

GOODHUE COUNTY

Access Management and Control Ordinance



*Our mission is to effectively promote the safety, health
and well-being of our residents.*

Access Management and Control Ordinance

Goodhue County, Minnesota

Adopted April 4, 2006

TABLE OF CONTENTS

SECTION 1. INTENT AND PURPOSE	1
SECTION 2. SCOPE AND LEGAL AUTHORITY	1
Subd. 1. Applicability	1
Subd. 2. Variances	2
Subd. 3. Amendments	2
Subd. 4. Enforcement and Penalties	2
Subd. 5. Severability	2
SECTION 3. RULES	3
Subd. 1. Rules	3
SECTION 4. DEFINITIONS	3
SECTION 5. GENERAL PROCEDURE FOR ACCESS	4
Subd. 1. Procedures	4
Subd. 2. Spacing Criteria	5
SECTION 6. DATA REQUIRED	6
Subd. 1. Data Required for Access Permit	6
SECTION 7. ACCESS DESIGN STANDARDS	7
Subd. 1. Right-of-Way	7
Subd. 2. Geometric Design	7
SECTION 8. ACCESS TRAFFIC STUDIES	10
Subd. 1. Traffic Study Requirements	

This Ordinance shall be known, cited and referred to as the "Goodhue County Access Management and Control Ordinance", when referred to herein it shall be known as "this Ordinance".

SECTION 1. INTENT AND PURPOSE

The purpose of this Ordinance is to regulate and allow access to land adjacent to the Goodhue County (referred hereinafter as the County) road system while simultaneously preserving the flow of traffic on the surrounding road system in terms of safety, capacity, and speed. This ordinance will provide guidance to local property owners for obtaining access to the County roadway system without infringing on the mobility rights of the general public using the county roadway system. Controlled access will help preserve community character, promote economic development, protect land value, and protect the public's investment in its county road system.

SECTION 2. SCOPE AND LEGAL AUTHORITY

Subd. 1 Applicability

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety, and general welfare of the public. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of each statute, other ordinance, or regulation shall be controlling.

Subd. 2 Variances

The Goodhue County Board of Commissioners shall have the authority to grant variances from the requirements of this ordinance.

- A. Procedure
Requests for variances, as provided within this Ordinance, shall be filed with the County Engineer on an official application form. The application shall also be accompanied by copies of detailed written and graphic materials fully explaining the proposed change. The County Engineer shall refer the application, along with all related information, to the Board of Commissioners for consideration.
- B. The County Engineer, on behalf of the Board of Commissioners, shall set the date for a public hearing. Notice of such hearing shall be published in the official newspaper of the County at least ten (10) days prior to the date of the hearing.
- C. A variance to the provisions of this ordinance may be issued to provide relief to the land owner in those cases where the application of the strict letter of the ordinance imposes particular hardship or practical difficulties to the property owner in the use of this land. A variance may be granted only in the event that the following circumstances exist:
 1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties and result from lot size or shape, topography, or other circumstances over which the owners of the property since the enactment of this ordinance have had no control.
 2. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties.
 3. That the special conditions or circumstances do not result from the actions of the applicant.
 4. The variance requested is the minimum variance which would alleviate the hardship.
 5. The variance would not be materially detrimental to the purposes of this ordinance.
 6. Economic conditions or circumstances alone shall not be considered in the granting of a request.
- D. In considering all requests for a variance, the Board of Commissioners shall make a finding of fact as appropriate that the proposed actions will not:

1. Unreasonably increase the congestion in the public right of way.
 2. Unreasonably decrease the safety of the public traveling on the public right of way.
 3. Be contrary in any way to the spirit and intent of this ordinance.
- E. The Board of Commissioners and County staff shall have the authority to request additional information from the applicant or to retain expert testimony with the consent and at the expense of the applicant if said information is declared to be necessary by the County to review the request or to establish performance conditions in relation to this ordinance.
- F. Within sixty (60) days from the date of the first meeting at which the request was considered, the Board of Commissioners shall make a finding of fact and approve or disapprove the request with modifications, alterations, or differing conditions. Such modifications, alterations, or differing conditions shall be in writing and made part of the Board's records.
- G. All decisions by the Board of Commissioners in granting variances shall be final except that any aggrieved person shall have the right of appeal within thirty (30) days after receipt of notice of the decision to the district court.
- H. Reapplication for the same or substantially same variance shall not be accepted within six (6) months of denial by the Board of Commissioners. Any variance approved but not utilized within twelve (12) months of the date of approval shall become null and void.
- I. The Board of Commissioners shall have the authority to require a letter of credit, cash or other security when it is deemed necessary and appropriate.

Subd. 3 Amendments

The County Board may amend the procedures, standards, requirements and other provisions of this Ordinance upon recommendation of the County Public Works Director. The County shall hold a public hearing on the proposed amendment prior to recommending action to the County Board as specified in MS 394.26 and 394.30.

Subd. 4 Enforcement and Penalties

- A. This Ordinance shall be administered and enforced by Goodhue County Public Works Department (referred hereinafter as the Public Works Department) who is hereby designated the enforcing officer.
- B. Any person who violates any of the terms or provisions of this Ordinance shall be charged with a misdemeanor, punishable by a fine or by imprisonment as defined by Minnesota State Statute. All fines for violation shall be paid to the County Auditor.
- C. In the event of a violation or threatened violation of this Ordinance, the County Board may in addition to other remedies, institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such action.
- D. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

Subd 5. Severability

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION 3. RULES

Subd. 1 Rules

- A. Words used in the present tense include the past and future tense; the singular number includes the plural and the plural includes the singular; the word "shall" is mandatory, and the words "should" and "may" are permissive.

- B. In the event of conflicting provisions in the text of these regulations, the more restrictive shall apply.

SECTION 4. DEFINITIONS

For the purpose of these regulations certain terms and words are hereby defined as follows:

ACCESS: any entrance point onto a county road such as: field entrance, farm entrance, residential driveway, commercial entrance, street, township road and/or ally.

ACCESS PERMIT: a document that is issued by the Public Works Department to authorize access to a county road.

ACCESS POINT: location along a roadway where access to private or public property is provided.

ARTERIAL ROAD: characterized by limited access and a greater capacity to move relatively large volumes of traffic in an expedient manner.

AVERAGE DAILY TRAFFIC (ADT): number of vehicles at a location derived from traffic counts and calculated per MN/DOT procedures.

BLIND DRIVEWAY: an access point that does not meet the minimum sight distance along the county roadway.

BY-PASS LANE: a widened area of the shoulder that allows the legal passing on the right side of a vehicle stopped in the through lane, slowing or waiting to turn left.

CONTROLLED ACCESS: Areas along roadways where the road authority has purchased the right of direct access to the roadway.

COLLECTOR ROAD: public roads which carry traffic from minor public roads to major public roads and highways; usually a county road.

CORNER CLEARANCE: distance from the intersecting street corner to the first access point.

DIVIDED ENTRANCE: an entrance divided by a median for separate in and out movements.

DRIVEWAY: an access point to a single residential property.

EASEMENT: a grant by an owner of land for the specific use of said land by the public, or to a person or persons.

ENTRANCE: an access point to agricultural fields, commercial, industrial, or public property.

ENTRANCE GRADE: percent (%) of vertical grade at an access point.

FUNCTIONAL CLASSIFICATION: the grouping of highways by the character of service they provide

INTERSECTION: an area in which two or more roadways join or cross at the same grade.

LANDING: a relatively flat area at the access point

LEVEL OF SERVICE: a rating system established to indicate the level of traffic flow along a road or at an intersection, with A being the best and F being the worst.

LOCAL ROAD: a public road designed primarily for access to abutting property and not intended to facilitate through traffic; usually a city street or township road.

MARGINAL ACCESS ROAD: a minor public road which is parallel and adjacent to an Arterial Roadway and which provides access to abutting properties and protection from through traffic on the adjacent high volume roadway.

MEDIAN: area in the middle of a divided roadway.

RIGHT IN/RIGHT OUT ACCESS: an access with a closed median so that left turns are not allowed in or out of the access.

RIGHT-OF-WAY: the land covered by a public road or other land dedicated for public use or for certain private use.

ROADWAY: generally refers to public streets, roads and highways.

RURAL AREAS: areas outside the boundaries of urban areas. Rural area road systems typically have shoulders and ditches.

SETBACK: the distance from the right-of-way line to where a structure may be placed.

SIDE SLOPE: slope of ditch away from the shoulder of a roadway.

SIGHT DISTANCE: the distance a driver can see along a roadway as established by procedures outlined in the Minnesota Manual of Uniform Traffic Control Devices (MMUTCD).

TRAFFIC STUDY: an in-depth investigation into the current and projected traffic patterns at a specific location.

TURNLANE: a lane separate from the through lane(s) designated for left or right turns from the through road.

URBAN AREAS: are incorporated areas within boundaries set by local officials. Urban streets typically have cross sections including curb and gutter and/or parking areas designated for vehicles.

SECTION 5. GENERAL PROCEDURE FOR ACCESS

Subd. 1 Procedures

- A. New access onto a county roadway requires an access permit. All Access/Driveway Application/Permit requests shall be subject to review and approval by the Public Works Department. New access is not allowed in areas with Controlled Access.
NOTE: a property split does not create a right for a new access for contiguous parcels under common or related ownership and parcels that are part of a single development plan.
- B. Revised use of or improvement to an existing access onto a county roadway requires an access permit and shall be subject to review and approval by the Public Works Department. Access is granted for a specific use. If the land owner proposes to change the current use of an access point, a new permit is required since the location of a particular access may be suitable for one use but not for another. This includes changing the use of an existing field approach.
- C. Development proposal or plat adjacent to an existing or proposed county roadway requires an access permit and shall be subject to review and approval by the Public Works Department. Preliminary site drawings shall be submitted on standard size (22" x 34") plan sheets detailing the layout of the development and include data as listed in Section 6 – **Data Required** of this ordinance.

Development includes a change in land use designation, subdivision of land or lot split, or any commercial or industrial use of land.

NOTE: Although review and approval from the Public Works Department are not required for the annexation of land proposed for development, it is strongly encouraged.

Access permits will be reviewed in light of current and future conditions anticipated in the Goodhue County Transportation Plan for 2004 – 2025.

Subd. 2 – Spacing Criteria

This subdivision covers the minimum spacing required between new and existing intersections and access points onto Goodhue County’s roadway system.

**TABLE 5.1
NEW INTERSECTION AND PRIVATE ACCESS SPACING REQUIREMENTS**

Area Type	Typical Function Class	Facility Type	Intersection Spacing		Signal Spacing	Private Access
			Full Median Opening	Right-In/Right-Out		
Rural	Minor Arterials	Divided	½ Mile	¼ Mile	½ Mile	Only if there are no other alternatives
		Undivided	½ Mile	¼ mile, if part of local street network		
Developing Urban	Minor Arterials	Divided	¼ Mile	⅛ Mile	¼ Mile	Only if there are no other alternatives
		Undivided	¼ Mile	X		
Fully Developed Urban	Minor Arterials	All	300-660 feet dependent upon block length, based Municipality’s standard		¼ Mile	Only if there are no other alternatives
Rural	Collectors	All	Per Table 5.2		½ Mile	200 feet and subject to Intersection Functional Area
Developing Urban	Collectors	All	Per Table 5.2		¼ Mile	200 feet and subject to Intersection Functional Area
Fully Developed Urban	Collectors	All	300-660 feet dependent upon block length, based Municipality’s standard		⅛ Mile	200 feet, Municipality’s standards or Intersection Functional Area
Rural	Local	All	Per Table 5.2		As warranted	200 feet and subject to Intersection Functional Area
Developed and Developing Urban	Local	All	300-660 feet dependent upon block length, based Municipality’s standard.		As warranted	200 feet, Municipality’s standards or Intersection Functional Area

**TABLE 5.2
Minimum Spacing and Sight Distance Requirements for Intersections and Access Points onto County Roadways**

Speed Limit (mph)	Standard (feet)	Minimum (feet)
30	325	200
35	400	250
40	475	325
45	550	400
50	650	475
55	725	550

- A. All new intersections shall meet the 'Standard' spacing requirements shown above. It is recognized that some layouts will not meet the Standard spacing requirement due to topographical conditions. The Public Works Department may consider layouts with a shorter spacing. This determination will be considered using engineering judgment on a case by case basis. It is also recognized that some situations may require longer spacing distances which may be imposed when justified based on safety concerns.
- B. All new intersections shall also provide the 'Standard' sight distance requirement shown above. It is recognized that some layouts will not meet the Standard sight distance requirement due to topographical conditions. The Public Works Department may allow layouts meeting the minimum sight distance and this decision will be made on a case by case basis. If minimum sight distance is not available anywhere along the property requesting the new intersection, then the developer may be allowed to re-grade the county road or highway at the developer's expense under permit from the Public Works Department.
- C. Number of Access Points: The number of access points provided shall be the minimum needed to provide adequate access capacity for the site. Evidence of Level of Service F operations for individual public street movements at access locations is a primary indication that a redesign or other reconsiderations (see Section 8, H) are in order.
- D. High volume private accesses such as shopping malls, large commercial, industrial, etc. with volumes over 1,000 ADT will meet the same standards as a public road.
- E. Developing Urban includes all roads within each city's Urban Fringe area as shown in the County's Zoning Ordinance
- F. In reviewing all access requests, sight distance shall be a primary safety consideration. A second access to a property may not be allowed if the above minimum sight distances are not available.
- G. New access points (including driveways) must meet the spacing requirements in Table 5.1 and the sight distances in Table 5.2. Situations where the above spacing requirements are not met for new access points will be considered using engineering judgment on a case by case basis. If the above sight distances are not achievable then the request will considered using engineering judgment on a case by case basis, and the application may be denied if there are other accesses to the property available, or a 'Blind Driveway' sign and a hold harmless agreement may be required.

SECTION 6. DATA REQUIRED

Subd 1. Data Required for Access Permit

A. Identification and Description of proposed new/revised use access - Non-development

- 1) Land owners name, current address, and phone number.
- 2) Location Description:
 - a. include the road number the access will be coming onto;
 - b. indicate the direction the access will be entering the roadway;
 - c. include the township name and section number in which the proposed access is located.
 - d. Indicate parcel number.
- 3) Indicate the purpose for the access (i.e. residence, field entrance, commercial)
- 4) Indicate number of existing driveways to the parcel where new access is requested.
- 5) Indicate if a building permit has been applied for.

B. Identification and Description of proposed new/revised use access - Development

- 1) Land owners name, current address, and phone number.
- 2) Location Description:
 - a. include the road number the access will be coming onto;
 - b. indicate the direction the access will be entering the roadway;

- c. include the township name and section number in which the proposed access is located.
- d. Indicate parcel number.
- 3) Indicate the purpose for the access (i.e. residence, field entrance, commercial)
- 4) Indicate number of existing driveways to the parcel where new access is requested.
- 5) Indicate if a building permit has been applied for.
- 6) Plat
- 7) Grading plan showing drainage
- 8) Intersecting road geometric design diagram (width, radius, grade, etc.)
- 9) Plan

SECTION 7. ACCESS DESIGN STANDARDS

Subd. 1 Right-of-Way

- A. Right-of-way shall be dedicated through the platting process. If additional right-of-way cannot be dedicated (e.g. development proposal not part of a platting action), local building setbacks shall account for future right-of-way needs as determined by Goodhue County Public Works Department.
- B. Right-of-way width includes the minimum property necessary for the recommended roadway design under normal conditions. Generally, the minimum right-of-way of 60 feet from centerline provides sufficient space for the roadway itself, traffic control devices, snow storage, and other maintenance activities for a typical county roadway.
- C. Additional right-of-way and/or easements may be necessary to accommodate significant changes in elevation as well as turn lanes at intersections, sidewalks and trails, and public utilities. Right-of-way requirements may be increased at the discretion of the Public Works Department for site-specific circumstances, such as additional right-of-way at intersections to accommodate turn lanes and trails/sidewalks.

Subd. 2 Geometric Design

The design for all new intersecting roads and access points onto Goodhue County roadways shall meet MNDOT Standards.

- A. All accesses onto county right-of-way shall be aligned to be straight and perpendicular to the centerline of the adjacent county roadway, within the limits of the county right-of-way.
- B. All facilities such as signs, entrance medians (divided entrances), fencing, etc. shall be placed or constructed outside of the permanent county right-of-way.
- C. Culverts constructed/placed within the county right-of-way, as part of an access, generally shall be a minimum of 24 inches in diameter (subject to the discretion of the Public Works Department). 1:6 safety aprons and grates are required on roadways where the approaches have been graded to 1:6 slopes. Plastic pipe will not be used on accesses to the county right-of-way.
- D. Wherever Possible:
 - 1) The location of the new access point shall be aligned with street accesses and/or entrances on the opposing side of the roadway to create four way intersections. Off-set (dog leg) intersections within the spacing criteria listed in Table 5.2 are to be avoided.
 - 2) Access points to commercial areas will be combined through service roads or common access points.
 - 3) Access locations will be directed onto roadways with a lower functional classification or lower traffic volume.

- E. Intersection Functional Area: The stacking distance back from an intersection on an arterial or collector will be considered when determining if a new access point will be allowed. A new full access point will not be allowed within a fully developed left turn lane, a right in/right out access may be considered if no other access option is available.
- F. New intersecting roads shall include the installation of new intersection lighting. The County will not be responsible for the maintenance or electrical bill for this new lighting.

TABLE 7.1
DESIGN DETAILS FOR NEW ROADS INTERSECTING COUNTY ROADWAYS

Design Criteria	Local Roads and Collectors		
	Minimum	Maximum	Standard
Entrance Angle / skew (degrees)	70	110	90
Width (feet) ⁽¹⁾	24	36	24
Corner Clearance ⁽²⁾ (feet)	60	820	See Table 5.1 & 5.2
Radius (feet)	25	60	35
Entrance Grade (percent)	0	± 7	-2.5
Landing (feet)	25		50
Landing grade (percent)	0.5	2.0	0.5
Side Slope ⁽³⁾ (feet:feet)	1:4 (6)		1:4 (6)
Turn Lanes			
■ Length (feet)	480		
■ Width (feet)	12	14	12

See MNDOT's Road Design Manual *and Standard Plate 9000D* for additional information

Notes:

- (1) 36 foot width may be allowed with an urban section.
- (2) The closest access point to an intersection may need to be outside the functional area of that intersection depending on the local geometric and traffic characteristics of both roadways involved in the intersection. Functional area of an intersection may be up to 820 feet.
- (3) New side slopes of 1:6 are required when other approaches on the roadway are 1:6

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**TABLE 7.2
DESIGN DETAILS FOR ACCESS POINTS (INCLUDING DRIVEWAYS) ONTO COUNTY ROADWAYS**

Design Criteria	Residential			Commercial - Industrial - Farm			Field Approaches		
	Min	Max	Desired	Min	Max	Desired	Min	Max	Desired
Entrance Angle / skew (degrees)	70	110	90	70	110	90	70	110	90
Width ⁽¹⁾ (feet)	16	24	24	24	32	32	20	32	20
Corner Clearance ⁽²⁾ (feet)	60	See Note 2	See Table 5.1 & 5.2	60	See Note 2	See Table 5.1 & 5.2	60	See Note 2	See Table 5.1 & 5.2
Radius (feet) ⁽³⁾	5-15	35	25	5-25	40	25	5-10	40	20
Entrance Grade (percent) ⁽⁴⁾	0	± 14	-2.5	0	± 8	-2.5	0	± 14	-2.5
Landing (feet) (at 0.5%)	25		50	25		50	15		50
Side Slope ⁽⁵⁾ (feet:feet)	1:4 (6)	1:10	1:4 (6)	1: 4 (6)	1:10	1: 4 (6)	1: 4 (6)	1:10	1: 4 (6)
Turn Lanes									
■ Length (feet)	480			480					
■ Width (feet)	12	14	14	12	14	14			

See Mn/DOT's *Road Design Manual and Standard Plate 9000D* for additional information

Notes:

- (1) Urban residential widths are restricted to 24 feet wide. 32 foot double wide field approaches are allowed at property lines when the access is shared between the two landowners.
- (2) The closest access point to an intersection may need to be outside the functional area of that intersection depending on the local geometric and traffic characteristics of the county roadways. Functional areas of an intersection may be up to 820 feet.
- (3) Minimum radius dependant on angle of driveway approach, see MNDOT's Design Manual.
- (4) Entrance surface out to culvert or ditch line shall have a minimum drop of 6 inches at 20 feet from the edge of the driving lane. Maximum elevation drop is 15 inches at 20 feet from the edge of the driving lane.
- (5) New side slopes of 1:6 are required when other approaches on the roadway are 1:6

G. New driveways shall be designed so that the user does not need to back in or out of the driveway.

H. Turn Lanes and By-Pass Lanes: The developer must install turn lanes and/or by-pass lanes on the county roadway at their new roads and at their expense:

- 1) If the projected average daily traffic (ADT) of the county roadway is less than 1500, then a Right Turn Lane is required when the intersection does not have minimum sight distance shown in table 2 and serves commercial, industrial or more than nine residential units.
- 2) If the projected ADT of the county road or highway is between 1500 and 3000, then Right Turn Lanes are required for:
 - a. All subdivisions and public roads;
 - b. All roads serving over nine residential units;
 - c. Any entrance serving less than ten residential units, but does not have minimum sight distance shown in table 5.2; or
 - d. Any entrance serving commercial or industrial property that is estimated to generate over 100 right turns per day.
 - e. A By Pass lane maybe required if warranted in MNDOT's Road Design Manual.

- 3) If the projected ADT of the county road or highway is over 3000, then Right Turn Lanes (and Left Turn Lanes in urbanizing areas or By-Pass lanes in rural areas) are required for:
 - a. All subdivisions and public roads
 - b. All roads serving over nine residential units
 - c. Any entrance serving less than ten residential units that does not have minimum sight distance shown in Table 5.2, or
 - d. Any entrance serving commercial or industrial that is estimated to generate over 100 right turns per day
- 4) Turn lanes and/or by-pass lanes may be required if other similar accesses along the same segment of the roadway already have turn lanes and/or by-pass lanes.
- 5) Generally, turn lanes are 480 feet in length and 12 to 14 feet wide. Turn lane and by-pass lanes shall be designed per MNDOT standards.

SECTION 8. ACCESS TRAFFIC STUDIES

The County generally requires a traffic study whenever traffic generated by the proposed development is expected to exceed 500 vehicles per day or 100 vehicles in the peak hour. The purpose of the traffic study is to identify the impacts on capacity, level of service and safety which are likely to be created by a proposed development. The County may require a traffic study for any development proposal at an already congested or unsafe location. Information obtained from the study will play an integral part of the approval of the access permit.

Subd. 1. Traffic Study Requirements

The study should demonstrate that the proposed development:

- A. Maintains intersection level of service (LOS) D or better;
- B. Maintains ADT volume to capacity ratio of 0.75 or less on the intersecting segment of the county roadway.
- C. Preserves ability to accommodate additional growth:
 1. Compare remaining intersection and roadway capacity with potential of growth in surrounding area as detailed in the Goodhue County 2004 - 2025 Transportation Plan, and identify the portion of the capacity that will be utilized by the proposed development verses future traffic volumes anticipated without this development.
 2. Is consistent with the 2025 traffic forecasting assumptions.
- D. The report shall identify projected design hour traffic volumes for roadway segments, intersections or access points in the study area, with and without the proposed development.
- E. The traffic study needs to evaluate the impact of site generated traffic on:
 1. affected intersections in the vicinity of the development site;
 2. the quality of traffic flow on public streets and roadways located in the vicinity of the site;
 3. known and potential safety problems in the vicinity of the site;
- F. Traffic studies need to identify what improvements, if any, are needed to:
 1. ensure safe ingress to and egress from a site;

2. maintain adequate capacity on public roadways serving the development;
 3. avoid creation of or mitigate existing hazardous traffic conditions;
 4. protect the substantial public investment in the existing transportation system.
- G. A signal justification report is required if a signal is proposed at any new access or intersection.
- H. If the results of this study demonstrate that the proposed development will not meet applicable service level standards, the County may recommend one or more of the following actions:
1. Reduce the size, scale, scope or density of the development to reduce traffic generation;
 2. Redesign ingress and egress to the project to reduce traffic conflicts;
 3. Alter the use and type of development to reduce peak hour traffic;
 4. Reduce background (existing) traffic;
 5. Eliminate the potential for additional traffic generation from undeveloped properties in the vicinity of the proposed development;
 6. Identify needed improvements to the adjacent and surrounding road system to achieve the needed capacity and/or safety improvements to the county roadway system. Improvements may include:
 - a. Dedicate right-of-way for future adjacent roadway improvements;
 - b. Expand the capacity of existing roadways;
 - c. Construct new roadways.
 7. Recommend denial of the application for development for which the traffic study is submitted.