approvals, the County will seek opportunities to provide alternate access to US 199, consolidate existing access points, and improve access onto the highway from parcels fronting the highway, consistent with the US 199 Corridor Plan.

The County will ensure that future land use decisions are consistent with and implement US 199 Corridor Plan safety objectives.

JOSEPHINE COUNTY RURAL LAND DEVELOPMENT CODE RECOMMENDATIONS

Table 1 provides a list of recommended RLDC amendments that are intended to be consistent with the goals and objectives of the draft corridor plan and implement the Comprehensive Plan. Specifically, the intent of the recommended list of amendments is to ensure that the County’s development regulations require future development to be consistent with and implement the planned transportation system. Corresponding recommended modifications to code requirements are provided in Attachment A.

Table 1: Recommended Code Amendments

#	RLDC Section	Recommended Amendment
1	19.81.070 Easements	Add language regarding cross-access easements. New standards for joint use access easements and maintenance agreements
2	19.81.080 Relation to Adjoining Street System	Add “transportation” to subsection C.
3	19.81.190 Standard Drive Approaches	Add access spacing requirements (reference to adopted TSP for local standards; ODOT and corridor plan for highway standards). Add authority to require driveway placement and design to accommodate joint access when spacing requirements can’t be met.

Note that the 2020 TSP includes recommended code amendments that also support Corridor Plan recommendations (see *Technical Memorandum 8: Implementing Ordinances and Code Changes* included in Attachment C). The amendments recommended in Table 1 are in addition to those proposed to support TSP implementation; both sets of recommendations should be considered by the County for adoption. Notably, code recommendations in the memo provided in Attachment C that will support implementation of the US 199 Corridor Plan include new transportation impact assessment requirements, multi-modal connectivity requirements, and shared and off-site parking requirements.

ADOPTION FINDINGS

Josephine County is planning to adopt the US 199 Corridor Plan, along with the updated Transportation System Plan (TSP) completed in 2020. The County's Planning Commission and Board of Commissioners will hold public hearings to review and adopt the updated plans. Updates to the TSP are required to be in compliance with state policies and planning documents. This memorandum includes findings in Attachment B that demonstrate the updated TSP and the US 199 Corridor Plan are in compliance with the following:

- Statewide Planning Goals
- Oregon Transportation Plan
- Oregon Highway Plan

Attachment B includes draft findings to support adoption of the US 199 Corridor Plan and updated TSP for Josephine County.

ATTACHMENT A: RECOMMENDED RURAL LAND DEVELOPMENT CODE AMENDMENTS

The following Rural Land Development Code modifications correspond to recommendations in Table 1 of *Technical Memorandum #5: Policy and Ordinance Amendments, Findings*. Recommended changes are in an adoption-ready format; text that is recommended to be added is shown as **underlined and bold**, and text recommended to be removed is shown in ~~strikeout~~.

Chapter 19.81 ACCESS STANDARDS

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19.81.070 Easements.

~~A.~~ Easements for public facilities, public or private utilities, slopes, drainage, etc., shall be dedicated wherever necessary. The Review Body may require the developer to acquire and dedicate easements on adjoining property when necessary to protect the public health, safety, and general welfare. Private road easements shall be described by deed and shall not serve more than four lots.

B. Where the County approves a joint use driveway pursuant to Section 19.81.190, the property owners shall record an easement with the deed allowing joint use of and cross access between adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed, defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to the County for its records, but the County is not responsible for maintaining the driveway or resolving any dispute between property owners.

19.81.080 Relation to adjoining street system.

A. Applicants for a subdivision, partition, replat, property line adjustment, planned unit development subdivision or site plan review shall provide for the continuation of the principal streets existing in adjoining subdivisions or for their proper projection when the adjoining property is not subdivided. The streets shall be a width not less than the minimum requirements for streets set out in JCC 19.81.130(A) and 19.81.200(F).

B. Where, in the opinion of the Review Body, topographic conditions make the continuation or conformity impractical with the existing, principal streets, an exception may be made.

C. Where an adopted **transportation**, neighborhood, area, or rural community plan is in place, the subdivision partition, replat, property line adjustment, or planned unit development subdivision shall conform to the adopted plan.

D. Where the plat submitted covers only a part of the developer’s tract, a drawing of the prospective future street system on the part submitted shall be considered in light of its conformity to the street system of the entire tract.

E. Loop road systems are to be provided where possible in order to provide more than one route for traffic in the case of an emergency. Cul-de-sac roads are to be kept as short as practical to facilitate better emergency access.

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19.81.190 Standard drive approaches.

~~Standard drive approaches shall be installed pursuant to design standards administered by the Director of Public Works.~~ **Approaches and driveways shall conform to all the following development standards.**

A. Approach and driveway development standards. Approaches and driveway shall conform to all the following development standards.

- 1. The number of approaches on higher classification streets (e.g., collector and arterial streets) shall be minimized; where practicable, access shall be taken first from a lower classification street.**
- 2. Approaches shall conform to the spacing standards in Subsection B below.**
- 3. Where the spacing standards of the roadway authority limit the number or location of connection to a street or highway, the County may require a driveway to extend to one or more edged of a parcel and be designed to allow for future extension and inter-parcel circulation as adjacent properties develop. The County may also require the owner(s) to record an access easement for future joint use of the approach and driveway as the adjacent property(ies) develop(s).**
- 4. Construction of approaches along acceleration or deceleration lanes, and along tapered (reduced width) portions of the roadway, shall be avoided; except where no reasonable alternative exists and the approach does not create safety or traffic operation concern.**
- 5. Where a new approach onto a state highway or a change of use adjacent to a state highway requires ODOT approval, the applicant is responsible for obtaining ODOT approval. The County may approve a development conditionally, requiring the applicant first obtain required ODOT permit(s) before commencing development, in which case the County will work cooperatively with the applicant and ODOT to avoid unnecessary delays.**
- 6. Where an approach or driveway crosses a drainage ditch, canal, railroad, or other feature that is under the jurisdiction of another agency, the applicant is responsible for obtaining all required approvals and permits from that agency prior to commencing development.**
- 7. Where a proposed driveway crosses a culvert or drainage ditch, the County may require the developer to install a culvert extending under and beyond the edges of the driveway on both sides of it, pursuant to applicable public works design standards.**

B. Approach Separation from Street Intersections. Except as provided in Section A above, or as required to maintain street operations and safety, the minimum distances shall be maintained between approaches and street intersections, consistent with the access spacing requirements in Section 206 of the Josephine County Public Work Design and Constructions Standards and Specifications.

C. Exceptions and Adjustments. The County may approve adjustments to the spacing standards in Subsection B where an existing connection to a County street does not meet the standards of the roadway authority and the proposed development moves in the direction of compliance. The County, through quasi-judicial review procedure, may approve deviation to the spacing standards on roads under the County's jurisdiction where it finds that mitigation measures, such as consolidated access, joint use driveways, directional limitation, turning restrictions, or other mitigations alleviate traffic operation and safety concerns.

D. Joint Use Access Easement and Maintenance Agreement. Where the County approves a joint use driveway, the property owner(s) shall record an easement with the deed allowing joint use of the driveway. The owner(s) of the property(ies) agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed, defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to the County for its records, but the County is not responsible for maintaining the driveway or resolving any dispute.

ATTACHMENT B: JOSEPHINE COUNTY ADOPTION FINDINGS

Statewide Land Use Goals

Goal 1: Citizen Involvement

Goal 2: Land Use Planning

Goal 9: Economic Development

Goal 10: Housing

Goal 11: Public Facilities and Services

Goal 12: Transportation

Oregon Transportation Plan

Policy 1.2 – Equity, Efficiency and Travel Choices

Policy 2.1 – Capacity and Operation Efficiency & Policy 2.2 Management of Assets

Policy 3.1 – An integrated and efficient freight system

Policy 3.2 – Moving People to Support Economic Vitality

Policy 4.1 – Environmentally Responsible Transportation System

Policy 5.1 – Safety

Policy 7.1 – A Coordinated Transportation System

Policy 7.3 – Public Involvement and Consultation

Policy 7.4 – Environmental Justice

Oregon Highway Plan

Policy 1A (Highway Classification) defines the function of state highways to serve different types of traffic that should be incorporated into and specified through IAMPs.

Policy 1C (State Highway Freight System) states the need to balance the movement of goods and services with other uses.

Policy 1B (Land Use and Transportation) recognizes the need for coordination between state and local jurisdictions.

Policy 1F (Highway Mobility Standards) sets mobility standards for ensuring a reliable and acceptable level of mobility on the highway system by identifying necessary improvements that would allow the interchange to function in a manner consistent with OHP mobility standards.

Policy 1G (Major Improvements) requires maintaining performance and improving safety by improving efficiency and management before adding capacity. ODOT works with regional and local governments to address highway performance and safety.

Policy 2B (Off-System Improvements) helps local jurisdictions adopt land use and access management policies.

Policy 2F (Traffic Safety) improves the safety of the highway system.

Policy 3A (Classification and Spacing Standards) sets access spacing standards for driveways and approaches to the state highway system.

Policy 3D (Deviations) establishes general policies and procedures for deviations from adopted access management standards and policies.

Policy 4A (Efficiency of Freight Movement) It is the policy of the State of Oregon to maintain and improve the efficiency of freight movement on the state highway system and access to intermodal connections. The State shall seek to balance the needs of long distance and through freight movements with local transportation needs on highway facilities in both urban areas and rural communities.

Policy 4B (Alternative Passenger Modes) It is the policy of the State of Oregon to advance and support alternative passenger transportation systems where travel demand, land use, and other factors indicate the potential for successful and effective development of alternative passenger modes.

Local Ordinance Review

19.46.040 Plan amendment review criteria.

- A. Amendments to a plan and zone map shall demonstrate compliance with all applicable statewide and County goals and policies.
- B. Requests involving changes for lands from a resource designation to a nonresource designation shall either comply with statewide exception criteria contained in ORS 197.732, and as implemented in OAR Chapter 660-004 or demonstrate the land is nonresource pursuant to the criteria contained in JCC 19.46.050.
- C. Requests involving changes to the plan and/or zone maps shall demonstrate the land has adequate carrying capacity to support the densities and types of uses allowed by the proposed plan and zone designations. The adequacy of carrying capacity, at a minimum, shall be evaluated using the criteria listed below. The criteria are to be considered together to determine whether the geography of the land is suited to support the kind of development associated with the proposed designations. With the exception of subsection (C)(1) of this section, the application of any one criterion is not intended to be determinative of carrying capacity alone, unless the Review Body finds the importance of a

specific benefit or detriment associated with the criterion overrides the consideration of other criteria. Nevertheless, in order to determine the adequacy of carrying capacity, the analysis must consider and address all of the listed criteria in relationship to one another. Sites may be altered to achieve adequate carrying capacity, but as alterations become more extensive, technical or difficult to perform or maintain, the greater the burden of proof shall be on the applicant to demonstrate compliance with the following criteria:

1. The proposed density and types of uses can be supported by the facility, service and other applicable development standards contained in this title or contained in other applicable federal, state and local rules and regulations governing such densities and types of uses;
2. Other physical characteristics of the land and surrounding area make the land suitable for the proposed density and types of uses, to include consideration of existing or potential hazards (flood, wildfire, erosion), the degree of slopes, the presence of wetlands, geologic formations, mineral deposits and any other similar natural or manmade conditions or circumstances;
3. The land in its natural state accommodates the proposed uses and densities, or special alterations or mitigation plans can make the land achieve the carrying capacity described under subsections (C)(1) and (2) of this section;
4. Development pursuant to the proposed uses or densities will not significantly increase the risk from hazards to the residents of the development, the area or the general public;
5. Features of the development will not result in future maintenance costs to the public for the infrastructure needed to serve the development and the area that are atypically higher than expenses for other developments in the same plan and zone designations (examples of infrastructure include streets, bridges, storm drain facilities, erosion and sediment control facilities, and other similar public infrastructure facilities); and
6. Special circumstances exist at or near the site that justify increased risks, expensive or complex mitigation plans, or higher infrastructure costs to the public from the development. This criterion can be used to consider specific community needs that have arisen within the area since the existing zoning was implemented at the site. Examples of circumstances which might support the application of this criterion are changes in demographics; the location or discovery of unique natural resources; changes in infrastructure that are intended to support and encourage the kinds of development associated with the request; the development of rural communities; and any other circumstance that establishes a special need or benefit to the community that justifies increased risks and costs. This criterion shall not be used to modify the requirements of subsection (C)(1) of this section.

D. The density and types of uses authorized by the proposed plan and zoning designations are appropriate based on the requirements of subsections (D)(1) and (2) of this section:

1. The change in designations at the location is consistent with the character of the surrounding area. Consistency shall be demonstrated by a detailed review of the relationship between the area covered by the proposed change in designations and the surrounding area, subject to the following rules.

a. The detailed review shall describe the similarities or dissimilarities between the area of proposed change and the surrounding area based upon parcel size and ownership patterns, 1 zoning, existing or authorized land uses and structures, public facilities and services, and natural or man-made features. 2

b. The detailed review shall include a written statement explaining the rationale used to include or exclude areas from study, and be supported by zoning maps, aerial photographs, contour maps, and any other public or private records, statistics or other documents necessary or helpful to establish the character of the area and show how the change will be consistent.

2. Demonstrate how the introduction of inconsistent density or uses into an area is justified. This demonstration may be based upon changes in the area resulting from rezonings, new residential, commercial, industrial or resource development, the introduction or improvement of public facilities and services, changes in demographics, changes in plan inventories, and other similar circumstances. The application shall show how the proposed change in designations, in the context of the foregoing circumstances, implements applicable state and/or County goals and policies. The more the change introduces inconsistent densities and uses into an area, the greater the burden on the applicant to justify the basis for the change.

E. Requests involving changes to the plan and/or zone maps within established exception areas shall demonstrate the change complies with the criteria contained in OAR 660-004-0018 governing plan and zone changes within exception areas.

**ATTACHMENT C: TECHNICAL MEMORANDUM 8 – IMPLEMENTING ORDINANCES
AND CODE CHANGE, JOSEPHINE COUNTY TSP**



TM8 Implementing
Ordinances and Coc