

CHAPTER 8

SITE SELECTION OF ARTERIAL HIGHWAYS AND INTERCHANGES AND COLLECTOR HIGHWAYS

Article 1 General Provisions

- 8.101 Designation of Activity of State Interest
- 8.102 Purpose and Intent
- 8.103 Definitions
- 8.104 Applicability; Exemptions

Article 2 Permit Application and Procedure

- 8.201 Application Submission Requirements
- 8.202 Review Criteria

Article 1 General Provisions

8.101 Designation of Activity of State Interest

- (1) The following activity of state interest is hereby designated: site selection of arterial highways and interchanges and collector highways. No person may engage in development, including site selection, construction, expansion, reoperation, relocation or other significant change in use of such activity wholly or partially within unincorporated El Paso County without first obtaining a permit pursuant to these Regulations.
- (2) The issuance of a permit for this activity is contingent upon the subsequent approval of the Colorado Department of Transportation or other regulatory agencies, where required by appropriate statute or regulation.

8.102 Purpose and Intent

The purpose and intent of these regulations contained in this Chapter 9 are:

- (1) To facilitate the local administration of site selection of arterial highways and interchanges and collector highways by establishing requirements which must be met before a site may be selected;
- (2) To ensure that community traffic needs are met;
- (3) To provide for the continuation of desirable community patterns;
- (4) To discourage expansion of demand for government services beyond the reasonable capacity of the community or region to provide such services as determined by the County;
- (5) To prevent direct conflicts with local, regional and state master plans;
- (6) To ensure that highway and interchange development is compatible with surrounding land uses;
- (7) To encourage the coordination of highway planning with community and development plans;
- (8) To discourage traffic hazards and congestion;
- (9) To minimize sources of traffic noise, air and water pollution; and
- (10) To protect scenic, natural, historical and archeological resources from destruction.

8.103 Definitions

For the purpose of this Chapter, the following definitions shall apply:

- (1) *Applicant* means any person, including a municipality, special district or authority, state, or federal entity, proposing to locate an arterial highway or interchange or collector highway.

- (2) *Arterial highway* means and includes:
- (a) Any limited access highway which is part of the federal aid interstate system or any limited access highway constructed under the supervision of the Colorado Department of Transportation; and
 - (b) Any other publicly or privately financed highway which provides a connection between major developments or growth areas, whether or not designed to County standards, owned or maintained by the County, or tolled.
- (3) *Collector highway* means and includes:
- (a) A major thoroughfare serving as a corridor or link between municipalities, unincorporated population centers or recreation areas, or industrial centers and constructed under guidelines and standards established by, or under the supervision of, the Colorado Department of Transportation. Collector highway does not include a city street or local service road or a country road designed for local service and constructed under the supervision of local government; and
 - (b) Any other publicly or privately financed highway which collects or serves traffic from local streets or roads, whether or not designed to County standards, owned or maintained by the County, or tolled.
- (4) *Constructed under guidelines and standards established by or constructed under the supervision of the Colorado Department of Transportation* shall each include, without limitation, any of the below-listed forms of participation by the Colorado Department of Transportation:
- (a) The Colorado Department of Transportation, or any entity formed directly or indirectly by it or the Colorado Transportation Commission, or formed by contract or agreement with it or the Colorado Transportation Commission (including, without limitation, any enterprise formed under Article 4 of Title 43, C.R.S., as amended, or nonprofit entity formed by such enterprise), and:
 - (i) Is an applicant;
 - (ii) Sells, leases, loans, donates, grants, conveys, assigns, transfers or otherwise provides any real or personal property or interests therein used or to be used in the proposed construction, modification or expansion of the arterial highway, interchange or collector highway, including transfer or assignment of any contract to the applicant that may have been awarded for the proposed construction, modification or expansion of the arterial highway, interchange or collector highway;
 - (iii) Delegates authority to the applicant or is a signatory to any intergovernmental agreement or other form of contract, agreement, conveyance, delegation or authorization required for the applicant

to construct, modify or expand the arterial highway, interchange or collector highway; or

(iv) Performs or funds any planning, design, study, construction, supervision or maintenance functions associated with all or any portion of the construction, modification or expansion of the arterial highway, interchange or collector highway.

(b) A state highway access permit from the Colorado Department of Transportation is necessary for access from the proposed construction, modification or expansion of the arterial highway, interchange or collector highway to a state highway.

(5) *Corridor* means a strip of land within which an arterial or collector highway may be located.

(6) *Historic site* is as defined in National Historic Preservation Act (16 U.S.C. § 470).

(7) *Historic resource impact area* means an area within which development activities may have significant impacts upon historic resources of statewide or County importance.

(8) *Historic resources* means properties, buildings and sites which have been officially included in the National Register of Historic Places, designated by statute or included in the State Register of Historic Places or a locally designated historic resource.

(9) *Impact area* means that area within the County which is served or potentially served by a highway or which would be impacted, directly, indirectly or cumulatively, by the location of an arterial highway, interchange or collector highway.

(10) *Interchange* means the intersection of arterial and/or collector highways, roads, or streets

(11) *Limited access highway* means providing access connection with selected public roads and limited or no direct private access connections.

(12) *Site selection* means the determination of a specific corridor or facility location which is made at the conclusion of the corridor location studies in which:

(a) Construction of an arterial highway, interchange or collector highway is proposed; or

(b) Expansion or modification of an existing arterial highway, interchange or collector highway is proposed that would result in:

(i) An increase in highway capacity by at least one (1) lane through widening or alternative lane configurations, or an equivalent increase in capacity produced by access controls, technological or other types of highway improvements; or

- (ii) The elimination of direct, at-grade, access from a public road or street to such existing arterial or collector highway; or
- (c) Expansion or modification of an existing highway is proposed which would result in a change in classification to collector highway or arterial highway as defined in this Chapter.

8.104 Applicability; Exemptions

- (1) This Chapter shall apply to the site selection of all arterial highways and interchanges and collector highways wholly or partially within the unincorporated territory of El Paso County, not associated with an application under the El Paso County Land Development Code.
- (2) A Permit is not required under this Chapter for the following activities:
 - (a) Arterial highways and interchanges and collector highways planned or constructed within the scope of an application under the El Paso County Land Development Code.
 - (b) Arterial highways and interchanges and collector highways owned, maintained, or constructed by El Paso County.
 - (c) Arterial highways and interchanges and collector highways included within funding categories A, B, or C of the Pikes Peak Rural Transportation Authority.

Article 4 Permit Application and Procedure

8.201 Application Submission Requirements

In addition to the materials listed at Section 2.303, applications for a permit to locate or engage in the site selection of an arterial highway, interchange or collector highway shall be accompanied by the following documents and information, in the number required by the Director:

- (1) A list of all reasonable alternative corridor locations for the proposed arterial highway, interchange or collector highway, including a no-action alternative.
- (2) For the proposed and each alternative corridor location considered, including the no-action alternative, the information specified below:
 - (a) A general description of the proposal, with a discussion of the advantages and disadvantages of the alternative.
 - (b) A discussion of social, economic and environmental impacts. The level of analysis should be sufficient to adequately identify the impacts and appropriate mitigation measures, and address known and foreseeable public concerns.
 - (c) A location map showing the corridor and general area.

- (d) Any corridor location proposal, study or other documentation which includes:
 - (i) Type, scale and appearance of the improvement;
 - (ii) Cost estimate, including mitigation costs;
 - (iii) Approximate timetable for construction and right-of-way acquisition;
 - (iv) Financing plan and tolling feasibility study, where appropriate;
 - (v) Plan and profile for the Project; and
 - (vi) Elevation drawings for any proposed structures.
- (e) If a proposed alternative utilizes or affects a historic resource, or if the proposed alternative is located within a historic resource impact area, Applicant shall provide the following: a copy of the Section 4(f) evaluation required by 23 U.S.C. § 138; a copy of the Federal Highway Administration Section 4(f) approval; and a description of possible mitigation measures, including possible replacement measures, for the historic resource or the value of the historic resource.
- (f) A description of noise abatement measures that are proposed for each alternative, including for each alternative the costs for construction, acquisitions, operations, and maintenance, decibel reduction effectiveness, and height, length, and material type for barriers or specification for other types of noise mitigation.
- (3) The local stormwater drainage and water quality impacts of the proposed arterial highway, interchange or collector highway, including attainment of state water quality standards and a description of permanent best management practices to be used to mitigate water quality impacts.
- (4) Demographic information in the impact area, including:
 - (i) Current population and density;
 - (ii) Total employment, occupation types and major employer locations;
 - (iii) Average household income; and
 - (iv) Population projections in five-year increments over the next twenty (20) years.
- (5) Major traffic generators in the impact area.
- (6) The planned level of service of the proposed arterial highway, interchange or collector highway in relationship to projected user demand within the County or impact area, whichever is larger.

- (7) The approximate number of users of the proposed corridor or interchange location in terms of existing County residents, new County residents and non-County residents.
- (8) Plans for promoting or accommodating the use of multi-modal transportation.
- (9) Anticipated noise levels resulting from the arterial highway, interchange or collector highway using Federal Highway noise study criteria, Title 23 (Highways); Part 772 - Procedures for Abatement of Highway Traffic Noise and Construction Noise.
- (10) A description of resulting net shade and shadow impacts of the project.
- (11) A description of lighting impacts from headlights and streetlights.
- (12) The local air quality impacts of the proposed arterial highway, interchange or collector highway, including attainment of federal and state ambient air quality standards and risks to human health and the environment posed by air pollutants.
- (13) The impacts of the proposed arterial highway, interchange or collector highway on accessibility to and from existing public facilities, commercial and industrial facilities and residential areas within the County.
- (14) How the proposed arterial highway, interchange or collector highway and its impacts will be consistent with appropriate corridor studies, access management or control plans; and Pikes Peak Rural Transportation Authority projects.
- (15) How the proposed arterial highway, interchange or collector highway and its impacts will conform to any applicable state plans, goals, objectives and policies including but not limited to Pikes Peak Area Council of Governments (PPACG) and Central Front Range (CFR) plans, the Colorado Department of Transportation (CDOT) Statewide Transportation Plan and the Statewide Transportation Improvement Program (STIP).
- (16) The development potential that would result in the impact area and within the County with and without the completion of the proposed arterial highway, interchange or collector highway, measured in terms of land values, land availability, land use controls, vacancy rates, tax revenues and public expenditures, along with indices of accessibility to school/education, utility service, other public and quasi-public services, local and regional amenities and employment opportunities and the demographic indices identified in Paragraph (2) above.
- (17) The increased demand that the potential development in the impact area described in Subparagraph (17) above will place on the following public services within the County: other roadways, mass transit, trails, bike paths and other transportation, housing, employment, schools, commercial services, health services, police and fire protection, solid waste disposal, water supply systems, wastewater collection and disposal systems, stormwater collection and release systems, power, military installations, communications, parks, open space and recreation, other public and quasi-public utilities and other planned public services.

- (18) Traffic Demand Modeling Study that describes the increased demand that the proposal will place on other arterial highways, interchanges, collector highways, and frontage roads, and showing consistency with the most current Major Transportation Corridor Plan model or the Pikes Peak Area Council of Governments (PPACG) model.
- (19) The impact, including but not limited to the impact on property values and other economic indicators, of the proposed arterial highway, interchange or collector highway on sensitive areas and key commercial tourist or visitor areas or districts within the County and the region.
- (20) Impacts of the proposed arterial highway, interchange or collector highway on the character of adjacent and impacted neighborhoods or developments, as well as the impacts of increased division or separation of neighborhoods caused by the proposed arterial highway, interchange or collector highway.
- (21) A description of impacts resulting from highway surface applications, such as chemicals, sand, etc.
- (22) A traffic operations and safety study that at minimum meets the criteria for the appropriate level of Traffic Impact Study as referenced in the Engineering Criteria Manual, or as otherwise required by CDOT.
- (23) All feasible alternatives for avoiding, minimizing, and/or mitigating adverse effects of the proposed arterial highway, interchange or collector highway identified in Paragraphs 16-20 above, including but not limited to effects on the level of public services, access to public services, division of existing communities, water quality, air quality, noise levels and scenic, historic, recreational, archeological or natural resources. Minimization and mitigation alternatives to be considered include, but are not limited to:
 - (a) Alternative locations, configurations and access for the arterial highway, interchange or collector highway, including but not limited to grade-separated interchanges and complete or partial construction below grade with cover and landscaping suitable for recreational use or for construction of County streets, bike paths or pedestrian walkways;
 - (b) Alternative pavement types;
 - (c) Alternative highway maintenance and snow removal methods;
 - (d) Sound walls and other sound-mitigating techniques;
 - (e) Berms;
 - (f) Landscaping;
 - (g) Speed control devices;
 - (h) Limits on the use of compression brakes; and

- (i) Wildlife crossings and pedestrian bridges.

8.202 Review Criteria

A permit for the site selection of an arterial highway, interchange or collector highway shall be approved if the Permit Authority or, in the case of an Administratively Approved Permit, the Director, finds the application complies with the following criteria and the relevant criteria in Section 2.405. If the Permit Authority or the Director, as appropriate, finds the application does not comply, the application shall be denied or may be approved with conditions.

- (1) The proposed arterial highway, interchange or collector highway will be located so that community traffic needs are met.
- (2) The proposed arterial highway or interchange or collector highway will be located only in a corridor for which a clear and reasonable local and regional need has been demonstrated.
- (3) The location and access limitations for the arterial highway, interchange or collector highway will not isolate community neighborhoods from and, where practicable, will enhance access from community neighborhoods to public facilities including schools, military installations, hospitals, mass transit, pedestrian walkways and bikeways, recreational areas and open spaces.
- (4) The construction of the arterial highway and interchange or collector highway shall be phased to minimize interference with traffic movement.
- (5) The location and access limitations for the arterial highway, interchange or collector highway will not restrict access via other roadways, mass transit facilities, pedestrian walkways and bikeways, local commercial services, residential developments, business and employment centers, and public facilities including schools, hospitals, recreational areas and open spaces.
- (6) Reasonable alternative modes of transportation will be incorporated into the proposal.
- (7) If park-and-ride facilities are utilized, they shall be located in areas designated by the County.
- (8) The location of the proposed arterial highway, interchange or collector highway will not impede the delivery of essential community services and goods.
- (9) Desirable local and regional community land use patterns will not be disrupted by the location of the proposed arterial highway, interchange or collector highway.
- (10) The location and access limitations for the arterial highway, interchange or collector highway will not create safety hazards to motorists, pedestrians or bicyclists by causing or contributing to overuse, improper use or congestion, or cause unnecessary diversion of regional traffic onto other County roadways or inappropriate or inadequate connections to pedestrian and bicycle routes.

- (11) The proposed arterial highway, interchange or collector highway will be located so as to complement the efficient extension of planned public services, utilities and development in general, both regionally and within the County.
- (12) The site selection for the arterial highway, interchange or collector highway will adhere to the plan, process, procedure and requirements of the State and the Federal Highway Administration, and such construction, expansion or modification will be included in the then-current Pikes Peak Area Council of Governments Regional Transportation Plan, Central Front Range Plan (CFR), the Colorado Department of Transportation (CDOT) Statewide Transportation Plan and the Statewide Transportation Improvement Program (STIP), the County Major Transportation Corridor Plan and County corridor plans.
- (13) The proposed location of the arterial highway, interchange or collector highway will not result in the destruction, impairment or significant alteration of sensitive, key commercial, tourist or visitor areas or districts within the County.
- (14) The proposed location of the arterial highway, interchange or collector highway will not contribute to a negative economic impact to residential, commercial, tourist or visitor areas or districts within the County.
- (15) To the extent tolling is proposed, the use or level of tolling is appropriate in light of existing toll levels, if any, and any prior or projected public infrastructure investment.
- (16) The proposed highways shall be integrated into the regional transportation network.
- (17) The proposed arterial highway, or interchange or collector highway will not have a significant adverse impact on prime or unique farmland as defined by the U.S. Department of Agriculture, Natural Resources Conservation Service.
- (18) Land acquisitions and/or the relocation of uses and improvements will follow the Uniform Relocation Assistance and Real Property Acquisition Policies Act.
- (19) The benefits of the Project, including expected development in the regional and local surroundings of the Project area, will outweigh the social, fiscal, and environmental impact and the loss of any scenic, historical, archeological, or natural resources rendered unavailable as a result of the location of the Project.
- (20) The proposed location of the arterial highway, interchange or collector highway will not result in the destruction, impairment or significant alteration of historic properties or districts within the County and will not impair the function or historic integrity of a historic resource of statewide importance.
- (21) The proposed location and design of the arterial highway, interchange or collector highway does not cause lighting impacts from headlights or streetlights to nearby residential neighborhoods or other developments.
- (22) Noise levels caused by the arterial highway, interchange or collector highway will follow federal noise abatement criteria.

