

APPENDIX G

CORRIDOR PRESERVATION MEMORANDUM

Appendix G: Corridor Preservation Memorandum

Corridor preservation is a broad strategy for the long-term planning and management of important roadways. As stated by Federal Highway Administration, corridor preservation refers to techniques that state and local governments use to protect existing transportation corridors or planned corridors from inconsistent development. Several strategies may be utilized for transportation corridor preservation.

The following list describes various techniques.

- Land use: city council or commission action controls
 - Council or commission action measures that have been employed in preserving corridors include access control programs, growth management, official mapping or maps of reservation, exactions from developers, and specific preservation ordinance.
 - Council or commission action is preferable to outright purchase since current funds need not be diverted for long-term investments, the tax base is maintained, and land management burdens are not added to local governments.
 - Access management: Access management techniques may be applied to existing corridors. Techniques include minimum spacing between driveways, use of frontage roads, and decreasing the number of driveways.
 - Setbacks: Setbacks prohibit construction of buildings within a certain distance of a landowner's property line.
 - Exactions: An exaction is a contribution by a developer to the government in return for subdivision approval, a special or conditional use permit, amendment to a zoning map, or other permit necessary to a developer.

- Acquisition of real property rights
 - Early / Strategic Acquisition / Purchase the right-of-way outright: Direct fee (outright) purchase is the most commonly used form of right-of-way acquisition. The municipal government acquires full title to the land and all rights associated with it. Full control of the property is granted and future protection is assured. The outright purchase of land is perhaps the simplest means of corridor preservation. Purchased lands can be leased back to the former owners until they are needed for project construction. A drawback of this technique is that it requires an outlay of limited funds to preserve land for a future project instead of for a more immediate need.
 - Purchase an easement to preserve a right-of-way without taking actual ownership of the property. Development would be restricted within the easement. This is typically done when a right-of-way is being purchased by a private entity and the easement price can be negotiated lower than the purchase price. The advantages of easements are that the property remains on the tax roles, the cost is considerably less, and the easements can simply be allowed to expire if the corridor is not needed in the future.

A disadvantage is that easements are not necessarily permanent and may expire prematurely.

- Land Banking: Purchase property or acquiring it through land swaps or other means, and holding it for future use.
 - Option to Purchase: A voluntary contract between a property owner and a buyer, in which the property owner agrees to reserve the property at a given price for a specified period of time, in exchange for a deposit payment on the land.
- Planning activities
 - Implement a growth management program.
 - Identify important highway corridors in a comprehensive plan or long-range plan.
 - Map important corridors to communicate with local governments, utilities, and the public.
 - Study important corridors in order to develop corridor preservation strategies.
 - Zoning through subdivision regulations.
 - Work with local governments and utilities to integrate planning efforts.
 - Employ incentive zoning. Density transfers could be used to persuade landowners or developers whose interests are impacted through right-of-way acquisition on their land. Density transfers allow landowners or developers to achieve the same overall density in a site, therefore the same economic benefit, but concentrate the development in land not acquired for the right-of-way.
 - Transportation Corridor Overlay District (TCOD): A TCOD is designed to manage emerging development along significant transportation corridors. This type of district can preserve future opportunities for desired development. The district does more to preserve the land around a route instead of new development where a new route may be located in the future.
 - Tiered-National Environmental Protection Act (NEPA) process: Tiering addresses broad programs and issues in initial (Tier 1) or a system level analyses and analyzes site-specific proposals and impacts in subsequent tier studies. The tiered process supports decision-making on issues that are ripe for decision and provides a means to preserve those decisions.

Corridor Preservation Options

While several strategies and options are available for corridor preservation, a number of options may be more feasible for the candidate regional corridors identified in the Transportation Corridor Visioning Study.

Include transportation corridors in a long-range statewide improvement plan

- Encourages local governments to work together to develop plans and help to make decisions early in the planning process.

- Identifies areas where governments have approved where corridors will be located.
- Able to map target areas and identify priority corridors.

Make use of the tiered-NEPA process

- Tier 1 would look at the "big issues" corridor-wide, and Tier 2 would produce document(s) with a finer resolution for determining project-level impacts.
- Right of way could then be purchased ahead of time for land that is in threat of development.
- Since acquisition usually requires NEPA documentation, this process is being used by several states.

Land Use Legislative Authority

- Setbacks
 - Setbacks prohibit construction of buildings within a certain distance of a landowner's property line. This should be used for future highway expansion; not as much for widespread use. This would be helpful for preserving right of way for future highway widening. This option would not be used alone for corridor preservation in the Transportation Corridor Visioning Study.
- Exactions
 - This method could be used where there are development pressures.
- Preservation ordinance
- Land banking
 - This would allow for the preservation of property to make way for new roadways and minimize environmental impacts.
- Zoning and subdivision controls
 - This would manage future development so that new roads or improvements do not have as much environmental impact.

Early property acquisition

This is a commonly-used method which would likely be done with a tiered-NEPA document or after the environmental process has been completed.

Access Management

This technique would also work well in conjunction with additional corridor preservation methods such as setbacks and property acquisition. It can help to optimize remaining property in a corridor.

History of Corridor Preservation in Clark County

There are several corridors that were established and preserved well in advance of their construction. The most recent examples are the Padden Parkway and SE 192nd Avenue. The Padden Parkway was completely built and open to traffic in 2003. It was first established as a corridor in the 1950s and over the next 20 years, right-of-way was acquired and set aside for its eventual construction. Other corridors that were originally

preserved for years in advance of their construction include the I-5 and I-205 corridors, SE 192nd Avenue, and subregional corridors such as SE 136th Avenue.

Appendix G gives more detail regarding the corridor preservation strategies and assessment.

Padden Parkway

Corridor preservation for the Padden Parkway started in the 1950s, from Highway 99 eastward to Ward Road. Right-of-way for the corridor was gained through a combination of developer exactions and dedications, county advanced right-of-way purchases, and right-of-way acquired during the corridor's construction (which occurred in phases over a 15-year period). Financing included using the county's designated road funds, traffic impact fees, developer ROW contributions, and state and federal funding. The county sold off the western "third" as corridor west of St. Johns was abandoned in the early 1970s.

192nd Avenue

The SE 192nd Avenue corridor was established during the late 1980s and early 1990s. An environmental study set the alignment and as an outcome, the county commissioners adopted an ordinance setting the centerline alignment and width of the corridor. Right-of-way for the corridor was gained through developer dedications, county ROW purchases, and project ROW acquisition. Financing was through use of county and City of Vancouver road funds, traffic impact fees, state / federal funds, and developer ROW contributions.

Corridor Preservation Options

During the course of this Study, the consultant team examined not only the historical corridor preservation methods in Clark County, but also looked at several case studies around the United States. Case studies were examined in Florida, Delaware, California, Wisconsin, South Dakota, Illinois, and Oregon.

The most promising corridor preservation options for Clark County agencies desiring to preserve future, regional corridors includes: development exactions or dedications, access management and setback requirements, willing-seller purchase of ROW over time, and land banking or land swaps. There are two ways federal funds can be used for corridor preservation without having an imminent improvement project: project purchases after a tiered Environmental review (NEPA), or ROW purchases due to hardship, either caused by an inability to sell property due to a corridor alignment being shown on an adopted plan, or the financial hardship of the property owner; or imminent development, which is when a pending development proposal runs a high risk of preempting a corridor from happening due to buildings that may preclude corridor construction.

Potential Issues

Developer exactions / dedications are becoming legally more difficult without development nexus. Federal funding requires NEPA approval to establish a corridor

(and may require local agency ordinance). Designating a corridor as a new state highway corridor requires Washington legislative action. Federal funding available is for “hardship” or “imminent development” cases as described above.

Similar Corridor Preservation Options

There are several projects and methods used for corridor preservation around the country. The following are a small sample of activities in use.

Hillsborough County, Florida Corridor (Right of Way) Preservation Plan

The purpose of the Corridor Preservation Plan is to identify right-of-way for new and expanded transportation improvements using growth projections identified in the County's Comprehensive Plans. The Corridor Preservation Plan is a tool used by county staff and the BOCC requiring developments to provide right-of-way and/or transportation improvements. A goal is to reduce future right-of-way costs and the negative impacts on the community.

The plan establishes legal policy and framework to preserve corridors. It requires developments to provide right of way or transportation improvements. The plan uses a transportation model to evaluate potential corridors and made adjustments based on inputs. The outcome is a map depicts locations of corridors to be preserved. These locations were added to the Metropolitan Planning Organization's long-range transportation plan.

Delaware Corridor Capacity Preservation Program

This program outlines what can be done today to existing roads to handle future growth. Corridor capacity preservation is an important tool to ensure that selected roadways or corridors within the state will continue to serve their crucial transportation functions 25 years and beyond.

Wisconsin Department of Transportation Policy

Any new land recording along the corridor must be approved by the state; no private access to state highways is allowed and establishes setback where no improvements can take place.

I-69 Corridor from Michigan to Texas

- *Texas Department of Transportation for I-69*

The Trans Texas Corridor Plan was first developed which includes the task to establish a tiered-NEPA process. Priority corridors were to be identified for transportation preservation.

- *I-69 Environmental Impact Statement (Indiana)*

Indiana Department of Transportation (InDOT) used a tiered process for the segment of I-69 between Indianapolis and Kentucky to identify several corridors and a preferred corridor for the project.

South Dakota Department of Transportation

Assessment of Corridor Preservation Techniques Report

South Dakota's corridor preservation techniques that were in place before this assessment was an on-going basis; therefore an actual plan or determined process was not available to assess. This report assessed how South Dakota could implement a corridor preservation program. Recommendations for applicable techniques included the following major categories:

- Corridor identification and planning approaches.
- Techniques for early property acquisition.
- Techniques to acquire less than fee-simple property rights.
- Land use regulation techniques.

Kankakee County, Illinois

The county planning department developed a method for preservation of transportation corridors that were deemed important for the future network. The general implementing concept decided upon is the use of the already existing legally tested power of setbacks. The county ranked roadways according to their level of importance and assigned point values. The resulting document highlighted segments in the county through a tiered-process based on hierarchy and the type of roadway cross-section proposed. The plan was presented to the public and the planning commission and county boards for adoption.

Maryland Department of Transportation

Maryland DOT worked with local jurisdictions in long range planning activities. A variety of approaches have been used, including advance acquisition of critically important parcels threatened by development, tax abatement, or mutual agreement to use the land for low cost-impact activities.

Other sources describing corridor preservation strategies include:

- Corridor Preservation Methods for North Carolina Department of Transportation
- Corridor Preservation Best Practices, Center for Urban Transportation Research
- Transportation Corridor Preservation: A Survey of State Government Current Practices, FHWA, May 2000
- Report of the Secretary of Transportation to the UNITED STATES CONGRESS on Preservation of Transportation Corridors Appendix B Issued pursuant to Section 1017(c), Public Law 101-240 Submitted November 3, 1994

Recent Projects

I-405 Corridor Program, Washington

The I-405 Corridor Program is a 20-year vision master plan. The Environmental Impact Statement (EIS) received approval with the Record of Decision in October 2002 and now serves as a master plan for I-405 improvements. The corridor program involves 150 separate projects. The Kirkland Nickel Stage I project finished construction in October 2007.

Riverside County, California

The Riverside County Integrated Project (RCIP) with a component called the Community and Environmental Transportation Acceptability Process (CETAP). One goal of the project is to preserve right-of-way for future transportation use, rather than to implement a specific transportation alternative. Final maps were produced in 2003.

None of the projects have actually been built but two have gone through an Environmental Impact Statement (EIS): 1) Winchester to Temecula Corridor and 2) Helmet to Corona Lake Elsinore Corridor. A Tier 1 EIS was developed for the Winchester to Temecula Corridor. This corridor was identified in the CETAP of the RCIP. On September 17, 2003, the Federal Highway Administration (FHWA) selected an alternative to preserve right-of-way for the Winchester to Temecula Corridor and the Record of Decision (ROD) was signed.

The Corona City Council voted to impose a building moratorium on 500 acres that local transportation officials consider a prime location for a possible freeway that would link Riverside and Orange counties. City leaders said the land near Interstate 15 and Cajalco Road is in a good location to build an alternative to the traffic-choked Riverside Freeway. A new freeway could also link up with a new 40-mile, east-west thoroughfare between Corona and Hemet that is in the planning stages.

Padden Parkway, Clark County, Washington

The final leg of Padden Parkway between NE 78th Street and Andresen was opened on September 29, 2003. Planners first conceived of Padden Parkway more than 40 years ago. In anticipation of the project and projected growth in the area, the right-of-way for the project was acquired from willing sellers over time and reserved for future use.

Appalachian Development Highway System

The Appalachian Regional Commission proposed 26 corridors in the 1960's to be built in the Appalachian Region from New York to Mississippi. The corridors were proposed for economic and social development. The corridors identified included both improvements to existing roadways and new highways. The corridors are known as the Appalachian Development Highway System. As of 2006, over 85% of the system has been constructed.

Corridor H in West Virginia is the last corridor to be completed (in this state).

- As of 2000, a 40-mile segment was already complete.
- Portions of the corridor went forward with design and right-of-way acquisition without environmental studies.

Corridor D will be completed by the end of 2007 through construction of a bridge over the Ohio River connecting the corridor between Ohio and West Virginia. This was the last remaining piece of the corridor.

Portions of several corridors are not yet complete in several states in the Appalachian Region including, but not limited to: Corridor C in Ohio, Corridor A in Georgia, Corridor K in Tennessee, Corridor M in Pennsylvania, and Corridor X in Alabama.