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DATE: January 17, 2006

TO: Oregon Transportation Commission

FROM: Matt Garrett
Director

SUBJECT: February 2006 OTC Consent Agenda Item
Newberg Dundee Bypass/New Oregon Highway 18 Facility Plan Adoption

Requested Action

Region 2 requests that the OTC adopt the Newberg Dundee Bypass/New Oregon Highway 18 Facility Plan. Adoption of this Plan will amend the OHP to include a corridor within which a specific alignment for a Newberg Dundee Bypass/New Oregon Highway 18 can be developed. OTC adoption will also establish policies for the new corridor to guide design and ODOT coordination with local governments before construction and for managing the new facility after construction. The corridor and bypass facility will be designed and managed as a statewide expressway and freight route. This corridor has been adopted into all relevant local comprehensive plans and approved by the Federal Highway Administration (FHWA) through the issuance of a record of decision for the Newberg Dundee Bypass location-level (Tier 1) Environmental Impact Statement (EIS). This EIS is the factual basis for the Facility Plan.

Background

In 1996 and 1997, ODOT produced the NDTIP Alternatives Analysis. This report documented the analysis of many alternatives for addressing congestion on Oregon 99W in Newberg and Dundee at a systems planning level. Based on that report, ODOT began developing a location environmental impact statement in late 2000, with the intention to identify and select an effective solution to the recognized problem. Through a very public process, it was determined that it would not be practical or effective to try to just improve existing Oregon 99W to provide the needed additional traffic capacity. It was determined a new highway bypass corridor would be needed to properly address the problem.

After extensive analysis and public discussion, a "southern" corridor alignment called Alternative 3J modified was recommended by the NDTIP Project Oversight Steering Committee (POST) and advanced by ODOT for local land use approvals. This alternative is described as a 4-lane, limited access bypass of Oregon 99W from east of Newberg to the Oregon 99W/Oregon 18 junction at McDougal Corner. It includes directional interchanges at each end of the bypass and full movement interchanges where it crosses Oregon 219 and between Newberg and Dundee. The approved bypass corridor is approximately 11 miles long and is shown in Figure 1.1 of the Facility Plan.

A series of plan, policy, and ordinance amendments were adopted by Dayton, Dundee, Newberg, and Yamhill County in the summer of 2004 and the Yamhill County Commissioners approved two goal exceptions on September 30, 2004. These exceptions allow development of the Newberg Dundee Bypass/New Oregon Highway 18 within the approved (Alternative 3J modified) bypass corridor and development of the interchange and connecting road to Oregon 99W between Newberg and Dundee. These actions were supported by ODOT/local intergovernmental agreements that describe commitments for the rest of the project planning and development process, including development of detailed interchange area management plans and a design-level environmental impact statement. Subsequently, ODOT completed the LFEIS and submitted it to the FHWA in December 2004 for approval in the form of a Record of Decision (ROD). The ROD was granted by FHWA in August 2005.

Establishment of this corridor has been coordinated with all affected cities including Newberg, Dundee and Dayton, and Yamhill County and the DLCDC. Each of these local entities approved and authorized the corridor through the local planning approvals granted by Dayton, Dundee, Newberg, and Yamhill County during the summer and fall of 2004. The DLCDC as a member of the POST also endorsed the proposed project. The OTC has been regularly briefed about this project and its associated planning process. OTC adoption of this Facility Plan will affirm its compatibility with the local comprehensive plans and establish this corridor in the OHP as the official ODOT sanctioned location for this future state transportation facility

Adoption of this Facility Plan and amendment of the OHP to add the approved bypass corridor as the appropriate location for a new statewide expressway/freight route will make the local actions already taken consistent with the state transportation plan. Adoption into the state plan also helps protect the decisions made locally due to the TPR requirement that local plans must be consistent with the state plan. This adoption by the OTC is essentially the complimentary or reciprocal action to support the legal proceedings and actions that have already been completed by the local agencies.

The Facility Plan is attached as exhibit "A." ODOT findings of fact that demonstrate compliance with the modal plan amendment process and the facility plan adoption process are attached as exhibit "B." Documentation of the public involvement process is provided as exhibit "C." Letters of compatibility from affected local jurisdictions are attached as exhibit "D." Comments from DLCD and the Departments response to their comments are attached as exhibit "E." Additional copies of the Facility Plan or the LFEIS can be requested from ODOT Region 2 Planning (503) 986-5764. Notification of this OTC action has been provided to each affected local jurisdiction and the DLCD.

Newberg Dundee Bypass / OR 18
FACILITY PLAN

DECEMBER 2005

OREGON DEPARTMENT OF TRANSPORTATION
REGION 2

prepared by

Parametrix

Portland Oregon

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Chapter 1: Introduction and Background

Introduction

This facility plan describes the need for and the general location, function, and mode of the proposed Newberg Dundee Bypass/New Oregon Highway 18 corridor between the current intersection of Oregon Highway 18 and Oregon Highway 99W at McDougal Corner in Yamhill County and a new connection with Oregon Highway 99W just north of Newberg. (See Figure 1-1, Project Location Map). Management objectives and strategies are also a part of this facility plan. This proposed new Bypass corridor is a part of the Newberg Dundee Transportation Improvement Project (NDTIP), which integrates several related transportation system improvement efforts and includes strategies to develop a balanced transportation system that includes roadway, multimodal, and land use elements.

This Facility Plan includes a description of the approved bypass corridor; local jurisdiction actions and Oregon Department of Transportation (ODOT) actions designed to help manage the corridor before and after construction and whose implementation will be relied upon as part of this plan's management tools; and findings of compliance with the Oregon Highway Plan (OHP) policies. This plan serves as ODOT's affirmation that the proposed Newberg Dundee Bypass/New Oregon Highway 18 corridor is an official component of the Oregon OHP and establishes the policy framework for how a future Newberg Dundee Bypass/New Oregon Highway 18 facility will be designed, operated, and managed.

Background

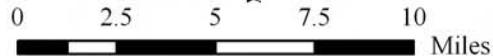
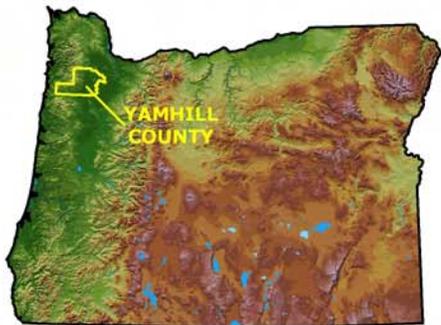
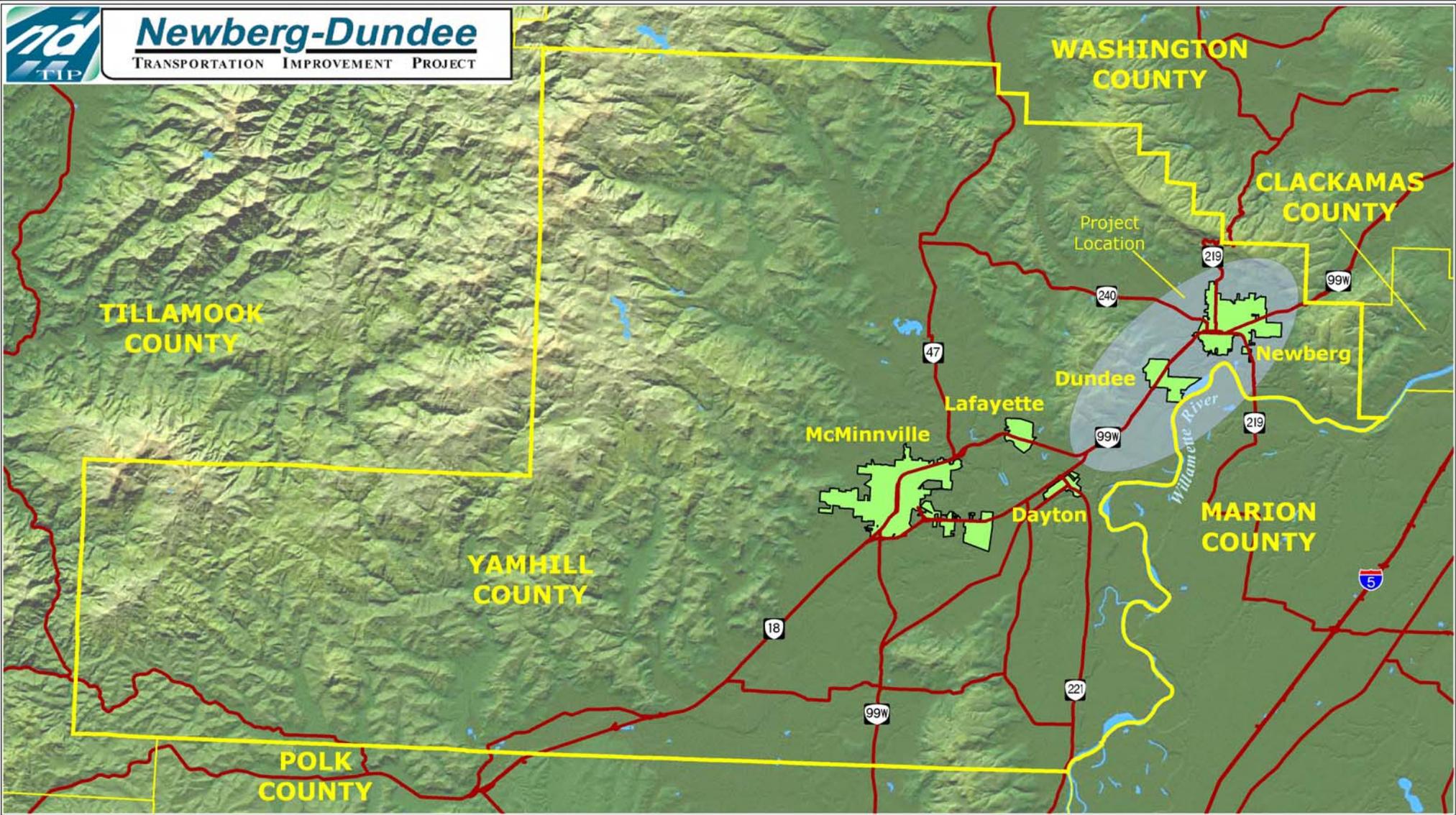
The cities of Newberg and Dundee and surrounding areas in Yamhill County have experienced substantial growth over the past decade. Newberg, the second largest city in Yamhill County, currently has a population of about 17,000 residents, while Dundee has about 2,600 residents. Oregon Highway 99W serves as the "main street" for both Newberg and Dundee, and connects both of these communities to the Portland metropolitan area to the northeast and to McMinnville and the Oregon Coast to the west. Figure 1-1 shows the general project location. This highway has become a popular route for tourist traffic between the Willamette Valley and Oregon coastal communities. Weekday commuters also use Oregon Highway 99W to travel between Yamhill County and the Portland metropolitan area. Regional freight truck movement, particularly en route to and from the central coast, I-5 corridor, and/or the Portland metropolitan area, relies on efficient travel along Oregon Highway 99W and Oregon Highway 18.

In 1990, ODOT published a Reconnaissance Study that considered options for a Bypass of Oregon Highway 99W in the Newberg and Dundee area. The study focused on accessibility, the safe and efficient movement of through-traffic, economic vitality, roadway safety, and the reduction of traffic congestion. Subsequently, the City of Newberg and Yamhill County each incorporated a southern Bypass of Oregon Highway 99W into their respective Transportation System Plans (TSPs).

In 1994, ODOT began developing a corridor strategy for the Oregon Highway 99W/18 corridor between Portland and Lincoln City to address the operation, preservation, and improvement of transportation facilities in the corridor. This corridor strategy included a series of actions that responded to Oregon Highway 99W/18's vital role in serving commuter and recreational travel and freight movement, and to the numerous constraints associated with corridor improvements. It identified a wide range of actions to be implemented by numerous agencies and service providers.



Newberg-Dundee
TRANSPORTATION IMPROVEMENT PROJECT



Oregon Department of Transportation

Figure 1 - 1. Project Location Map
Newberg Dundee Bypass / New Oregon Highway 18
and Facility Plan

- Project Location
- City Limits
- Highways
- County Boundary

Following development of the strategy, funding shortfalls postponed further action until the Oregon Legislature passed Senate Bill 626 in 1995, enabling ODOT to consider a Newberg Dundee bypass as a potential tollway.

In 1996, ODOT began the alternatives development phase (Phase 1) of the NDTIP. In 1997, the Project Oversight Steering Team (POST), which guides the NDTIP and advised ODOT on selecting an alternative, recommended three multimodal alternatives to the Oregon Transportation Commission (OTC). At the same time, the Governor of Oregon curtailed planning activities on major transportation projects; consequently, the OTC took no action on these recommendations.

Local, state and federal funding combined to re-energize the project in 2000, when Phase 2 of the NDTIP began. The Federal Highway Administration (FHWA) allocated “high priority” funding from the Transportation Equity Act for the 21st Century (TEA-21) program to conduct the National Environmental Policy Act (NEPA) process for this project. State and local funds were also used for this project.

ODOT led the preparation of the Location Environmental Impact Statement for the Bypass in coordination with the Federal Highway Administration (FHWA), who is the lead agency under the NEPA. The environmental analysis of the project is being conducted in a two-tiered NEPA process. The Tier 1 work, which is the subject of the Location Environmental Impact Statement, identified feasible alternative corridors for the Bypass project, culminated in a preferred corridor alternative. The Preferred Alternative, identified in the Location Final Environmental Impact Statement (LFEIS, Tier 1), will be carried forward through the Tier 2 analysis for more detailed study. The Tier 2 work will involve further refinement of a specific highway alignment within the approved bypass corridor, evaluation of detailed engineering options for bypass interchanges, and additional environmental analysis. (A list of activities that will be conducted during the Tier 2 process is included at the end of the LFEIS, Chapter 6.¹)

The Tier 1 process has provided ODOT with the authority to identify, acquire and preserve key pieces of the right of way so that it will not be necessary to displace any development on these lands that may occur prior to construction. Prior to completion of the Tier 2 work, ODOT intends to acquire a limited amount of right of way within the approved corridor with federal funds (FHWA approved the corridor following the completion of the Tier 1 work). Chapter 6 of the LFEIS includes a detailed strategy for this right of way acquisition.

ODOT released the Location Draft Environmental Impact Statement (LDEIS, Tier 1)² in October 2002, for public and agency comment. From that process, a preferred corridor was recommended by the POST and advanced by ODOT in the LFEIS. ODOT submitted the LFEIS to FHWA in early June 2005 and released it for public review on June 17, 2005. Following a thirty day review period, ODOT made revisions to the LFEIS as needed and FHWA released a Record of Decision (ROD) in August, 2005.

This facility plan is derived from information developed as part of the NDTIP Bypass LDEIS and LFEIS. The LDEIS and LFEIS are the technical and factual basis for this facility plan and are included in Appendix A.

¹ See Appendix A

² See Appendix A.

Chapter 2: Facility Plan Elements and Implementation and Management Policies and Tools

Description of the Approved Bypass Corridor for the Newberg Dundee Bypass/New Oregon Highway 18

A primary purpose of this Facility Plan is to establish the approved bypass corridor for the Newberg Dundee Bypass as a new Oregon Highway 18 corridor within the Oregon Highway Plan (OHP). The approved Newberg Dundee Bypass corridor is shown in Figure 1.1 This corridor has been approved for future roadway development through a National Environmental Policy Act (NEPA) environmental impact statement (EIS) record of decision (ROD) from the Federal Highway Administration (FHWA) and through a goal exception granted by Yamhill County.

The approved bypass corridor is located along the south sides of Newberg and Dundee. The corridor is at least 330 feet wide, and at some parts reaches or exceeds 400 feet in width. The actual Newberg Dundee Bypass/New Oregon Highway 18 facility would probably require approximately 60 percent of the corridor width, or between 180 and 250 feet. The width allows for flexibility during the design-level (Tier 2) EIS process. Interchange footprints on the corridor also allow additional corridor space to account for variations in interchange design. The approved bypass corridor extends for approximately 11 miles from its eastern terminus east of Newberg in the Rex Hill area at Oregon Highway 99W milepost 20.08 to its western terminus where Oregon Highway 99W intersects with Oregon Highway 18 (McDougal Corner) west of Dundee at Oregon Highway 18 milepost 51.84.

The Newberg Dundee Bypass/New Oregon Highway 18 facility within the approved bypass corridor includes the following interchanges:

- *Dayton Interchange* – The Dayton Interchange is located at the junction of Oregon Highway 99W and Oregon Highway 18 and represents the western terminus of the Newberg Dundee Bypass/New Oregon Highway 18. This interchange is a directional interchange providing free-flow connections westbound onto Oregon Highway 99W and Oregon Highway 18 and eastbound from those highways onto the Bypass. However, the interchange will not provide movements between eastbound Oregon Highway 18 to westbound Oregon Highway 99W, nor from eastbound Oregon Highway 99W to westbound Oregon Highway 18. The interchange replaces the existing Oregon Highway 18/99W intersection at McDougal Corner. This represents the western terminus of the Bypass.
- *East Dundee Interchange* – The East Dundee Interchange is located between Dundee and Newberg and will offer full turning movements. A connector road links the interchange at the Newberg Dundee Bypass/New Oregon Highway 18 and existing Oregon 99W. The connector road will not have any intermediate access points between the Bypass and its intersection with Oregon Highway 99W. The connector road intersection with Oregon 99W in Highway includes a grade separation across both Oregon Highway 99W and the parallel railroad tracks.
- *Oregon 219 Highway Interchange* – The Oregon Highway 219 Interchange is located in south Newberg along Oregon Highway 219. This interchange is located inside Newberg's UGB and offers full turning movements.
- *East Newberg Interchange* – The East Newberg Interchange is located southwest of Rex Hill and represents the eastern terminus of the Newberg Dundee Bypass/New Oregon

Highway 18. Like the Dayton Interchange, the East Newberg Interchange is a directional interchange, providing free-flow connections from the Bypass onto Oregon Highway 99W eastbound and from Oregon Highway 99W westbound onto the Bypass. The interchange does not provide movements from eastbound Oregon Highway 99W to the westbound Bypass, nor from the eastbound Bypass to westbound Oregon 99W.

The approved bypass corridor also includes the following features:

- *A four-lane bypass facility designed to meet OHP “Expressway” and “Freight Route” functional objectives.*
- *A median.*

A landscaped median or median barrier will be located between the opposing travel lanes, and shoulders will be constructed on both sides of each set of travel lanes.
- *Bicycle access.*

Bicycles are permitted to travel on the shoulders of highway facilities in Oregon, In addition, enhanced bicycle facilities may be provided either as part of the roadway cross-section or as a separate, parallel facility. This issue will be addressed as part of the design-level (Tier 2) EIS process and other associated multimodal studies.
- *Access to the Newberg Dundee Bypass/New Oregon Highway 18 restricted to interchanges.*

Access to the Newberg Dundee Bypass/New Oregon Highway 18 is restricted to interchanges. No direct access to the Bypass will be permitted from private properties. The Bypass will be grade-separated meaning that there will be no at-grade crossings allowed. Major county and city roads will be rerouted under or over the Bypass. Other local streets crossed by the Bypass will be rerouted around or away from or stopped at the Bypass.
- *Bridges crossing larger fish-bearing streams.*

Bridges will be used to cross larger fish-bearing streams. Smaller drainages might be crossed using fish-passable culverts.
- *Toll roads.*

“Tolling” might be included as part of the Newberg Dundee Bypass/New Oregon Highway 18. The need and feasibility for tolls will be evaluated, if appropriate, during the design-level (Tier 2) EIS process. The travel demand impacts due to tolling and the size and location of tolling facilities are unknown at this time.
- *Improvements needed to meet OHP access management standards.*

Improvements needed to meet OHP access management standards will be constructed, including road realignments and private driveway consolidations or relocations in the vicinity of interchange ramps.
- *A typical operating speed of 55 miles per hour.*

The Newberg Dundee Bypass/New Oregon Highway 18 will have a typical operating speed of 55 mph, expect in areas where design constraints necessitate lower speed postings.

In addition, construction of the Newberg Dundee Bypass/New Oregon Highway 18 may involve improvements to Oregon Highway 99W and local street systems. The construction of the Bypass may result in the need for improvements to the surrounding transportation network. These improvements will be complementary to the bypass and will be addressed in the design-level

(Tier 2) EIS process. The associated improvements that may be implemented during Bypass construction are as follows:

Improvements to Oregon Highway 99W

- Consider the addition of left and/or right turning lanes at key Oregon 99W intersections throughout the project area and a northbound through lane at the Springbrook Road/Oregon Highway 99W intersection.
- Manage access to Oregon Highway 99W by consolidating and/or relocating private driveways and by providing local street connections where feasible.
- Integrate the bypass with the local street system to maintain connectivity within and among communities.
- Investigate interim improvements to Oregon Highway 99W in Dundee to relieve congestion.
- Investigate the possibility of providing appropriate Intelligent Transportation System (ITS) measures on Oregon Highway 99W.

Improvements to Local Street System

- Investigate alternatives for connectivity of local street system. Options could include improving, building and/or interconnecting existing local or collector roadways within and between Newberg and Dundee to provide options to Oregon 99W for local trips. These will be determined during the design-level (Tier 2) EIS process.
- Provide pedestrian and bicycle facilities, including bicycle and pedestrian links to park-and-ride lots and adequate pedestrian and bicycle crossings along or adjacent to the Newberg Dundee Bypass/New Oregon Highway 18. These design elements will be determined during the design-level (Tier 2) EIS process.

Implementation Management Policies

The other primary purpose of this Facility Plan is to establish policies to guide implementation of the future bypass project and its long-term management. To provide clear guidance about how to develop and manage the Newberg Dundee Bypass/New Oregon Highway 18, the following policies shall apply upon adoption of this plan by the Oregon Transportation Commission (OTC). These policies shall serve as standards of review for amendments to transportation and land use plans along the Bypass and at its planned interchanges.

Newberg/Dundee Facility Plan Policy 1

The proposed Newberg Dundee Bypass/New Oregon Highway 18 will be designed to function as a four-lane “expressway” with four interchanges and no other direct access. As defined in the OHP, expressways provide for high-speed, high-volume travel between cities with minimal interruptions and, secondarily, provide for long-distance, intra-urban travel in metropolitan areas. In urban areas, expressway speeds are moderate to high (45 to 55 mph). In rural areas, expressway speeds are high (55 mph). The posted speed on the Bypass will be 55 mph, wherever possible and practical. The facility will also be a designated Statewide Highway. Statewide Highways, defined by the OHP, typically provide inter-urban and inter-regional mobility and provide connections to larger urban areas, ports, and major recreation areas that are not directly serviced by Interstate Highways. A secondary function of Statewide Highways is to provide

connections for intra-urban and intra-regional trips. The new roadway will also be designated as a freight route—a designation that also calls for a high level of mobility and minimal interruptions.

As prescribed by these various designations, the overall ODOT management objective for the Bypass will be to provide safe and efficient, high-speed, continuous-flow operation for regional and statewide trips. Regional trips are those between the Newberg and Dundee area and areas outside the Newberg and Dundee area. Statewide trips are through trip with that begin and end entirely outside of the Newberg and Dundee area. It is not the function of this new facility to serve local trips within or between Newberg and Dundee.

Newberg/Dundee Facility Plan Policy 2

Access to the Newberg Dundee Bypass/New Oregon Highway 18 will be restricted to interchanges. Access from private properties will not be permitted. Public roadways bisected by the Bypass will either be terminated at the bypass or reconfigured as over or underpasses. In addition, no public or private accesses or approach road will be permitted along the connector road located between the East Dundee Interchange and Oregon Highway 99W. The intersection of existing Oregon Highway 99W and the connector road will be signalized. Specific traffic control devices for the remaining interchanges and access roads will be determined during the project's design phase and through development of IAMPs.

The OHP and ODOT Highway Design Manual (HDM) include interchange intersection access management standards for expressways on Statewide Highways. The Tier 2 Design EIS process and subsequent preliminary and final design processes will adhere to the OHP and HDM access management standards for Bypass interchanges and along affected existing state highways unless conditions warrant deviations.

Newberg/Dundee Facility Plan Policy 3

The Newberg Dundee Bypass/New Oregon Highway 18 will be a designated expressway, Statewide Highway, and Statewide Freight Route. The HDM contains volume-to-capacity (V/C) standards for expressways serving as Statewide Highways and Freight Routes. In rural areas, the V/C standard for freeway designed expressways with speeds above 45 mph is 0.65 and in urban areas it is 0.70. This mobility standard applies to peak hour operating conditions. Operations on the Bypass are forecasted to meet or better the HDM mobility standards through 2025.

Newberg/Dundee Facility Plan Policy 4

The Newberg Dundee Bypass/New Oregon Highway 18 will be designated a freight route and replace existing Oregon Highway 99W in Newberg and Dundee as the designated Statewide Freight Route in this part of Oregon. This designation requires application of design and mobility standards equivalent to the HDM expressway standards to ensure safe and efficient flow of goods and services. The Freight Route designation will be removed from existing Oregon Highway 99W between Oregon Highway 18 and the eastern junction with Oregon 99W near Rex Hill when the Bypass is constructed.

Newberg/Dundee Facility Plan Policy 5

At the time of this Facility Plan's adoption, a decision has not been made about jurisdictional transfer of existing Oregon 99W. Oregon 99W may or may not be transferred to one or more local jurisdiction(s) upon completion of the bypass. It is ODOT's policy that either outcome will be consistent with this plan. The determination of jurisdictional ownership of Oregon 99W after

the Newberg Dundee Bypass/New Oregon Highway 18 is built will be made in accordance with the ODOT jurisdictional transfer guidelines.

Newberg/Dundee Facility Plan Policy 6

If Oregon 99W remains under ODOT jurisdiction after construction of the Newberg Dundee Bypass/New Oregon Highway 18, it is ODOT's policy that its classification will be that of a district highway as defined by the Oregon Highway Plan (OHP) and its primary function will be that of a community arterial serving longer distance local trips within the Newberg Dundee area.

Newberg/Dundee Facility Plan Policy 7

The map in shown in Figure 1.1 of this document is derived from the Newberg Dundee Location/Tier One Environmental Impact Statement (EIS) and shows the location of the approved bypass corridor. It is ODOT policy that minor adjustments of a specific roadway alignment outside of the shaded corridor area in Figure 1.1 for the purpose of fitting the specific alignment within the broader overall corridor during the design-level (Tier 2) EIS process will be consistent with this plan, even if the adjustments require an amendment to the goal exception for the corridor granted by Yamhill County in accordance with the Location/Tier One EIS. It is ODOT policy that major relocations of a specific roadway alignment outside of the corridor during the detailed design process for purposes other than fitting the specific alignment within the broader overall corridor will require an amendment of this plan.

Newberg/Dundee Facility Plan Policy 8

It is ODOT policy that the four interchanges identified for the Newberg Dundee Bypass/New Oregon Highway 18, shall be designed to function as described in this chapter. The East Newberg directional interchange's function is to provide access for regional and statewide trips between the Newberg-Dundee area and points north and east of the Newberg-Dundee area. The New Dayton directional interchange's function is to provide access for regional and statewide trips between the Newberg-Dundee area and points south and west of the Newberg-Dundee area. The full movement East Dundee interchange's function is to serve all possible movements between the Bypass and Oregon 99W. The full movement Oregon 219 interchange's function is to serve all possible movements between the Bypass and Oregon 219. A change of either one of the directional interchanges identified to a full movement interchange during further project development will require an amendment to this Plan. A change of either one of the full movement interchanges identified to a directional interchange during further project development will require an amendment to this Plan.

Newberg/Dundee Facility Plan Policy 9

At the time of this Plan's adoption, a decision has not been made about whether or not to make the Newberg Dundee Bypass/New Oregon Highway 18 a toll facility. It may or may not be designed, constructed, and managed as a toll facility. It is ODOT's policy that either outcome will be consistent with this plan.

Newberg/Dundee Facility Plan Policy 10

It is ODOT's policy to provide environmental mitigation for the Newberg Dundee Bypass/New Oregon Highway 18 in accordance with all applicable regulations and agreements with all responsible resource agencies during the design-level (Tier 2) EIS process and/or preliminary and final design. It is understood that this mitigation may extend beyond the shaded corridor area

shown in Figure 1.1 or the full area depicted by Figure 1.1. Any required mitigation will be considered consistent with this Facility Plan.

Newberg/Dundee Facility Plan Policy 11

To the extent that they may impact future interchange areas or the function of the Newberg Dundee Bypass/New Oregon Highway 18, it is ODOT's policy that all future UGB amendments, plan amendments, and zone changes shall be consistent with the interchange area management strategies that will be created as part of the Interchange Area Management Plan development process described in the Intergovernmental Agreements (IGAs) between ODOT and Newberg, Dundee, Dayton, and Yamhill County. These IGAs are provided for reference in Appendix D.

Other Corridor Management Tools

Interchange Area Management Plans

Consistent with OHP and OAR 734-51 requirements, ODOT will prepare Interchange Area Management Plans (IAMPs) for each of the four proposed interchanges included in the bypass corridor approval. A primary purpose of the IAMPs is to ensure that the Bypass and its associated interchanges can accommodate long-distance through traffic and regional trips with either an origin or a destination outside of the project area over the planning horizon and beyond, if additional capacity is forecast beyond the 2025 planning horizon. The other purpose of the IAMPs is to plan local land uses and street connections in the vicinity of the interchanges in a way that enables local jurisdictions to implement their adopted comprehensive plans while not undermining the operation of the interchanges. ODOT will develop the IAMPs during the design-level (Tier 2) EIS part of the Bypass project and in partnership with Yamhill County, the affected cities and property owners. As agreed to in the IGAs, it is anticipated that the IAMPs will be completed by autumn 2007 and necessary portions will be advanced for adoption by the local jurisdictions into their comprehensive plans.

In advance of the design-level (Tier 2) EIS process, the cities of Newberg, Dundee and Dayton and Yamhill County have approved Interchange Overlay Districts as an interim land use tool that may be refined, revised, or replaced as IAMPs are adopted for each of the four proposed interchanges as required by the OHP. The Interchange Overlay Districts permit development in accordance with the existing zoning, but prohibit zone changes and UGB changes for three years (until autumn 2007). The Interchange Overlay Districts apply to unincorporated lands within approximately ¼ mile inside UGBs to ½ mile outside UGBs of the end of the ramps to the four interchanges.³

Intergovernmental Agreements

Yamhill County and the Cities of Newberg, Dundee and Dayton have entered in Intergovernmental Agreements (IGAs) with ODOT that define the process for developing the design-level (Tier 2) EIS for the Newberg Dundee Bypass/New Oregon Highway 18. These IGAs are not land use decisions—they simply identify the proposed schedule for developing the design-level (Tier 2) EIS for the Bypass and describe the planning activities that ODOT, Yamhill County, and the cities are agreeing to undertake together to complete the EIS. The following section, discusses the actions ODOT and the local jurisdictions will be undertaking as outlined in the IGAs.

³ See Appendix E.

ODOT/Local IGA Actions

As stated in the IGAs negotiated with Yamhill County and the Cities of Newberg, Dundee and Dayton, ODOT and the local jurisdictions will be taking a number of actions related to developing and managing the Newberg Dundee Bypass/Oregon Highway 18 Corridor during the design-level (Tier 2) EIS process and prior to construction. These include the following:

(Note: Local jurisdictions refers to Yamhill County, Newberg, Dundee and Dayton)

- ODOT will assist local jurisdictions and other state and federal agencies in developing Alternative Modes and Land Use [AMLU] changes that will help reduce the number of vehicles traveling in the Oregon Highway 99W/18 corridor (both the existing highway and the Bypass).
- ODOT will work with the local jurisdictions to identify and purchase right of way that is critical to the development of the bypass, in particular areas that may be under pressure to develop prior to construction of the bypass.
- ODOT will complete the following actions after the FHWA issues a ROD (issued August 26, 2005) on the LFEIS, including the following:
 - Initiate of adoption of the approved bypass corridor into an ODOT facility plan by the OTC pursuant to OAR 731-15-065 (this Facility Plan satisfies this commitment).
 - Develop a design-level (Tier 2) EIS for the Bypass consistent with NEPA requirements.
 - Coordinate public review and comment and public hearing(s) for the development of the design-level (Tier 2) EIS for the Bypass.
 - Design alternatives for the roadway alignment within the approved bypass corridor and review with stakeholders including the local jurisdictions. The alternatives will reflect more detailed analysis of access and circulation, including environmental analysis within the approved corridor, with local input.
 - Select a design alternative for the roadway alignment and address all mitigation requirements and/or conditions of approval associated with the Bypass location land use actions or the design-level (Tier 2) EIS process. ODOT shall prepare applications for any additional land use actions, should any be required for, the recommended design alternative and shall prepare any necessary findings of compatibility with each local Comprehensive Plan before the design-level (Tier 2) EIS is finalized and a Record or Decision is issued.
 - Coordinate with local jurisdictions, affected property owners and other interest groups to jointly prepare IAMPs for the four interchanges identified as part of the bypass project within the approved bypass corridor. Through the IAMPs and in coordination with local jurisdictions, ODOT will work toward minimizing access to connecting roadways in proposed interchange areas and provide safe and efficient operations between connecting roadways.

After the IAMPs are completed and after the draft design-level (Tier 2) EIS is released for review, ODOT will work with local governments to amend their local plans and ordinances to enact provisions necessary to implement the IAMPs or other highway-related management actions. Potential future management actions include, but are not limited to:

- Develop access management plans for segments of Oregon Highway 99W, Oregon Highway 219 and Oregon Highway 18 that lie outside of the Interchange Area Management Planning areas. Plans will be developed in coordination with the affected jurisdictions and property owners. Access management standards will be based on the highway classification and spacing standards set forth in Policy 3A of the OHP.
- Follow the ODOT procedures established to consider a jurisdictional transfer of the Bypassed portion of Oregon Highway 99W.
- Participate in local jurisdiction development review of proposed projects located in the vicinity of the Bypass and interchanges.
- Continue to conduct coordination with local jurisdictions and project stakeholders.
- Initiate discussions with Yamhill County and cities of Dayton, Dundee and Newberg to determine how to finance construction of the Bypass and supporting local improvements associated with the Bypass corridor. ODOT will prepare a financing plan and will coordinate with the OTC for review of the financing plan. It is estimated that adoption of the financing plan will occur approximately three years after the LFEIS and ROD is issued or by autumn 2007.

In addition to the foregoing general actions, ODOT will work with each jurisdiction on a number of actions related to their specific local issues. They are as follows:

Newberg

- Design alternatives for the roadway alignment within the approved location corridor and review with stakeholders including City of Newberg. The alternatives will reflect more detailed analysis of access and circulation, including environmental analysis within the approved corridor and local input. This analysis will include (but not be limited to) consideration of the following circulation, access, and design issues:
 - Pedestrian and vehicular access to river
 - Safe bicycle and pedestrian access to and across the bypass
 - Grade separation of bypass with existing railroad lines
 - Retaining existing industrial zones
 - Minimizing visual and noise impacts
 - Compliance with design and landscape standards for the Riverfront District
- Initiate East Newberg and Oregon Highway 219 IAMP adoption by OTC as part of the OHP after City has completed taking all necessary local planning actions related to the East Newberg IAMP and the Oregon Highway 219 IAMP.
- Coordinate with City of Newberg during the design of the Bypass for consistency with the Newberg City Riverfront District comprehensive plan policies (c), (d), (f), (g), and (h).
- Submit a public involvement proposal to City of Newberg for participation in the design process by winter 2006.
- Assist City in analyzing trip generation assumptions derived from the 2025 Transportation Model as applied to potential development of Urban Reserve Areas outside of IAMPs.
- Participate in the design-level (Tier 2) EIS process and provide input on the consistency of the Bypass design with the City Newberg Riverfront District comprehensive plan policies (c),(d), (f) (g), and (h).

Dundee

- Analyze access and circulation alternatives for the East Dundee Interchange during the design-level (Tier 2) EIS process.
- Initiate East Dundee IAMP adoption by OTC as a facility plan and part of the OHP after City has completed taking all necessary local planning actions related to the IAMP for the East Dundee Interchange.

Dayton

- Analyze access and circulation alternatives for the existing and New Dayton Interchange during the Design EIS of the project with the goal of keeping the community of the City of Dayton whole. The access and circulation alternatives for the existing and New Dayton Interchange will also address local needs including providing adequate access to industrial sites and public facility areas in the City of Dayton on both sides of the S. Yamhill River and will coordinate with concurrent City of Dayton planning efforts for the industrial area, including addressing economic development opportunities.
- Initiate New Dayton IAMP adoption by OTC as a facility plan and part of the OHP after City of Dayton has completed taking all necessary local planning actions related to the New Dayton IAMP.
- Assist the City of Dayton in providing analysis for economic development of the City's industrial area as part of developing the New Dayton IAMP in conjunction with the City's master planning efforts.
- Work with the City of Dayton to coordinate and integrate the master planning of industrial area within the City, including the East Dayton Industrial Area, with the Dayton IAMP.

Local Jurisdiction Plan Policies

Local comprehensive plans and transportation plans were amended to authorize the approved bypass corridor into the local TSPs during the development of the location-level (Tier 1) EIS. These local actions included Yamhill County taking "exceptions" to three Statewide Planning Goals; Goals 3 (Agricultural Lands), 11 (Public Facilities and Services) and 14 (Urbanization).

In addition, local jurisdictions have adopted policies to help protect and manage the corridor while it undergoes further development in the design phase (Tier 2) EIS process and beyond. Chief among the concerns is protecting the Bypass interchanges and rural areas surrounding the interchanges from development pressures that could come after the Bypass is built. One of the most important measures taken thus far is that the Cities of Newberg, Dundee, Dayton and Yamhill County have taken actions to retain the existing zoning and restrict expansion of urban growth boundaries (UGB) around the four proposed interchange areas. These restrictions will be in effect until more detailed IAMPs are prepared and adopted in the design phase (Tier 2) of the Newberg Dundee Bypass EIS process. The restrictions on zone changes and UGB expansion affects properties located within the approved corridor of the Bypass, and for ½-mile distance around the proposed interchanges in rural area and ¼ mile within UGBs. Local implementation of these actions is a critical component of the management actions relied upon by this Facility Plan.

A number of other local plan, policy, and ordinance provisions that were already in place will also help protect and manage the bypass corridor and are also relied upon for corridor management by this Facility Plan. The existing and new parts of the local comprehensive and transportation system plans for Yamhill County, Newberg, Dundee and Dayton that are relied upon for corridor management by this Facility Plan are briefly described below.

Yamhill County

Yamhill County Comprehensive Plan

Yamhill County adopted a Comprehensive Plan in 1974. The 1974 Plan directed the bulk of urban development to existing urban centers and called for the preservation of highly productive farm and forestlands. The 1974 Plan also provided for rural residential development in limited areas. The Comprehensive Plan was updated in 1979 to address the requirements of the statewide planning goals. The County most recently updated its plan in 1996.

The Yamhill County Comprehensive Plan includes a strong policy base to direct growth and development to the ten incorporated cities in the County. Parallel with the direction of urban growth to the cities, the comprehensive plan also includes a strong policy emphasis to protect agricultural and forest lands and the resource-based economy.

The Yamhill County Comprehensive Plan goals and policies identified below are the policies that are relevant and applicable to managing and protecting the Newberg Dundee Bypass/New Oregon Highway 18 and the approved bypass corridor prior to facility construction.

*Urban Area Development*⁴

- To encourage the containment of growth within existing urban centers.
- Yamhill County will recognize the lands within established urban growth boundaries as the appropriate and desired location for urban development.
- To encourage the containment of urban facilities and other public capital improvements within existing urbanizing areas in order to achieve an orderly pattern of urban growth.

*Commercial Development*⁵

- Highway service and tourist commercial uses catering to the needs of the traveling public will be encouraged to locate within existing urban centers. Traditional central commercial uses will be encouraged to locate or relocate only in existing town centers and the dispersal of such uses to peripheral highway locations will be discouraged.
- New highway-oriented commercial development at limited-access highway interchanges will only be permitted in urban areas where direct access is provided from a local street system. The county will prohibit direct access from the State highway system for commercial development oriented to limited-access highways.
- To maintain the integrity and function of the highway system, new commercial development shall be discouraged along the route of any limited-access highway.

⁴ Yamhill County Comprehensive Land Use Plan, Adopted December 1996, Section 1- Urban Growth and Change and Economic Development, Chapter A.

⁵ Yamhill County Comprehensive Land Use Plan, Adopted December 1996, Section 1- Urban Growth and Change and Economic Development, Chapter G.

*Agricultural Lands*⁶

- Yamhill County shall provide for the protection of farmland in large blocks through minimum lot sizes of 20, 40, and 80 acres, as appropriate, on the Comprehensive Plan and official zoning maps. (Note: State law now establishes an 80-acre minimum.)
- Yamhill County will provide for the conservation of farm lands through various plan implementation measures and the review of any public or private land use determination subject to county jurisdiction, including urban development activity and the location and construction of highways and utility transmission lines.

*Transportation*⁷

- Yamhill County will utilize existing facilities and right-of-way to the fullest extent possible if such use is consistent with the county comprehensive plan.
- The county will continue to work with the State, the City of Newberg, and the City of Dundee on alternatives for routing Oregon Highway 99W traffic through or around Newberg and Dundee.

Yamhill County TSP

Yamhill County has an acknowledged TSP, which it adopted in 1996⁸. The TSP did not authorize construction of a Bypass in the County until the goal exception was approved in September 2004, but it did expressly support the concept of a bypass to relieve congestion on Oregon Highway 99W and to enhance the efficiency of the transportation system.

The goals and policies from the Yamhill County TSP which are relevant to the Newberg Dundee Bypass/New Oregon Highway 18 and the approved bypass corridor are summarized below.

Coordination and Implementation of the TSP

Goals 1.1, 1.2, and 1.3 outline Yamhill County objectives to encourage an efficient, safe, convenient, and economic transportation system; to emphasize connections between different modes of transportation; to have a vital, ongoing transportation planning process; and to coordinate the transportation plans and facilities of Yamhill County with the plans and facilities of the incorporated cities within the county, the larger region, and the State of Oregon. As noted, Yamhill County has long envisioned the Bypass as an element of its transportation system, as it would provide for safer, more efficient, and more convenient movement along existing Oregon Highway 99W and discourages the use of local roads by through or regional traffic. Bicycle facilities will be provided either as part of the roadway cross-section or as a separate, parallel facility. Transportation planning coordination has occurred as described in the analysis of compliance with the City's transportation policies.

Policy 1.4 notes the County's intention to coordinate local plans and land use decisions with the Oregon Transportation Plan and Highway Plan. These plans provide ODOT policies and performance standards for statewide highways within Yamhill County. The statewide plans also provide the framework for access management on state facilities to protect the capacity and

⁶ Yamhill County Comprehensive Land Use Plan, Adopted December 1996, Section 2 – The Land and Water, Chapter A.

⁷ Yamhill County Comprehensive Land Use Plan, Adopted December 1996, Section 3 – Transportation, Communications and Public Utilities, Chapter A.

⁸ Yamhill County Transportation System Plan, Final Report, March 1996.

function of the highways. The Bypass and its interchanges will be designed to comply with OHP design standards.

Policy 1.4 outlines transportation projects that:

- Are permitted outright.
- Require a conditional use permit.
- Require a plan text amendment and an exception.

The proposed Newberg Dundee Bypass/New Oregon Highway 18 is a project that required plan text amendments and goal exceptions to authorize an approved bypass corridor. These actions were taken in September 2004 by the Yamhill County Commission.

Policy 1.5 states that the lead agency for transportation project review shall be:

- Yamhill County for facilities outside the UGBs.
- The affected city for facilities within the UGBs.
- The State of Oregon, Yamhill County, and affected cities on projects involving state-owned facilities.

Because the project that would be built in the approved bypass corridor will be a state-owned facility, ODOT, the County, and the cities of Newberg, Dundee, and Dayton will be the lead agencies for transportation project review.

Policy 1.7 states that transportation projects that require a plan text amendment or a conditional use permit may be required to fulfill conditions or implement mitigation measures before approval is granted.

Policy 1.8 states where a proposed transportation facility is identified in the County TSP and will require the preparation of an EIS, the findings of compliance with applicable statewide planning goals and acknowledged comprehensive plan policies and land use regulations shall be coordinated with the preparation of the EIS. This was done through the County adoption and amendment process that concluded in September 2004 for the approved bypass corridor. The same requirements will need to be addressed for the design-level (Tier 2) EIS process.

Level of Service

Section 5.2.4 of the TSP describes level of service standards for county facilities. The County TSP includes a goal of maintaining level of service D or better during the peak hour throughout the County-owned arterial and collector system over the next twenty years. While the Bypass would not be a County-owned arterial, it must comply with OHP design standards, which require a Level of Service that is equal or better than LOS "D." This ensures consistency with the County's Plan. Design treatments to address any forecast deficiencies will be analyzed and recommended during the design-level (Tier 2) EIS process.

Policy 3 notes that the County will continue to work with the State, the City of Newberg, and the City of Dundee on alternatives for routing Oregon Highway 99W through or around Newberg and Dundee. This has been done as part of the NDTIP and the effort will continue during the design phase (Tier 2) Bypass EIS process.

Intercity Bus and Passenger Rail

Section 5.3.2 of the TSP includes a goal to enhance intermodal connectivity throughout the transportation system. A second goal notes that the County (in cooperation with the cities, Mid Willamette Valley Council of Governments (MWVCOG), ODOT, and private companies

providing transit service) will continue to investigate public transit possibilities, including bus and rail.

The TSP also includes policies to identify the needs of the transportation disadvantaged and attempt to fill those needs and to encourage programs, such as van or car-pooling, to increase vehicle occupancy, and reduce unnecessary passenger car travel.

The NDTIP includes a component for addressing Alternate Modes and Land Uses. Through this element, ODOT will explore ways to assist the County and the affected cities to reduce the number of vehicles traveling in the Oregon Highway 99W corridor, including the Newberg Dundee Bypass/New Oregon Highway 18 within the approved bypass corridor. While not strictly a part of the bypass portion of the larger NDTIP project, this effort will include planning and technical assistance to design and implement transit service and demand management programs, including express bus service, possible commuter rail service, and carpooling.

Bikeway Plan

Section 5.4 of the TSP includes a policy to coordinate local plans for pedestrian and bicycle facilities with the Oregon Bicycle and Pedestrian Plan. The statewide plan provides a framework for a local bicycle route system and design standards.

The TSP also includes a county policy to provide bikeways on arterials and major collectors that are located within an urban growth boundary and such other locations that provide access within and between residential subdivisions, schools, shopping centers, and industrial parks when financially feasible. As noted, bicycle facilities will be provided as part of the Newberg Dundee Bypass/New Oregon Highway 18 project. Their locations will be determined during the design-level (Tier 2) EIS process.

September 2004 Amendments

In September 2004, in addition to the Goal Exception to allow the proposed Bypass Corridor on rural lands, the County adopted Ordinance Number 750 regarding Comprehensive Plan policy amendments and temporary Zoning Ordinance Section 908 changes to enable design of the Newberg-Dundee bypass interchanges and to protect rural areas surrounding the interchanges from development pressures that could be associated with the approved bypass corridor. The adopted amendments to the Yamhill County Comprehensive Plan are included in Appendix D.

Newberg

Newberg Comprehensive Plan

The Newberg City Council adopted the Newberg Comprehensive Plan in 1979. The City completed the first periodic review of the plan in 1991. The Plan advocates a strong central commercial business downtown core while providing for neighborhood commercial centers. In general, medium and high-density residential areas are clustered around commercial areas and along arterials. Lower density residential areas are generally located north of downtown and in peripheral areas. The floodplain and drainage ways provide a basic framework for Newberg's open space network.

Excerpts of key comprehensive plan goals and policies are highlighted below.

*Commercial Area*⁹

- Encourage the retention of the downtown core as a shopping, service, and financial center for the Newberg area. New commercial developments shall be encouraged to locate there.
- To maintain the integrity and function of the highway system, new commercial development shall be discouraged along the route of any limited access highway.
- New highway oriented commercial development at limited access highway interchanges will only be permitted where direct access is provided from a local street system. The City will prohibit direct access from the State highway system for commercial development oriented to limited access highways.

*Transportation*¹⁰

- Promote transportation improvements that would result in less through automobile and truck traffic on 1st Street and maintain the option of future development of light rail to serve the downtown core area.
- Minimize the impact of regional traffic on the local transportation system.
- Enhance the efficiency of the existing collector/arterial street system to move local traffic off the regional system.
- Actively support the development of a bypass of the City along a southern alignment, and the development of a northern east/west minor arterial street.
- Continue to work with the State, Yamhill County, and the City of Dundee on alternatives for routing the Oregon Highway 99W traffic through or around Newberg/Dundee.

*Urbanization*¹¹

- To maintain Newberg's identity as a community that is separate from the Portland Metropolitan area.
- The designated Urban Reserve Area identifies the priority lands to include within the Newberg Urban Growth Boundary to meet projected growth needs to provide a 30–50 year land supply.

City of Newberg TSP

Newberg adopted a TSP in the mid 1990s. The plan was amended in June, 2005 and references policies within the Newberg Comprehensive Plan Text¹². Existing policies relevant to the bypass include a policy to provide an alternative route for regional traffic and a policy to continue working with the State of Oregon, Yamhill County and the City of Dundee on alternatives for routing Oregon Highway 99W traffic through or around Newberg/Dundee. This corridor alignment was identified and adopted in September 2004 and is the approved bypass corridor.

Excerpts of key plan goals and policies are highlighted below.

⁹ See City of Newberg Comprehensive Plan Text Ordinance 1967, Chapter 2 – Goals and Policies, Page 6.

¹⁰ See City of Newberg Comprehensive Plan Text Ordinance 1967, Chapter 2 – Goals and Policies, Page 15-28.

¹¹ See City of Newberg Comprehensive Plan Text Ordinance 1967, Chapter 2 – Goals and Policies, Page 32.

¹² City of Newberg Transportation System Plan, June 2005, Transportation System Plan Policies, Page 177.

- Establish cooperative agreements to address transportation based planning, development, operation and maintenance.
- Establish consistent policies which require concurrent consideration of transportation/land use system impacts.
 - City shall adopt zoning and development overlay regulations to manage land uses and access in the vicinity of Newberg-Dundee Bypass interchanges that are consistent with the primary function of the bypass to serve through traffic and that are consistent with the Oregon Highway Plan. Highway oriented development and retail commercial shall be precluded at proposed access points.
 - City in conjunction with ODOT, shall maintain intersection/interchange management plans and/or corridor plans to establish a framework for managing land uses along major transportation facilities, such as the Newberg-Dundee Bypass.
- Promote reliance on multiple modes of transportation and reduce reliance on the automobile.
- Minimize the impact of regional traffic on the local transportation system.
 - The City actively supports the development of the Bypass in the southern location corridor described as Modified 3J in the Location Environmental Impact Statement.
 - The Bypass and interchanges will be fully access controlled and no direct access will be allowed from private properties onto the Bypass. The primary function of the Bypass is to provide for moderate to high-speed through trips and to relieve congestion through the downtown Newberg.
 - The City will coordinate with ODOT, Yamhill County and affected property owners to participate in preparation and adoption of Interchange Area Management Plans (IAMPs) for the East Newberg and Oregon 219 Interchanges, consistent with the requirements of the 1999 Oregon Highway Plan and OAR 734-051-0200 (the Access Management Rule).
 - The functions of the Bypass are to accommodate and divert longer-distance through trips around the Newberg-Dundee urban area and to serve regional trips going to and from Newberg or Dundee (i.e. Those trips with either an origin or destination outside of the Newberg-Dundee urban area). The function of the planned intermediate interchanges is to provide access between Newberg or Dundee and other regions (e.g. McMinnville, Portland or the coast). It is not the function of the interchanges to provide for or attract regional commercial or highway commercial development in the in the vicinity of the interchanges.
 - To protect the function of the Bypass to serve primarily longer-distance through trips, the City of Newberg will apply an Interchange Overlay District to lands that are within the Newberg city limits and within approximately ¼ mile of the East Newberg and Oregon 219 interchange ramps.
 - The City of Newberg will retain existing base zoning within the Interchange Overlay District in the interim period before IAMPs are prepared and adopted. Annexations will be allowed if the associated zone change is consistent with the acknowledged Newberg Comprehensive Plan designation for the property in

effect at the date of adoption of the Interchange Overlay. Permitted and conditional uses that are authorized under existing base city zones will generally be allowed within the Interchange Overlay, with certain limitations on commercial uses in the industrial zones.

- The Bypass location corridor was selected to avoid displacement of the Sportsman Airpark. The City supports the continued operation of the airport. The City will not support conversion of the airport property to commercial zoning or uses. The Bypass itself should be designed to avoid conflicts with existing air transportation corridors.
 - The City of Newberg will coordinate with ODOT on any development proposal within the Bypass location corridor and interchange management areas through the City's established Site Design Review process.
 - The City agrees not to approve expansion of the Newberg UGB or Urban Reserve Areas around the East Newberg or Oregon 219 interchanges until IAMPs for the two interchanges are prepared and adopted by ODOT, Yamhill County and the City of Newberg. An exception to this policy will be allowed for a limited expansion of the Newberg UGB into the westerly portion of Urban Reserve Area C to accommodate construction of the Northern Arterial in the general location shown on the City of Newberg acknowledged Transportation System Plan.
- Maximize pedestrian, bicycle and other non-motorized travel throughout the City.
 - Provide effective levels of non-auto oriented support facilities (e.g. bus shelters, bicycle racks, etc.).
 - Minimize the capital improvement and community costs to implement the transportation plan.
 - Maintain and enhance the City's image, character and quality of life.
 - Create effective circulation and access for the local transportation system.
 - Maintain the viability of existing rail, water and air transportation systems.
 - Establish fair and equitable distribution of transportation improvement costs.
 - Maintain connectivity to important community assets near the Willamette River, including industrial lands and Willamette Greenway recreation and open space areas.

The City adopted Ordinance No. 2004-2602 in August 2004 stating policies and development code changes to protect the planned function and capacity of this bypass as a regional and statewide highway. The ordinance also created a Bypass Interchange Overlay for property within approximately one-quarter mile of the proposed interchanges. For industrial areas, the interchange overlay limits several commercial type uses including automobile sales, billboards, car washes, convenience grocery stores, restaurants larger than 2,000 square feet or with drive up service windows, and service stations. The overlay also precludes UGB expansion and zone changes in the area until the IAMP is adopted. It is anticipated that adoption of an interchange area management plan will occur in approximately autumn 2007. It will not preclude annexations consistent with current comprehensive plan designations. Otherwise, during this interim period of approximately two years, property owners will be able to continue proposing development in accordance with current comprehensive plan and zoning designations. The ordinance also

requires a 50-foot building setback from the centerline of an expressway when a planned right-of-way width and alignment has been determined. The adopted amendments to the City of Newberg Comprehensive Plan are included in Appendix D.

Dundee

City of Dundee Comprehensive Plan

The City of Dundee adopted a Comprehensive Plan and development ordinances in the 1970's. The City completed a limited periodic review and update of the Plan in 1990 and is currently involved in a more comprehensive periodic review, including an update of population projections, buildable land inventories, and housing and commercial/industrial needs analyses.

Excerpts of key comprehensive plan goals and policies are highlighted below.

*Land Use and Urbanization*¹³

- Preserve and enhance the character of Dundee by not combining with Newberg.
- Recommend that Dundee work with Yamhill County and Newberg to manage land between the two cities.
- Place agricultural lands in the eastern portion of the UGB in an agricultural holding designation, to be rezoned incrementally for residential uses when need is shown.

*Commercial & Industrial*¹⁴

- Limit further strip commercial development as much as possible.
- Avoid strip or scattered commercial development along Oregon Highway 99W.
- Protect areas well suited for business use from encroachment by other uses.
- Assure that commercial and industrial developments preserve and enhance the aesthetic character of Dundee.
- Upgrade businesses along Oregon Highway 99W by supporting traffic improvements that alleviate traffic congestion, by requiring off-street parking, and by requiring high design standards in new developments.

*Transportation*¹⁵

- Encourage a safe, convenient, aesthetic and economic transportation system.
- Ensure pedestrian safety along Oregon Highway 99W.

The 1978 plan included specific transportation policies requiring special setbacks along Oregon Highway 99W to allow for road widening, and it supports the concept of widening Oregon Highway 99W to four lanes. These policies were specifically deleted from the plan when it was updated in 1990. The 1978 plan expressed a community preference for a bypass around Newberg and Dundee.

City of Dundee TSP

¹³ See Comprehensive Plan, Dundee Oregon, May 1977, Page 1.

¹⁴ See Comprehensive Plan, Dundee Oregon, May 1977, Pages 51-55.

¹⁵ See Comprehensive Plan, Dundee Oregon, May 1977, Pages 71-78, and Ordinances 422-2004 and 424-2004.

The City Council adopted a TSP for Dundee in the spring of 2003. The TSP supports a bypass south of Oregon Highway 99W, located as close to the Willamette River and as far from "developed Dundee" as possible in order to minimize impacts on existing developed areas. The approved bypass corridor meets this goal. The TSP also supports an interchange between Dundee and Newberg in order to maintain Oregon Highway 99W as a three-lane facility through the City.

Excerpts of key TSP goals and policies are highlighted below:¹⁶

- Provide a transportation system that minimizes the adverse impact of through travelers on Dundee.
- Provide a transportation system that fosters a pleasant, small city and preserves and enhances existing neighborhoods and businesses.
- Develop and implement parking and circulation strategies that minimize pedestrian and vehicle conflicts and support downtown business retention and development.
- Develop a transportation system that is consistent with and supports the goals, objectives and visions of the Dundee community.
- Develop plans and ordinances to foster development of facilities that support safe and efficient travel by bicycle, pedestrian and public transportation.
- Develop a transportation system that protects the health and safety of transportation system users.
- Provide and maintain a transportation system that supports the economic vitality of the Dundee community.

The City adopted an amendment to its Comprehensive Plan (Plan Amendment #04-08) to establish the approved bypass corridor in Dundee in July 2004. The adopted amendments to the City of Dundee Comprehensive Plan are included in Appendix D.

Dayton

City of Dayton Comprehensive Plan

The City of Dayton updated its Comprehensive Plan in 1993 and the City is in the process of developing its TSP. In July 2004, the Dayton City Council adopted Ordinance No. 661 regarding amendments to the Dayton Comprehensive Plan to include policies supporting the location of the bypass and the new Dayton Interchange. The amendment also supports the development of an IAMP for the new Dayton Interchange that will protect the function and capacity of the interchange as part of a plan for local access, local street circulation, and adjacent land uses including property zoned for industrial uses. The ordinance includes policies to retain existing Comprehensive Plan and zoning designations and temporarily precludes expansion of Dayton's urban growth boundary around the proposed area of the East Dayton Interchange until an Interchange Area Management Plan is adopted. This IAMP is expected to be completed by autumn 2007. The adopted amendments to the City of Dayton Comprehensive Plan are included in Appendix D.

¹⁶ See Dundee Transportation System Plan, October 2003, Chapter 1.4 Study Goals, Objectives and Actions, Pages 5-10.

Plan Implementation

This section clarifies Facility Plan implementation consequences. Because the approved bypass corridor and supporting management policies have already been adopted into the Yamhill County, Newberg, Dundee, and Dayton local comprehensive plans and TSPs, no additional changes to these local plans are necessary to implement this Facility Plan insofar as it establishes the approved bypass corridor as the general location for the Newberg Dundee Bypass/New Oregon Highway 18 and sets forth policies for its near and long term management and protection. This does not preclude the possibility that additional local plan actions may be needed in association with the design-level (Tier 2) EIS process as a specific facility alignment and design-level detail are developed.

Appendix E contains letters from Yamhill County, Newberg, Dundee, and Dayton stating agreement that this Facility Plan is compatible with their adopted local plans.

The Transportation Planning Rule, (at OAR 660-012-0015) requires that state and local transportation plans be consistent. Once adopted by the Oregon Transportation Commission (OTC) as an ODOT Facility Plan that implements the Oregon Highway Plan, this Facility Plan will be consistent with the local plan and code provisions described in this section. Should any of the local jurisdictions addressed in this Facility Plan desire to amend the existing policies or code provisions relied on for this Facility Plan, then it will be necessary for ODOT to review the proposed changes to ensure that these remain consistent with the Facility Plan. If ODOT finds that proposed plan or code amendments are not consistent with the Facility Plan, then ODOT and the relevant jurisdictional partner(s) must work together to reach agreement on methods and mechanisms to resolve all identified conflicts. Implementation of the agreed upon solution(s) may require amendments to local plans and codes, or to this Facility Plan, or both.

Oregon Highway Plan Bypass Policy

Policy 1H of the Oregon Highway Plan (OHP) is the bypass policy that the OTC adopted on March 19, 2003.¹⁷ This policy applies to the approved bypass corridor, as expressly stated in the final sentence of Policy 1H in the section addressing its applicability.

Policy 1H is highly relevant to this project and provides significant insight into the intentions of the OTC on bypasses generally and the Newberg Dundee Bypass/New Oregon Highway 18 in particular. The policy contains the following relevant discussion on why and when bypasses should be built:

The desire for a bypass often evolves from growing congestion and safety problems on a state highway that is serving both as a regional highway and as a main street for a city. The highway is trying to serve both efficient freight and through travel and access to local business and residential areas. As traffic grows, the highway can serve neither purpose well, resulting in inefficient travel for through traffic and congested and unsafe accesses for local businesses and residences. Roadways that best serve these functions have opposite characteristics. Regional through travel is best served by limited access facilities that allow higher speeds and require infrequent stops. Downtown areas, on the other hand, require significant access opportunities, parking, and a safe, friendly, pedestrian and bicycle environment. As congestion increases, regional travel and local access may need to be separated.

The OHP bypass policy recognizes that "because the circumstances of each bypass vary, as do the particular issues and risks in each community, the application of the policy must be specifically fitted to the community." Accordingly, the policy provides a "checklist of considerations rather than an absolute criterion to be applied in each case." For new bypass facilities like the Newberg Dundee Bypass / New Oregon Highway 18, the purpose and need should be addressed in a TSP or corridor plan, while other provisions of the policy should be addressed in NEPA documents or a refinement plan. This facility and corridor have been adopted into all relevant local comprehensive plans and TSPs, and Yamhill County has approved a goal exception to authorize the corridor as a land use on rural lands.

¹⁷ The Bypass policy took effect on April 16, 2003.

Policy 1H defines bypasses as "highways designed to maintain or increase statewide or regional mobility." Bypasses generally "relocate a highway alignment around a downtown, an urban or metropolitan area, or an existing highway. The goal of bypass facilities is to effectively serve state and regional traffic trips." The proposed Newberg Dundee Bypass/New Oregon Highway 18 within the approved bypass corridor fits this description and falls within the purpose of bypasses as expressed in this policy. For the reasons set out in the Yamhill County Goal Exception document for the Newberg Dundee Bypass/New Oregon Highway 18¹⁸, which addresses compliance with OAR 660-012-0070(4), this Bypass is needed to effectively serve state and regional traffic trips.

The following are actions in Policy 1H directly related to the approved bypass corridor.

Action 1H.1 directs ODOT and affected local governments to identify the need for a bypass in a transportation plan and/or corridor plan in a manner consistent with OHP Policy 1G. Policy 1G directs the State of Oregon to maintain highway performance and improve safety by improving system efficiency and management before adding capacity. Action 1G.1 describes the priorities for addressing problems of maintaining highway performance and improving safety and how the priorities are to be applied. Plans must document the findings that support using lower priority measures before higher priority measures. The Action then describes the priorities for addressing problems, as summarized below:

1. Protect the existing system. The highest priority is to preserve the functionality of the existing highway system by means such as access management, local comprehensive plans, transportation demand management, improved traffic operations and alternative modes of transportation.
2. Improve the efficiency and capacity of existing highway facilities. The second priority is to make minor improvements to existing highway facilities, such as widening highway shoulders or adding auxiliary lanes, providing better access for alternative modes (e.g., bike lanes, sidewalks, bus shelters), extending or connecting local streets and making other off-system improvements.
3. Add capacity to the existing system. The third priority is to make major roadway improvements to existing highway facilities, such as adding general purpose lanes and making alignment corrections to accommodate legal size vehicles.
4. Add new facilities to the system. The lowest priority is to add new transportation facilities such as a new highway or bypass.

Though the bypass falls into the lowest priority category, the facility would meet the objectives of Policy 1G because this action is needed to solve the identified transportation problem. As described in Section 7.4 of the Goal Exceptions document provided as Appendix B, no lesser level of improvement has the ability to solve the identified transportation problem. Through its adoption of the goal exception application for the Newberg Dundee Bypass/New Oregon Highway 18, Yamhill County has amended its TSP to authorize construction of and justify the need for the Bypass.

Action 1H.1a requires ODOT and the affected local governments to analyze certain issues when establishing the purpose and need for a bypass facility. These include the percentage of local and

¹⁸ See Appendix B. Findings of Fact and Statement of Reasons in Support of Exceptions to Goals 3, 11 and 14 (NDTIP Goal Exception), pages 45-52.

through trips projected on the bypass over a 20-year period; percentages, volumes, and impacts of freight truck traffic; average trips on the proposed bypass following build out of the comprehensive land use plan; and crash data history on the nearby or impacted facility. Trip distributions and truck trips with and without a bypass were identified in the LDEIS¹⁹. Freight trips comprise approximately 8 percent of all vehicles currently traveling on Oregon Highway 99W.²⁰ Crash information is also provided in the LDEIS.²¹ Trip data numbers assume full build out under the relevant comprehensive plans.²²

Action 1H.1b recommends that ODOT and the local governments use a refinement plan or the NEPA process to consider additional issues, including impacts on land use patterns and the local roadway system; impacts on local businesses, institutions, public facilities, and historic resources; the potential for using various kinds of public transportation and transportation system and demand management measures; impacts to the natural, social, and economic environment; methods of managing land use impacts on communities and natural resources; impacts on minorities and low income populations; and funding options, including public-private partnerships.

Most of these issues were first addressed in the LDEIS.²³ The process for determining funding and cost sharing is an ongoing issue that is being addressed in a manner consistent with the approaches laid out in a series of Intergovernmental Agreements (IGAs) enacted between ODOT and the relevant local governments.²⁴ These issues will be fully negotiated before the design-level (Tier 2) EIS is completed. Additional information will be developed through the Alternative Modes and Land Use (AMLU) program that ODOT and local governments will be conducting, through the Interchange Area Management Plans (IAMPs) that ODOT will be developing, and in design-level (Tier 2) documents developed in conjunction with the federal NEPA process. A general schedule for these activities is provided in the IGAs between ODOT and Yamhill County and the cities of Newberg, Dundee, and Dayton that are included in Appendix D.

Action 1H.1c directs ODOT to establish joint agreements with local governments on major bypass elements "after the location of the new bypass has been selected...." The agreements must address access management and site plan review, road connections, local street circulation, compatible land uses, and bypass termini protection.

Because the EIS process for the Bypass involves the federal approval of a bypass and the selection of its location and ultimately, its specific alignment, this provision does not yet apply. However, establishment of joint agreements as provided in Action 1H.1c can be taken as directed therein, and ODOT has negotiated IGAs with Yamhill County and the cities of Newberg, Dundee, and Dayton that ultimately will lead to the development and adoption of IAMPs during the design stage of the Bypass project. These IGAs are included in Appendix D. The IGAs

¹⁹ See Appendix A, LDEIS, S-2 on page S-15, and Tables 4-4 (Percent of System-wide Year 2025 Trips Using the Bypass) and 4-5 (Daily Freight Trips (Year 2025) on Oregon Highway 99W)

²⁰ See Appendix A, LDEIS at 3-6.

²¹ See Appendix A, LDEIS, Table S-2 at S-16 and in Table 4-6 on page 4-7.

²² See Appendix C, NDTIP Transportation Technical Memorandum.

²³ See Appendix A, LDEIS, Chapter 2 (addressing the feasibility of using transportation system and demand management measures), Chapter 4 (addressing environmental, social and economic impacts), Chapter 5 (also addressing transportation, land use and environmental impacts), and Chapter 6 (identifying mitigation and conservation measures to reduce and mitigate the overall level of adverse impact).

²⁴ See Appendix D and E for copies of the Plan Amendments and IGAs.

identify the objectives and process for the development of the IAMPs. They also identify the goals and process for the development of Access Management Plans. These plans and any supporting policies will be adopted prior to publication of the design-level (Tier 2) EIS.

Action 1H.2 addresses new bypasses (including the Newberg-Dundee Bypass/New Oregon Highway 18) and directs ODOT to implement a number of concerns "wherever practicable." The first concern (general character) directs ODOT to "design the bypass for moderate to high speeds at freeway or Expressway standards for regional and statewide traffic." The proposed Bypass has been planned for and will be designed to accommodate moderate to high speeds at Expressway standards (45 to 55 mph) This section also provides that new alignments avoid any direct private property access. No direct private property access will be allowed on the Bypass because it will be designed as a limited access expressway with access only at the four identified interchanges.

Action 1H.2b directs ODOT, in cooperation with local governments, to develop management plans for new and existing interchanges, interchanges replacing intersections when significant modifications are being planned, and bypass termini, among other things. As noted under Action 1H.1c, ODOT and the affected local governments have negotiated IGAs that set out the potential elements of future IAMPs to be developed and adopted during the design-level (Tier 2) EIS process. These IGAs are included in Appendix D.

Action 1H.2c, addressing access management and connections, directs ODOT to limit the number of public approaches based on the road's function and maintenance of the capacity for regional and statewide transportation circulation. As Table 4-4 of the LDEIS²⁵ indicates, only approximately 3 percent of local trips (trips originating and ending within the study area) would travel on the Bypass. This translates into approximately 2,500 trips per day.²⁶ This is a very small percentage of the overall trips and less than the margin of error associated with the analysis method. A local trip percentage this small means that the identified function of the facility to serve statewide and regional travel needs will be undermined by local trip making.

This policy recommends connections only to state highways, although in certain cases connections may be made to local arterials. The only connections would be to Oregon Highway 219, existing Oregon Highway 99W, and existing Oregon Highway 18, all of which are state highways. It is unclear whether existing Oregon Highway 99W will remain a state highway where it would connect with the East Dundee Interchange, but even if it did not, the connection is still justified for the reasons expressed in the Goal Exception document.

Action 1H.2c also provides that approach roads be designed and constructed consistent with an adopted access management plan. No private approaches and no "at-grade" intersections will be designed for the Bypass. Access management will be addressed as part of the IAMPs to be adopted during the project's design phase. Interchange construction will conform to OHP design and interchange spacing standards.

Action 1H.2d promotes the use of grade separation and interchanges when practical and appropriate for safety and mobility. For the Bypass, grade separation and interchanges are practical and appropriate, therefore road connects will be interchanges and all interchanges will be grade-separated. The interchanges for the Bypass are as follows:

- A Dayton Interchange located at the junction of Oregon Highways 99W and 18. This is a directional interchange and is the southwestern terminus of the Bypass.

²⁵ See Appendix A, LDEIS, Table 4-4.

²⁶ See Appendix A, LDEIS, Table 4-1.

- An East Dundee Interchange located between Dundee and Newberg. This is a full interchange, with a connector road to Oregon Highway 99W.
- An interchange at Oregon Highway 219 in south Newberg. This is a full interchange.
- An East Newberg Interchange located southwest of Rex Hill. This is a directional interchange and is the northeastern terminus of the Bypass.

Consistent with **Action 1H.2e**, overpasses or underpasses not connecting to the Bypass will be provided in a manner that is intended to ensure adequate local automobile, bicycle, and pedestrian circulation. These overpasses and underpasses will be identified during project design. Action 1H.2e also supports provisions in local TSPs for local circulation off of the Bypass facility. The local Yamhill County, Newberg, and Dundee TSPs provide for local circulation apart from the Bypass. Following final design, some changes to local circulation networks may be required based on the final determined location and alignment of the Bypass and its interchanges, both to ensure continued access within the community and to achieve compliance with ODOT access management standards.²⁷

Action 1H.2f directs ODOT to use medians according to OHP Policy 3B to improve safety and protect function and mobility. ODOT will identify appropriate median types and locations during the Bypass design process.

Action 1H.3, addressing existing bypasses, does not apply.

Action 1H.4 provides that before the OTC authorizes funding for construction of a new bypass, the affected local governments must address seven issues. These are:

a. Have an acknowledged transportation system plan unless exempt from transportation system planning requirements under OAR 660-12-0055 in which case the local comprehensive plan must address these policy provisions; each jurisdiction has adopted TSPs that approve the bypass. Each local plan action is documented in Appendix D.

b. Protect the regional and statewide mobility function of the new bypass through their comprehensive plan, transportation system plan, and implementing ordinances; this will be done through the limited access facility design and through the development of IAMPs for each interchange.

c. Consider re-planning and re-zoning properties that could have an adverse future effect on the facility. This may include reducing the list of permitted and conditional uses which substantially impact the intersections and interchanges of the bypass; this will be considered in the IAMP process as needed to ensure adequate facility operations and function.

d. Develop ordinances that provide for local street connectivity in the vicinity of the bypass facilities, including provisions for parallel streets and limits on interrupted street networks which cause reliance on the bypass facility for local trips;

e. Limit approaches to the bypass to public street connections consistent with the interchange management plan and OAR-734-051; this will be designed as a limited access facility.

f. Participate, if necessary, in financing the overall bypass project and/or its connections through monetary and/or “in kind” efforts and contributions such as moving and rebuilding utilities, providing right of way for and relocating local streets and street accesses, constructing elements

²⁷ Some changes in local circulation also may be required for the City of Dayton. That issue currently is being addressed in the context of IGA negotiations between ODOT and the City of Dayton.

of the local transportation system plans needed to support the project, relocating affected facilities, participating in transit components for the project and participating in the project as a tolled project; and

g. Negotiate a jurisdictional transfer of the bypassed highway according to the provisions of Action 1G.5 and subject to the provisions of Policy 2C: Interjurisdictional Transfers.

All of these issues will be addressed before construction authorization is requested from the OTC as part of the design-level (Tier 2) EIS process and during development of the IAMPs as provided for by the IGAs that are included in Appendix D. Additional discussion of these policies is provided below.

Action 1H.4b requires Yamhill County to address how its comprehensive plan, TSP, and implementing ordinances protect the regional and statewide mobility function of the new Bypass. Consistent with this, **Action 1H.4c through Action 1H.4e** require the County to consider re-planning and re-zoning properties that could have an adverse impact on the Bypass, to develop ordinances that provide for local street connectivity near Bypass facilities, and to limit approaches to the Bypass to public street connections consistent with the IAMP. These issues are all relevant to the development, adoption, and implementation of an IAMP as provided in OHP Policy 3C. IAMP adoption will take place prior to completing the design-level (Tier 2) EIS and OTC action to fund the Bypass. Some of these issues, such as re-planning and re-zoning properties that could have an adverse impact on the Bypass, have been addressed by City and County actions in 2004. They include the Interchange Overlay District on lands outside UGBs within 0.5 miles of each general Bypass interchange location and on land within UGBs within .25 mile of the general interchange locations. In these areas re-zonings to more intensive uses would not be allowed and limitations on some currently authorized conditional uses would be imposed in Newberg until 2007 to allow time for development of the IAMPs. The IAMPs will contain permanent measures that may include some form of overlay district or other management tools. These measures, together with policies directing future UGB expansions away from interchanges, will help both to protect the regional and statewide mobility function of the new Bypass and to minimize development pressures on these rural lands. These IAMPs will be adopted before the final Tier 2 document will be completed.

Action 1H.4f directs Yamhill County to participate, if necessary, in financing the Bypass project or its connections through monetary or in-kind efforts and contributions such as moving and rebuilding utilities, providing right-of-way for and relocating local streets and street accesses, construction elements of the local TSP needed to support the project, and other actions. The process for developing a financing component is addressed as part of the IGA negotiated by ODOT and Yamhill County and the Cities. At the time of this writing, ODOT is also exploring innovative public/private funding partnerships as a means of financing the bypass.

Action 1H.4g provides for Yamhill County (and the cities of Newberg and Dundee) to negotiate a jurisdictional transfer of the bypassed highway in accordance with Action 1G.5, addressed above, and Policy 2C, addressed below. Action 1H.4g further provides that "ODOT will not require transfer of jurisdiction of a bypassed highway if the bypassed highway will continue to function as a state highway because it carries a significant number of vehicle trips that do not originate or terminate in the bypassed city or cities." Here, bypassed Oregon Highway 99W would not continue to carry a significant number of "through" vehicle trips. Still, existing Oregon Highway 99W may well remain a state highway based on the high number of remaining regional and freight trips on the roadway and/or based on efficiencies in the operation or maintenance of the highway. This matter has yet to be determined. The process and the timing for making this determination will be addressed in future IGAs negotiated by ODOT and the affected local governments. The OTC will make the final decision prior to the issuance of the design-level Tier

2 FEIS. These IGAs will be developed before the Bypass facility is approved by the OTC for construction.

Action 1H.5 directs ODOT to determine the extent of investment in the bypassed state facility as part of the overall determination of project costs. Reinvestment considerations shall include actions to maintain acceptable mobility on the facility, bicycle and pedestrian amenities, signing, and other urban design features. Also, ODOT and the affected local governments must determine roles and responsibilities for the maintenance needs of the bypassed facility. Consideration and resolution of these matters will occur during the proceedings to determine whether jurisdiction of Oregon Highway 99W will be transferred from the State to the County or the cities that will take place prior to the completion of the design-level (Tier 2) EIS process.

Other Oregon Highway Plan Policies

In addition to the Bypass Policy, the OHP also contains several policies regarding access, mobility, and safety that are relevant for the Newberg Dundee Bypass/ New Oregon Highway 18. Other policies related to major improvements, mobility, and accesses and how the approved bypass corridor complies with these policies are summarized below.

Policy 1A requires the State to develop and apply the state highway classification system to guide ODOT priorities for system investment and management.

Action 1A.1 directs ODOT to use the categories of state highways listed under that item to guide planning, management, and investment decisions regarding state highway facilities. ODOT has done so as part of this project. Oregon Highway 99W is a Statewide Highway, which under Action 1A.1 is intended to provide inter-urban and inter-regional mobility and provide connections to larger urban areas, ports, and major recreation areas not directly served by Interstate Highways. Oregon Highway 99W provides mobility between the Portland metropolitan area and the northern Willamette Valley to the east and the central coast, including its ports and its recreational areas, to the west. The transportation need for the Bypass includes the need to better accommodate statewide and regional traffic, which currently is severely hampered by congestion associated with the highway's transformation over time into a local road. By 2025, it could take 40 minutes for through trips to travel from east Newberg to Dayton, compared to 12-15 minutes via the Bypass. The management objective of a state highway is to provide safe and efficient high-speed continuous flow operation. The proposed Newberg Dundee Bypass/New Oregon Highway 18 within the approved bypass corridor will achieve this objective.

With construction of the Newberg Dundee Bypass/New Oregon Highway 18 within the approved bypass corridor, existing Oregon Highway 99W between east Newberg and Dayton will continue to serve regional transportation uses and may be reclassified to a District Highway if ODOT retains jurisdiction over the roadway.²⁸ Under Action 1A.1, District Highways are facilities of countywide significance that function largely as county and city arterials and collectors. They provide connections and links between small urbanized areas, rural centers, and urban hubs, and serve local access and traffic. Their management objective is to provide safe and efficient, moderate- to high-speed continuous flow operation in rural areas and moderate- to low-speed operation in urban and urbanizing areas. Assuming ODOT retains jurisdiction over Oregon Highway 99W, a District Highway designation for this roadway would comply with Action 1A.1 because existing Oregon Highway 99W would serve predominantly local and regional traffic upon construction and commencement of operations on the Bypass. With the Bypass, existing

²⁸ It is not known at this time whether Oregon Highway 99W will remain a state highway or be transferred to the County or a city. This matter is examined in the previous discussion of OHP Policy 1H.

Oregon Highway 99W would link Newberg and Dundee to communities such as McMinnville to the west and Sherwood and Tualatin to the northeast, while providing local accessibility to commercial establishments along the corridor. And even with the Bypass, existing Oregon Highway 99W will continue to accommodate over 1,000 freight trips on a daily basis.²⁹

Policy 1B includes a variety of objectives, including (1) maintaining the mobility and safety of the highway system; (2) fostering compact development patterns in communities; (3) encouraging the availability of transportation alternatives; (4) enhancing livability and economic competition; and (5) supporting acknowledged transportation system plans that are consistent with the OHP. The NDTIP, including the Bypass, will help achieve all of these objectives. It will vastly improve the mobility and safety of the region's highway system while facilitating more compact and pedestrian/bicycle friendly development patterns in Newberg and Dundee along existing OR 99W. It will support and enhance alternative travel modes, including pedestrian, bicycle, and transit, by removing through and many regional trips from OR 99W, thereby making that roadway safer for bikes and walkers and improving transit travel times through the corridor. Also, the Bypass is provided for in the local TSPs of Newberg, Dundee and Yamhill County.

Action 1B.1 of Policy 1B provides for ODOT to “work with local governments to develop and implement plans that support compact development, especially within community centers and commercial centers.” Because the focus of Action 1B.1 is lands in urban growth boundaries and unincorporated communities rather than rural unincorporated lands, this policy does not directly apply to this Facility Plan for the Newberg Dundee Bypass/New Oregon Highway 18. Nevertheless, its objectives are fostered by this project through the removal of through traffic to the Bypass and the freeing up of capacity for local traffic on existing OR 99W, which renders OR 99W more suitable for compact development or redevelopment. Action 1B.1 also supports establishment of parallel and interconnected local roadways to encourage local trips off the state highway. The Bypass is designed to accommodate statewide (through) and some regional trips, with local trips and other regional trips remaining on existing OR 99W. This is consistent with the objective of this action item. And through the adoption of plan policies, Intergovernmental Agreements (IGAs), and Interchange Area Management Plans (IAMPs), ODOT, Yamhill County, and the cities of Newberg, Dundee, and Dayton can guide expansion of intensive urban development away from the Bypass.

Action 1B.2 of Policy 1B provides for ODOT to collaborate with local governments in developing land use ordinances that provide a process for coordinated review of future land use decisions affecting transportation facilities, corridors, and sites, including a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities and corridors. ODOT has coordinated with local governments and developed interim policies provisions to protect the approved bypass corridor as part of the location-level (Tier 1) EIS process. These provisions are discussed in Chapter 2 of this report and the relevant local policies and ordinances that have been adopted by local jurisdictions as part of the location-level (Tier 1) EIS process are included in Appendix D. Additional provisions will be developed before completion of the design-level (Tier 2) EIS process as part of the IAMP development that will take place in accordance with the IGAs that are included in Appendix D.

Action 1B.3 provides for ODOT to enter into IGAs to manage access onto state highways. ODOT, Yamhill County, and the cities of Newberg, Dundee, and Dayton have developed IGAs and plan amendments as part of the location-level (Tier 1) EIS process and will develop

²⁹ See Appendix A, LDEIS at S-15.

additional plans and agreements as part of the design-level (Tier 2) EIS process. These actions and expectations are described in Chapter 2 and do meet the objectives of this policy action.

Action 1B.4 directs ODOT to work with local governments to maintain the highway mobility standards on state highways by limiting expansion of development along those highways. This can be done by developing an adequate local network of arterials, collectors, and local streets; by limiting access to the state highway; and through local adoption of comprehensive plan policies and zoning that limits the nature and scale of development near interchanges. As approved, there will be no access provided to the bypass facility developed within the approved corridor, except at the four planned interchanges, thus preventing adjacent development away from interchanges from degrading highway mobility. At the interchanges, the IAMPs will serve as the means to protect highway mobility by identifying necessary access and circulation improvements and appropriate land use strategies that either prevents, limits, or otherwise controls adjacent land uses that may otherwise generate trips that would degrade highway mobility. As per the adopted IGAs that are include in Appendix D, the IAMPs will be completed before the approval of the design-level (Tier 2) EIS. Action 1B.4 also seeks to avoid UGB expansions along Statewide Highways and around interchanges unless ODOT and the appropriate local governments agree to an IAMP to protect interchange operation or access management for segments along the highways. Among the local policies adopted to provide interim corridor protection in association with the location-level (Tier 1) EIS and the Yamhill County Goal Exception is one adopted by each affected local jurisdiction (Yamhill County, Newberg, Dundee, and Dayton) that prohibits any zone changes within ¼ mile of the proposed interchange locations within urban growth boundaries and within ½ mile of the proposed interchanges outside of current urban growth boundaries. Each of these jurisdictions also adopted policies to prohibit UGB expansions in these areas. These restrictions were adopted with provisions to remain in place through autumn 2007 in order to provide time for the IAMPs to be developed. These policies are described in Chapter 2 and provided in their entirety in Appendix D.

Action 1B.5 provides for ODOT to work with local governments to develop corridor plans and TSPs that protect existing limited access interchanges, emphasizing safe egress from freeways as the highest priority and regional access to freeways as the second highest priority. This policy also provides for consistency with local TSPs. The bypass corridor has been approved by Yamhill County through its adoption of the needed goal exceptions and by all of the affected local jurisdictions through the plan amendments that are provided in Appendix D. Therefore, the approved bypass corridor is consistent with all local TSPs.

Policy 1C seeks to balance the need for movement of goods with other uses of the highway system and to recognize the importance of maintaining efficient through movement on major truck freight routes. Existing OR 99W is a major freight truck route, connecting the Willamette Valley and the Portland metropolitan area to the central Oregon coast via OR 18. See OHP, Figure 10. Upon its construction and opening, the Bypass would become the freight truck route. As a limited access facility serving through and regional traffic, it would maintain efficient through movement for freight vehicles.

Action 1C.1 directs ODOT to apply performance standards “appropriate to the movement of freight on freight routes.” By applying ODOT’s minimum performance standards (OHP, Table 6) to the Bypass and to OR 99W (which would continue to handle over 1,000 daily freight trips through Newberg or Dundee even after the Bypass is in operation), the Bypass proposal is consistent with Policy 1C and Action 1C.1.

Action 1C.4 provides that the “importance of timeliness in freight movements” be considered in developing and implementing plans and projects on freight routes. The timeliness of freight movement is a particularly important concern of this project, because an estimated eight percent

of traffic on existing OR 99W consists of heavy vehicles. Much of this traffic, including shipments that pass through the area, will be transferred to the Bypass.

Policy 1E addresses lifeline routes. The policy seeks establishment of a secure lifeline of streets, highways, and bridges to facilitate emergency services response and to support rapid economic recovery after a disaster. By adding a new facility with improved performance, constructing the Newberg Dundee Bypass/New Oregon Highway 18 within the approved bypass corridor will support the objectives of this policy by reducing current impediments to travel.

Policy 1F addresses highway mobility standards. As described in the background section, this policy "establishes standards for mobility that are reasonable and consistent with the directions of other Highway Plan policies." The policy carries out the directions of Policies 1A and 1C by establishing higher mobility standards for freight routes and Statewide Highways than for District or Regional Highways (where somewhat higher traffic congestion levels are tolerated). The highway mobility standards in Policy 1F are intended to apply to transportation planning decisions. In accordance with Policy 1G, these standards can be met by actions that reduce highway volumes or increase highway capacities. The standards apply through the Transportation Planning Rule, which requires that regional and local TSPs be consistent with plans adopted by the OTC. ODOT's intention is that these standards will not be exceeded over the course of a reasonable planning horizon, defined as 20 years for the development of state, regional, and local TSPs. The Newberg Dundee Bypass/New Oregon Highway 18 within the approved bypass corridor will be designed to be a four lane limited access expressway that will maintain a v/c ratio of 0.70 through the 2025 planning horizon.

Action 1F.1 provides that highway mobility standards be applied to all state highway sections outside the Portland metropolitan area. The minimum transportation performance standards applied to this project incorporate the ODOT standards.

Action 1F.2 provides that highway mobility standards be applied over a 20-year period. Because the planning horizon for this project as defined in the location-level (Tier 1) EIS is 2025, Action 1F.2 is met. This time frame may be extended during the design-level (Tier 2) EIS process when additional and more detailed operational and financial information is developed. If an extension of the planning horizon is agreed to as part of the Tier 2 process, this Facility Plan will be amended to reflect that change.

Action 1F.3 allows local governments to consider adopting alternate highway mobility standards "where it would be infeasible to meet the standards in this policy." Because analysis shows that the proposed bypass design will be able to meet the 0.70 mobility standard, alternative mobility standards will not be sought at this time. The three circumstances under which Action 1F.3 authorizes alternate highway mobility standards are not present here. First, the Newberg-Dundee urban area is not a recognized metropolitan planning area. It is south of Portland Metro by about 20 miles. Second, an STA is not desired in Dundee for the reasons discussed above under OHP Policy 1B, nor has one been sought in Newberg. Third, there are no severe environmental or land use constraints that make the proposed transportation improvements infeasible. There would be some environmental impacts, but they are not so severe as to preclude development of the Newberg Dundee Bypass/New Oregon Highway 18 within the approved bypass corridor.

Policy 1G, addressing major improvements, directs the State to work with local governments to address highway performance and safety needs. Policy 1G establishes priorities for developing corridor plans and TSPs, under which protecting the existing system comes first, followed by improving efficiency and capacity of existing highway facilities, adding capacity to the system, and adding new facilities to the system. These priorities are to be followed "unless a lower

priority measure is clearly more cost-effective or better supports safety, growth management, or other livability or economic viability considerations."

The proposed transportation improvements fall within the lowest priority category, which is to add new facilities to the system. Nonetheless, they are consistent with Policy 1G because (1) actions to protect and improve the efficiency and capacity of the existing system are not adequate in themselves to meet the identified purpose and need, and (2) adding capacity along Oregon Highway 99W at a level adequate to achieve compliance with OHP standards would cause an unacceptably high level of adverse impacts to residential and business neighborhoods and to the livability of Newberg, Dundee, and Yamhill County. Among other things, these impacts would result from displacements associated with widening Oregon Highway 99W in Newberg to four travel lanes in each direction and widening Oregon Highway 99W in Dundee from two lanes to seven lanes (three travel lanes in each direction, plus median turn lane).

It is noted that many of the higher priorities under Policy 1G have already been implemented over past years. Numerous steps have been taken over the past 25–30 years to improve the capacity of existing Oregon Highway 99W within the Newberg–Dundee region, including but not limited to construction of the couplet in Newberg, the widening and improvement of approach roads to Oregon Highway 99W, the addition of traffic lights and turn lanes, widening Oregon Highway 99W to six lanes between River Road and Villa Road, and eliminating or restricting movements at many driveways and accesses in the project area. A range of additional improvements to Oregon Highway 99W was studied as part of a Transportation Management Alternative developed for NDTIP, but those improvements collectively still fell far short of achieving ODOT performance standards for Statewide Highways and freight routes by the year 2025. The Transportation Management Alternative, as proposed, resulted in a year 2025 volume-to-capacity ratio of approximately 0.90 for Newberg and 1.25 for Dundee, compared to an ODOT standard of 0.75.

ODOT's volume-to-capacity standards could be achieved by widening Oregon Highway 99W in Newberg (1) from four travel lanes to eight travel lanes between Newberg's east UGB and the downtown couplet and (2) from six travel lanes to eight travel lanes within the couplet.³⁰ However, this kind of widening would have unreasonably adverse impacts on the viability of the commercial districts in Newberg and Dundee and on livability in those cities. Moreover, roadways of this width would increase safety hazards to pedestrians, including young school children attending the elementary school on Oregon Highway 99W in Dundee. Furthermore, road widening of this scale would not likely be cost effective due to right-of-way impacts and associated cost.

Action 1G.2 authorizes ODOT to support major improvements to state highway facilities only where the improvements meet all of the conditions listed under this action item. Those conditions include (1) the improvement is needed to satisfy a state transportation objective; (2) the scope of the project is reasonably defined; (3) the improvement was identified through a planning process that included thorough public involvement, evaluation of reasonable transportation and land use alternatives, and sufficient environmental analysis at the fatal flaw planning stage; (4) the project includes measures to manage the transportation system which alone could not satisfy highway needs during the planning period; (5) the improvement would be a cost-effective means to achieve ODOT objectives; (6) the proposed timing of the improvement is consistent with priorities established in corridor plans and regional transportation plans, and the financing program identifies construction as being dependent on the future availability of funds; (7) funding

³⁰ See Appendix A, LDEIS at 2-12.

can reasonably be expected at the time the project is ready for development and construction; (8) the local government schedules funding for local street improvements in its local transportation financing program if needed to attain the objectives of the major improvement; and (9) the plan includes policies and implementing measures that protect the corridor and its intended functions.

The Newberg Dundee Bypass/New Oregon Highway 18 is needed to alleviate traffic congestion that would significantly impede the efficient movement of people and goods on a Statewide Highway. Without this improvement, year 2025 traffic volumes within the Newberg-Dundee area would routinely exceed ODOT performance standards for Statewide Highways and freight routes, with some areas experiencing as much as 15 hours of congestion per day as measured against ODOT mobility standards.

The scope of the Newberg Dundee Bypass/New Oregon Highway 18 is defined as extending from east Newberg to Oregon Highway 18. This scope definition is reasonable because this is the area experiencing the most severe congestion and vehicle hours of delay.

The proposed Newberg Dundee Bypass/New Oregon Highway 18 improvements were identified in a lengthy and ongoing public process that included an agency and local government advisory committee (the POST) and citizen involvement through a series of summit meetings. The process encouraged the consideration and selection of the best alternative that solves current and future transportation needs, avoids or minimizes impacts to the natural and built environments, and enhances community livability. Both transportation and land use alternatives were considered during this process, and the process included environmental evaluation that was adequate to determine fatal flaws.³¹ Broad public information and involvement were project priorities, as evidenced by extensive media outreach, a project web site, fact sheets, a video, and well-attended public meetings and events in affected communities.³²

In addition to construction of the Newberg Dundee Bypass/New Oregon Highway 18, the NDTIP assessed improvements to existing Oregon Highway 99W and the local street system, as well as an alternate mode and land use program. However, these measures alone cannot satisfy the highway needs during the planning period.

Additional measures to manage and protect the highway system were set in place in conjunction with the location-level (Tier 1) EIS process through processes defined in the adopted IGAs between ODOT, Yamhill County, and the cities of Newberg, Dundee, and Dayton, through amendments to local comprehensive plans and zoning ordinances and through the future development of IAMPs as called for in the adopted IGAs. These measures will help manage and protect the transportation system in terms of its function, its capacity, and its ability to remain in compliance with OHP highway performance standards. They do or will include access control and management measures, limitations on land uses near interchanges, and other provisions as deemed necessary to protect this significant state investment.

The Newberg Dundee Bypass/New Oregon Highway 18's cost effectiveness in achieving ODOT objectives can be determined by comparing the cost of the Newberg Dundee Bypass/New Oregon Highway 18 with the costs of the improvements otherwise required to achieve consistency with ODOT highway performance standards within the project area. As noted under the discussion of Action 1G.1, without a bypass, Oregon Highway 99W would need to be widened to six travel lanes plus a turning lane through Dundee and to eight travel lanes through much of Newberg.

³¹ See Appendix A, LDEIS, Chapter 2.

³² See Appendix A, LDEIS, Chapter 7.

IGAs adopted by ODOT and the affected local governments identify the timing of Newberg Dundee Bypass/New Oregon Highway 18 project improvements. In some instances, these issues will be deferred until or following the design-level (Tier 2) EIS process. With the local adoption of the bypass corridor into their TSPs and the Record of Decision approving the location-level (Tier 1) EIS, the bypass corridor in which the Newberg Dundee Bypass/New Oregon Highway 18 will be built has been approved. Yamhill County's TSP serves as the regional transportation plan for the area. The County's TSP identifies the Newberg Dundee Bypass/New Oregon Highway 18 project as a high priority, but indicates that the project is dependent on funding.

The Newberg Dundee Bypass/New Oregon Highway 18 project has completed the location phase and is moving into the design phase. This leaves many years during which funding for all or part of this very large project can be sought. It is unlikely that the Dundee Bypass/New Oregon Highway 18 project would be built in its entirety at one time. ODOT is reasonably sure that at the time the Dundee Bypass/New Oregon Highway 18 is ready to move forward into construction, funding will be available for part if not all of the project.

Also during the design-level (Tier 2) EIS process, ODOT, Yamhill County, and the cities of Newberg, Dundee, and Dayton will determine the local street improvements that are needed to attain the objectives of the Newberg Dundee Bypass/New Oregon Highway 18 project. At this point, no determination has yet been made by ODOT or these local governments as to which local project elements will require funding or what level of cost sharing should be engaged in to fund those projects. Issues of cost sharing and cost responsibilities are addressed in future IGAs between ODOT and the local governments. Final determinations will be made prior to issuance of the final design-level (Tier 2) EIS.

Policies and implementing measures to protect the transportation corridor and its intended function have been adopted into local TSPs. They include an Interchange Overlay District to lands outside UGBs within 0.5 miles of each interchange, within which zone change to more intensive uses would not be allowed and limitations on some currently authorized conditional uses would be imposed. They also include policies to direct future UGB expansions away from interchange areas. ODOT has developed IGAs and will develop IAMPS with Yamhill County and the cities of Newberg, Dundee, and Dayton to ensure that compliance is achieved not only with the relevant OHP policies, but also with requirements in OAR 660-012-0070(8) to protect rural lands near the Bypass and its interchanges.

Action 1G.3 provides for ODOT to implement a cost-sharing program through intergovernmental agreement when a project has major benefits to the local system, especially when local project sponsors envision purposes beyond those needed to meet state transportation objectives. As part of this project, ODOT will enter into future IGAs with Yamhill County and the Cities of Newberg, Dundee, and Dayton that will address cost sharing as appropriate. The specifics of cost sharing will be determined prior to the issuance of the final design-level (Tier 2) EIS, when the precise details of the project are known.

Action 1G.4 provides for ODOT to design major improvements for limited access to protect through traffic movements. Consistent with this standard, the Newberg Dundee Bypass/New Oregon Highway 18 will be a limited access facility. Action 1G.4 also requires development and implementation of access management intergovernmental agreements. This requirement will be achieved through adoption and implementation of IAMPS and Access Management Plans that include access management measures as well as possible controls on land uses near interchanges aimed at protecting bypass and interchange functions. These measures may include, for example: new comprehensive plan policies to maintain and protect agricultural and rural exceptions lands near interchanges from urban development pressures; application of an "Interchange Limited Use Overlay" to lands outside UGBs within 0.5 miles of each of the four Bypass interchanges;

policies to direct future UGB expansions away from interchanges; and ODOT commitment to provide reasonable access to farms for farm uses only. The plans, ordinances, and policy changes are being developed concurrently with this application to ensure compliance with Action 1G.4 and other applicable standards. The IAMPs will be developed during the design-level (Tier 2) EIS process, when more precise information on facility location becomes available. Local comprehensive plan amendments will be required to implement the IAMPs and Access Management Plans.

Action 1G.5 directs ODOT to negotiate an intergovernmental agreement with local jurisdictions affected by a major improvement (such as a bypass) and transfer ownership of state routes that are bypassed to the local government at the completion of the project. It is possible that the bypassed segment of OR 99W will be transferred to Yamhill County, Newberg, and/or Dundee following completion of the Bypass. This issue has come up during the negotiations that yielded the adopted IGAs between ODOT, Yamhill County, and the affected cities. However, as described in more detail in the discussions of compliance with Policies 1H and 2C, jurisdiction transfer of existing OR 99W is not a certain or foregone conclusion because such a transfer may not increase efficiencies in the operation or maintenance of existing OR 99W, which will function like a state District Highway once the Newberg Dundee Bypass/New Oregon Highway 18 is open. The process for determining whether or not OR 99W will be transferred is addressed in the IGAs and will be conducted and completed prior to approval of the final design-level (Tier 2) EIS. Should transfer occur, the City of Dundee has already adopted policies to operate OR 99W at the performance standards established by ODOT for District Highways. Similarly, Yamhill County has adopted a resolution that might in turn lead to an implementing amendment to its TSP if and when it has been determined that existing OR 99W would be transferred to the County.

Policy 2A provides for the State of Oregon to establish cooperative partnerships with state and federal agencies, local governments, and the private sector to make more efficient and effective use of limited resources to develop, operate, and maintain the highway and road system. ODOT has worked closely with Yamhill County, the cities of Newberg and Dundee, the FHWA and DLCDC, as well as with other agencies and local governments, in determining need for this project and in determining a preferred alternative. This approved bypass corridor within which the Newberg Dundee Bypass/New Oregon Highway 18 would be constructed has been adopted into the local TSPs. ODOT and Yamhill County and the cities of Newberg, Dundee, and Dayton developed IGAs, adopted plan policies and ordinances, and will develop IAMPs to help maintain the function of the Newberg Dundee Bypass/New Oregon Highway 18 and its interchanges and to achieve policy objectives of the OHP.

Action 2A.1 directs ODOT to support planning and development of highway projects that enhance the seamless qualities of a transportation system which balances state, regional, and local needs. The proposed Newberg Dundee Bypass/New Oregon Highway 18, including the East Dundee Interchange, will vastly improve mobility through the Newberg-Dundee urban area, connecting the central Oregon coast with the Portland metropolitan area and the north Willamette Valley. By so doing, it also will allow existing Oregon 99W to function much better as a regional and local arterial, improving mobility and accessibility along Oregon 99W for pedestrians, bicyclists, transit and freight travel, as well as automobile travel. These results restore system function and are consistent with Action 2A.1.

Policy 2B provides for the State to provide financial assistance to local jurisdictions to develop, enhance, and maintain improvements on local transportation systems when they are a cost effective way to improve the operation of the state highway system if certain criteria are met. These criteria relate to cost/benefit analysis, local adoption of land use, access management, and other policies and ordinances aimed at assuring the continued benefit of the off-system

improvement to the state highway system; local government notice to ODOT of land use decisions that could impact the off-system improvement in a manner that could adversely affect the state highway system; and local government agreement to a minimum level for the off-system improvement that will assure the continued benefit of the off-system improvement to the state highway system. Policy 2B applies to street connections that affect the Bypass and its operations. It also could apply to Oregon 99W if jurisdiction over Oregon 99W is transferred to the County or the cities. Among other things, state financial assistance could potentially be provided to implement the AMLU program and other improvements that maintain the function of the Newberg Dundee Bypass/New Oregon Highway 18. Policy 2B concerns will be addressed in the IAMPs and Access Management Plans developed during the design-level (Tier 2) EIS process and directly through the design process.

Action 2B.3 provides for ODOT to continue to participate in local transportation and land use planning to identify and mitigate potential actions that will adversely affect the state highway system. This policy is satisfied through ODOT's work with local governments in developing IGAs, IAMPs, and Access Management Plans for the Newberg Dundee Bypass/New Oregon Highway 18 and through implementation of other NDTIP project elements.

Action 2B.4 directs ODOT to work with local governments to identify and evaluate off-system improvements that would be cost effective in improvement performance of the state highway. ODOT will do this through developing IGAs, IAMPs, and Access Management Plans for the Newberg Dundee Bypass/New Oregon Highway 18 and through implementation of other NDTIP project elements.

Policy 2C provides that it is the policy of the State of Oregon "to consider, in cooperation with local jurisdictions, interjurisdictional transfers...."

Action 2C.1 provides for ODOT to define criteria for identifying state roads and highways that serve primarily local interests and local highway needs as opposed to state interests. It also provides for ODOT, in conjunction with local governments, to identify potential roads and highways for interjurisdictional transfer. These roads may include urban arterials serving primarily local travel needs. The IGAs that have been adopted by ODOT, Yamhill County, and the Cities of Newberg, Dundee, and Dayton provide for consideration of this issue during the design-level (Tier 2) EIS process.

Action 2C.2 directs ODOT to establish criteria to guide decisions for transferring roads, which shall include but are not limited to the importance of the roadway to the functionality of the statewide system and "the land use vision of the local community" and local ability to operate and maintain the facility for its intended functions. ODOT has developed interjurisdictional transfer guidelines. These guidelines will be used during the design-level (Tier 2) EIS process when this issues is addressed as called for by the IGAs that have been adopted by ODOT, Yamhill County, and the Cities of Newberg, Dundee, and Dayton.

Action 2C.3 directs ODOT to establish a decision-making process for interjurisdictional transfers. Policy 2C, read together with Action 1G.5 addressed above, leaves it unclear as to whether transfer of Oregon 99W to Newberg, Dundee, and/or Yamhill County is appropriate following completion of the Bypass. Current policy as expressed in Action 1G.5 appears to favor a jurisdictional transfer. However, because of the complexity of this project, and because it may be determined that sufficient statewide traffic will remain on Oregon 99W such that the highway will continue to serve state interests, this transfer might not occur. The decision ultimately may hinge on the OTC's determination as to whether Oregon 99W is still important to the functionality of the state roadway system and the local ability to operate and maintain Oregon 99W for its intended functions. The IGAs that have been adopted by ODOT, Yamhill County, and the Cities

of Newberg, Dundee, and Dayton provide for consideration of this issue during the design-level (Tier 2) EIS process.

Policy 2D requires ODOT to ensure opportunities for citizen participation in improvement projects that affect the state highway system. These include efforts to create opportunities for citizens, businesses, local governments, state agencies, and others to obtain information on and comment on proposed projects. It also includes coordination with local governments and agencies to ensure that public involvement programs target affected citizens and businesses, as well as the public. This Facility Plan for the approved bypass corridor and Newberg Dundee Bypass/New Oregon Highway 18 project complies with Policy 2D and its action items through its opportunities for citizen involvement in the location-level (Tier 1) EIS process, which is described in detail in Chapter 7 of the LDEIS³³ and through Yamhill County's, Newberg's, Dundee's and Dayton's public hearing processes associated with their review and adoption of the various local actions taken to approve the bypass corridor location for the Newberg Dundee Bypass/New Oregon Highway 18.

Policy 2E directs ODOT to consider a broad range of Intelligent Transportation Systems (ITS) services to improve system efficiency and safety in a cost-effective manner. While this policy addresses systems operations more than planning, the final project design is likely to include some ITS elements. Furthermore, ITS measures likely will be applied on Oregon 99W as a consequence of work done during the design-level (Tier 2) EIS process.

Policy 2F directs ODOT to continually improve safety for all users of the highway system. A principal objective of constructing the Newberg Dundee Bypass/New Oregon Highway 18 within the approved bypass corridor is to protect human health and safety by reducing congestion and restoring system function by providing facilities that are more appropriate for the type of travel that they will support.

Action 2F.3 provides for ODOT to consider a range of potential solutions to safety problems, including but not limited to public education, engineering improvements, constructing bicycle and pedestrian facilities, managing access to the highway, and developing incident response and motorist assistance programs.

While safety is a concern due to increasing congestion along the existing Oregon Highway 99W/18 corridor, the corridor is not designated as a high priority safety problem area. Still, the Newberg Dundee Bypass/New Oregon Highway 18 will provide significant safety benefits. Over the past several decades, many improvements have been made to Oregon Highway 99W to achieve better traffic flow and provide safer intersections both for motorists and pedestrians. However, these improvements, combined with new improvements to the existing highway, cannot adequately reduce congestion and, in turn, the level of safety hazard. Instead, a Newberg Dundee Bypass/New Oregon Highway 18 is required to achieve this result.

Without the Newberg Dundee Bypass/New Oregon Highway 18, crash potential along Oregon Highway 99W will continue to be significantly higher than with a Bypass. Without the Newberg Dundee Bypass/New Oregon Highway 18, the crash potential index on existing Oregon Highway 99W is 1.16. With the Newberg Dundee Bypass/New Oregon Highway 18, the crash potential index along Oregon Highway 99W drops to approximately 0.40. Along the Newberg Dundee Bypass/New Oregon Highway 18 itself, the crash potential would be approximately 0.05. This low crash index number reflects the added safety provided to through travelers by a grade-separated design.

³³ See Appendix A, LDEIS, Chapter 7.

The lower crash numbers for Oregon Highway 99W result from the fact that with the Bypass and the East Dundee Interchange, virtually all through trips and many regional trips will be removed from existing Oregon Highway 99W, thereby significantly reducing daily vehicle trips along Oregon Highway 99W. This reduction in vehicle trips on Oregon Highway 99W has the added benefit of making that highway much more pedestrian and bicycle friendly. According to the LDEIS need statement, Oregon Highway 99W currently offers an unfriendly and unhealthy environment for residents, shoppers, and tourists using the downtown areas of Newberg and Dundee and for people trying to get from one side of town to the other side. Safety to school children attending Dundee Elementary School would be enhanced by removing many truck and passenger car vehicles from Oregon Highway 99W with construction of the East Dundee Interchange.

Policy 2G directs ODOT to increase safety and transportation efficiency through the reduction and prevention of conflicts between railroad and highway users. The Newberg Dundee Bypass/New Oregon Highway 18 developed within the approved bypass corridor will comply with this standard because it will not establish any new at grade crossings. The East Dundee Interchange connection road will also be grade-separated from the railroad.

Policy 3A provides for ODOT to manage the location, spacing, and type of road and street intersections and approach roads on state highways to assure the safe and efficient operation of state highways consistent with the classification of highways. For the Newberg Dundee Bypass/New Oregon Highway 18, ODOT will manage the location, spacing and type of street intersections and approach roads consistent with its standards for expressways. This includes no private accesses, grade separation at interchanges, no traffic signals, median treatment, and a primary function to connect larger urban areas.³⁴ In designing the Newberg Dundee Bypass/New Oregon Highway 18 and its interchanges within the approved bypass corridor during the design-level (Tier 2) EIS process, ODOT will ensure that its Statewide Highway/expressway design standards are met as provided for in OAR Chapter 734, Division 51.

Policy 3B concerns roadway medians. It states that it is the policy of the State of Oregon to plan for and manage the placement of median openings on state highways to enhance the efficiency and safety of the highways and to influence and support land use development patterns that are consistent with approved transportation system plans. The Newberg Dundee Bypass/New Oregon Highway 18 will be designed with nontraversable medians within the approved bypass corridor during the design-level (Tier 2) EIS process.

Action 3B.1 directs ODOT to plan for a level of median control for the safe and efficient operation of state highways consistent with the classification of the highway. The Newberg Dundee Bypass/New Oregon Highway 18 will be designed with nontraversable medians within the approved bypass corridor during the design-level (Tier 2) EIS process.

Action 3B.2 requires ODOT to design and construct non-traversable medians for all new multi-lane highways constructed on new alignments. The Newberg Dundee Bypass/New Oregon Highway 18 will be designed with nontraversable medians within the approved bypass corridor during the design-level (Tier 2) EIS process.

³⁴ The Newberg Dundee Bypass/New Oregon Highway 18 will be designed with nontraversable medians within the approved bypass corridor during the design-level (Tier 2) EIS process and will be fully access controlled, with grade separations at interchanges, no private accesses, and no traffic signals along the Bypass mainline. This is consistent with Action 3A.4, which discourages traffic signals on rural high-speed highways because they are inconsistent with the function of these highways to provide for safe and efficient high-speed travel. The only signals expected for this facility will be located at the Oregon Highway 219 ramps and at the intersection of Oregon 99W and the East Dundee Interchange connecting road.

Policy 3C directs ODOT to plan for and manage grade-separated interchange areas to ensure safe and efficient operation between connecting roadways.

Action 3C.1 directs ODOT to develop IAMPs to protect the function of interchanges to provide safe and efficient operations between connecting roadways and to minimize the need for major improvements of existing interchanges. Through the adopted IGAs, ODOT, Yamhill County, and the Cities of Newberg, Dundee, and Dayton are committed to developed IAMPs during the design-level (Tier2) EIS process. These IAMPs will conform to OHP policies.

Action 3C.2 also requires that necessary supporting improvements such as road networks, channelization, medians, and access control within the management area be identified in the local TSP and either be in place or be committed with an identified funding source. Concurrent with this application, the IGAs negotiated between ODOT and Yamhill County and the cities of Newberg, Dundee, and Dayton, among other things, contain provision to address access control, local road networks, and protection of interchange function and capacity as part of the IAMP development process that is agreed to as part of the IGAs that will be developed during the design-level (Tier 2) EIS process. Additionally, Yamhill County and the affected cities have adopted new comprehensive plan and zoning provisions to prevent land use changes near the planned interchange locations through the autumn of 2007, while the IAMPs are being prepared. These actions are consistent with Policy 3C and Actions 3C.1 and 3C.2. Action 3C.2 encourages connections between expressways and state highways and major or minor arterials where possible. Consistent with this policy, the Newberg Dundee Bypass/New Oregon Highway 18 will connect to Oregon Highway 219 and Oregon Highway 18, which are state highways, and to existing Oregon Highway 99W (also a state highway) at its eastern terminus and between the cities of Newberg and Dundee.³⁵ Action 3C.2 further requires that the design of urban interchanges consider the need for transit and park-and-ride facilities, along with the interchange's effect on pedestrian and bicycle traffic. The interchanges in Newberg will be designed as urban interchanges. Consistent with this policy, the need for transit and park and ride facilities will be considered during the design-level (Tier 2) EIS process. Action 3C.2 also provides for the purchase of access control on crossroads for a minimum of 1,320 feet from a ramp intersection or the end of a free flow ramp terminal merge lane taper when possible. ODOT's intention is to purchase and control access for a minimum 1320 foot distance of all proposed interchange ramps wherever possible and to acquire the maximum possible distance if 1320 feet cannot be achieved. These access locations will be defined and the necessary acquisitions will be identified during the design-level (Tier 2) EIS process.

Action 3C.6 directs ODOT to plan for and operate traffic controls within the interchange management area with a priority of moving traffic off the main highway or expressway and away from the interchange area. Within the interchange area, priority shall be given to operating signals for the safe and efficient operation of the interchange. As noted, the Newberg Dundee Bypass/New Oregon Highway 18 is an expressway. ODOT will comply with this requirement through signal timing prior to facility opening. The ODOT State Traffic Engineer must approve all signalization.

Action 3C.7 directs ODOT to use grade-separated crossings without connecting ramps to provide crossing corridors that relieve traffic crossing demands through interchanges. Such grade-

³⁵ The Newberg, Dundee, and Yamhill County Transportation Plans defer to the state classifications of state highways. Were Oregon 99W between East Newberg and Dayton to be transferred to the County and/or to the cities, it almost certainly would be classified as an arterial. However, Action 3C.2 also permits interchanges on Statewide Highways to connect to other county or city roads as appropriate. For the reasons expressed in Section 7.4.2 of this application, a connection to Oregon 99W between Newberg and Dundee would be appropriate regardless of how the roadway might be reclassified.

separated crossings will be provided as appropriate as determined during the design-level (Tier 2) EIS process.

Policy 3D allows for some flexibility in the state highway system by authorizing deviations from adopted access management standards and policies through an application process. ODOT will not know if any deviations would be needed until the design-level (Tier 2) EIS process is completed. At that time, it is ODOT's intention to design the Newberg Dundee Bypass/New Oregon Highway 18 to comply with the appropriate spacing standards or request the necessary deviations.³⁶

Policy 4A seeks to maintain and improve the efficiency of freight movement on state highways and to balance the needs of long distance and through freight movements with local transportation needs on highway facilities in both urban and rural communities. The Newberg Dundee Bypass/New Oregon Highway 18 complies with this policy by providing a new roadway that will facilitate faster, safer and more efficient freight movement through and to the region in comparison to the No-Build. With the Newberg Dundee Bypass/New Oregon Highway 18, travel time through the region will be 12-15 minutes, compared to 40 minutes under the No-Build. The removal of through and many regional trips from OR 99W also will provide for much more efficient freight movement through and within the communities of Newberg and Dundee.

Policy 5A states that the design, operation and maintenance of the state highway system should maintain or improve the natural and built environment including air quality, fish passage and habitat, wildlife habitat and migration routes, sensitive habitats (i.e., wetlands, designated critical habitat, etc.), vegetation, and water resources where affected by ODOT facilities.

Action 5A.1 directs ODOT to implement Best Management Practices to minimize the effects of construction, operations, and maintenance impacts to the human and natural environments. This will be done as part of the design-level (Tier 2) EIS process. Where is that assurance that that will occur?

Action 5A.2 directs ODOT to attain and maintain air quality standards in highway programs and projects. While the Newberg Dundee Bypass/New Oregon Highway 18 project area is not within an air quality non-attainment area at this time, the removal of many hours of daily congestion along OR 99W that would result from construction of the Bypass will improve air quality.

Action 5A.3 directs ODOT to partner with state and federal agencies and local governments to identify sensitive habitat areas with high value that are affected by ODOT facilities and to incorporate design features that will avoid or minimize and, when this is not possible, mitigate impacts to sensitive habitats with high values. Beginning in 1997, ODOT began coordination with an agency advisory committee comprised of agencies with regulatory authority over natural and cultural resource issues associated with the possible construction of a bypass facility within the general study area identified in the location-level (Tier 1) EIS. These agencies advised ODOT on methods and measures for identifying impacts to natural and other resources. The draft location-level (Tier 1) EIS (LDEIS) identifies high habitat value areas and indicates the impacts various alternatives would have on them.¹⁹ Where impacts cannot be avoided, mitigation will occur, as described in final federal environment documents to be prepared during the design phase of this project. Sign-off on the adequacy of any required mitigation will occur prior to publication of the final design-level (Tier 2) EIS.

³⁶ Policy 3E addresses appeals of denied requests for deviations. Should an appeal of a decision denying a deviation be filed, the process set out in this policy would apply. For now, any determination that Policy 3E would apply is premature.

The remaining action items under Policy 5A involve practices or activities ODOT should engage in to protect the natural and human environments, including designing and constructing stream crossings with anadromous fish to meet Oregon Department of Fish and Wildlife standards; re-vegetating cleared areas with priority to native plants in areas dominated by a native plant environment; preventing hazardous substances encountered as a result of construction and maintenance from entering the human and natural environments; and designing highways that meet Federal Highway Administration Traffic Noise Standards. These action items will be addressed and achieved as required during the design-level (Tier 2) EIS process.

Statewide Planning Goals

Goal 1 (Citizen Involvement)

Goal 1 requires opportunity for citizens to be involved in all phases of the planning process. The proposed Newberg Dundee Bypass/New Oregon Highway 18 improvements were identified in a lengthy and ongoing public process that included an agency and local government advisory committee (the POST) and citizen involvement through a series of summit meetings. In addition, during the goal exception process through Yamhill County and comprehensive plan amendments involving the bypass in the cities of Newberg, Dundee, and Dayton, notice to the public and the public hearings followed local regulations for public involvement. Compliance with these regulations results in compliance with Goal 1.

Goal 2 (Land Use Planning)

Goal 2 requires that actions related to land use be consistent with acknowledged comprehensive plans of cities and counties. The proposed amendments' consistency with applicable provisions in Yamhill County, Newberg, Dundee, and Dayton Comprehensive Plans and TSPs is demonstrated in the Local Jurisdiction Plan Policies section above.

Goal 2 also requires coordination with affected governments and agencies, evaluation of alternatives, and an adequate factual base. In developing the LDEIS and LFEIS and selecting the preferred alternative, ODOT (the lead agency) contacted and engaged in significant coordination efforts over an approximately seven year period with Yamhill and Marion County officials, officials from the cities of Newberg, Dundee, and McMinnville, representatives of the Oregon Department of Land Conservation and Development and the Federal Highway Administration, and other agency and local officials. ODOT's public and agency involvement efforts are identified in Chapters 7 and 8 of the LDEIS and the LFEIS.

The LDEIS, LFEIS, and the goal exceptions include an analysis of alternatives as required by Goal 2, including a No-Build Alternative and a transportation system management alternative. These documents provide an adequate factual base to support the proposed plan and land use regulation amendments required to adopt the exceptions and the comprehensive plan amendments. For these reasons, Goal 2.

Goal 2 Part II sets out the standards for goal exceptions. This goal requirement is satisfied for the reasons set out in Section 7 of the Goal Exception document (Appendix B).

Goal 3 (Agricultural Lands)

Goal 3 requires counties to preserve and maintain agricultural lands for farm uses. Counties must inventory agricultural lands and protect them by adopting exclusive farm use zones consistent with ORS 215.203 et. seq.

Goal 3 does not allow transportation improvements like a new road and new freeway interchange on EFU-zoned lands. However, ORS 215.283(3)(a) and OAR 660-012-0070 permit these uses on EFU lands upon demonstration that an exception to Goal 3 is justified. That justification is set out in Section 7 of the Goal Exception document (Appendix B).

Goal 4 (Forest Lands)

Not applicable. The Newberg Dundee Bypass/New Oregon Highway 18 does not directly impact Forest lands.

Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources)

Goal 5 requires local governments to adopt programs to protect natural resources and conserve scenic, historic, and open space resources for present and future generations as provided in LCDC's Goal 5 administrative rule, OAR 660, Division 23.

Goal 5 resources that would be affected by the Newberg Dundee Bypass/New Oregon Highway 18 include riparian corridors, wildlife habitat, and historic areas. Some wetlands also would be affected, but Yamhill County does not maintain an inventory of significant wetland resources. Instead, the County defers to the Division of State Lands (DSL) for the inventory and regulation of wetlands. Accordingly, impacted wetlands on DSL's inventory will need to obtain all required approvals under DSL regulations governing development in wetlands.

OAR 660-023-0090 regulates riparian corridors. As relevant to roadway projects, OAR 660-023-0090(8) authorizes local governments to adopt ordinances that protect significant riparian corridors by preventing permanent alteration of the riparian area by grading or by the placement of structures or impervious surfaces, except for certain identified uses that are permitted "provided they are designed and constructed to minimize intrusion into the riparian area." Those excepted uses include streets, roads, and paths.³⁷ The Newberg Dundee Bypass/New Oregon Highway 18 can comply with this rule by utilizing Best Management Practices during construction and through design that minimizes intrusion into the riparian area to the extent reasonably practicable.³⁸

OAR 660-023-0110 regulates wildlife habitat. The rule requires that wildlife habitat be inventoried and that significant wildlife habitat be protected. Under the safe harbors provisions of this rule, local governments may determine that "wildlife" does not include fish and that significant wildlife habitat is only those sites where one or more of five identified conditions exist. These conditions generally deal with protecting habitat for endangered or threatened species and for other species of concern, for maintaining populations of certain species, and for protecting habitats like big game winter range and migration corridors.³⁹

Yamhill County's Goal 5 wildlife inventory identifies the project area as a waterfowl flyway. However, it does not indicate that any of the five specific conditions listed in the rule exist within the corridors proposed for the Newberg Dundee Bypass/New Oregon Highway 18. For this reason, no additional action needs to be taken regarding wildlife habitat to comply with this element of the Goal 5 rule.

³⁷ OAR 660-023-0090(8)(a)(A).

³⁸ Implementation of Best Management Practices is also directed by OHP Action 5A.1, discussed in Section 9 below.

³⁹ OAR 660-023-0110(4).

OAR 660-023-0200 regulates historic resources. One historic resource, a farm ensemble (collection of buildings) located on the north side of Oregon 99W near the East Newberg Interchange, may potentially be affected by the Newberg Dundee Bypass/New Oregon Highway 18. This resource is listed on the National Register of Historic Places. The buildings in this ensemble will not be affected by the recommended corridor.

Under OAR 660-023-0200, local governments are not required to amend their acknowledged plans or land use regulations in order to provide new or amended inventories or programs regarding historic resources. Indeed, as amended in 1996, LCDC's regulations regarding historic resource protection are now, to a great degree, recommendations rather than mandatory requirements.⁴⁰ As amended, the rules no longer require local governments to apply the ESEE process in order to determine a program to protect historic resources.⁴¹ Rather, local governments are "encouraged" to adopt historic preservation regulations regarding the demolition, removal, or major exterior alteration of all designated historic resources.

This stated, local governments must protect historic resources "of statewide significance," that is those resources that are listed in the National Register of Historic Places and located within approved national register historic districts pursuant to the National Historic Preservation Act of 1966. However, as defined in the rule, "protect" means "to require local government review of applications for demolition, removal, or major exterior alteration of a historic resource."⁴² Hence, to the extent that the house north of Oregon 99W might be impacted, local government review would be required. Because the location of the Newberg Dundee Bypass/New Oregon Highway 18 will avoid this resource, such review would not be required. Review under this standard is not required for the house because it is not on the National Register.

Goal 6 (Air, Water and Land Resources Quality)

Goal 6 addresses the quality of air, water and land resources. In the context of capital facility programming, such as the Newberg Dundee Bypass/New Oregon Highway 18, it is reasonable to expect that the proposed facility will be able to satisfy applicable federal and state environmental standards, including air and water quality standards.⁴³

Congestion contributes to worsening air quality. Under the No-Build Alternative, air quality in Newberg and Dundee would continue to be degraded at four intersections along the Oregon 99W corridor. All identified Build Alternatives have the potential to create an area of poor air quality at Springbrook Street and Oregon 99W. This is because the level of traffic delay there is sufficient to classify the intersection as Level of Service (LOS) "D", which indicates some potential for a hot spot. Should modeling indicate that hot spots would occur, then design changes at the intersections will be conducted to reduce air pollution to acceptable levels.

A "South Dundee" interchange also would operate at LOS "D" and thus has the potential for poor air quality. For the Bypass, this outcome is avoided with a Dayton (Oregon 18) interchange because traffic would be free flowing at that interchange location.

⁴⁰ See OAR 660-023-0200(2) and (3).

⁴¹ OAR 660-023-0200(2), (7).

⁴² OAR 660-023-0200(1)(e).

⁴³ Applicable standards include those in the federal Clean Air Act and Clean Water Act and their implementing regulations. Applicable state standards include those in the Oregon Wetland Removal/Fill Act and in Department of Environmental Quality administrative rules governing air, water, and noise quality.

A bypass will impact water resources by adding impervious surfaces to the watershed area. Where areas are paved, water cannot penetrate the soils so it rushes over the surface. This can increase erosion, increase the movement of fine sediments, and increase pollutant loads in watercourses. However, these impacts can be adequately mitigated through the use of effective land-based stormwater treatment systems that include measures to preserve and restore mature vegetation and maximize infiltration. The use of construction techniques that include temporary and permanent Best Management Practices for erosion and sediment control and spill control and prevention also can achieve compliance with clean water standards. OHP 5A.1, discussed in above, directs ODOT to implement Best Management Practices.

The Newberg Dundee Bypass/New Oregon Highway 18 facility would create noise impacts at noise sensitive sites such as parks, schools, and residences (particularly in rural areas). This is particularly true where no roadways currently exist. Techniques available to decrease noise impacts include noise walls, below-grade roadway sections, or design using intervening topography. Noise impacts will be addressed in more detail during the design phase of the project.

Goal 7 (Areas Subject to Natural Disasters and Hazards)

Goal 7, Areas Subject to Natural Disasters and Hazards, which LCDC amended on June 1, 2002, addresses hazards to development. As amended, the goal requires DLCD to review new hazard inventory information provided by federal or state agencies in consultation with affected state and local government representatives. Thereafter, DLCD will notify the local governments if the new hazard information requires a local response. If it does, then the local governments must: (1) evaluate the risk to people and property based on the new information and other factors (including the frequency, severity, and location of the hazard, its future effects on existing and future development, and the potential for development in the hazard area to increase the frequency and severity of the hazard); (2) allow opportunity for citizen review and comment on the inventory information and the results of the evaluation; and (3) adopt or amend, as necessary, plan policies and implementation measures consistent with the principles of (a) avoiding development in hazard areas where the risk to people and property cannot be mitigated and (b) prohibiting the siting of essential facilities in identified hazard areas "where the risk to public safety cannot be mitigated, unless an essential facility is needed within a hazard area in order to provide essential emergency response services in a timely manner."

Since the amendments to Goal 7 took effect, DLCD has taken no action that, in turn, would require Yamhill County to set in motion the procedures in Goal 7. Accordingly, the proposed Newberg Dundee Bypass/New Oregon Highway 18 facility complies with Goal 7. It is noted that the project will affect some known hazards to development, including soil erosion and floodplains. However, according to the LDEIS, employing proper construction practices and mitigation measures (including Best Management Practices) can control erosion during project construction.⁴⁴

Goal 8 (Recreational Needs)

Goal 8 provides for local governments to meet the recreational needs of the citizens of Oregon. The Newberg Dundee Bypass/New Oregon Highway 18 facility will further Goal 8's objectives by improving access to recreational destination areas such as the Oregon coast, Yamhill County wineries, and the Spirit Mountain Casino. The Bypass could impede local access from the

⁴⁴ LDEIS at 6-6.

Oregon 99W corridor to the Willamette River Greenway. However, this impact can be mitigated through the provision of crossing streets. This issue will be addressed in IAMPs developed and adopted during the design phase of the project.

Goal 9 (Economic Development)

Goal 9 requires local governments to adopt comprehensive plans and policies that "contribute to a stable and healthy economy in all regions of the state." Yamhill County's comprehensive plan has been acknowledged to comply with Goal 9. Although Newberg Dundee Bypass/New Oregon Highway 18 facility does not involve lands subject to Goal 9,⁴⁵ it is noted that the bypass facility will displace some highway-related commercial uses located outside the Newberg, Dundee, and Dayton UGBs. Nonetheless, these facilities will have generally positive long-term economic impacts to areas that are subject to Goal 9. In particular, the Newberg Dundee Bypass/New Oregon Highway 18 facility will improve mobility and accessibility generally, and freight movement in particular, throughout the Newberg-Dundee urban area, thus resulting in substantially reduced congestion and hours of delay when compared to a No-Build alternative.

Goal 10 (Housing)

Goal 10 requires local governments to do their fair share to provide for the housing needs of people of all income levels. Under Goal 10, cities and counties must inventory "buildable lands" for residential use and encourage the availability of adequate numbers of needed housing units at price ranges and rent levels that are commensurate with the financial capabilities of Oregon households.

"Buildable lands" are defined in Goal 10 as lands *inside* urban growth boundaries that are suitable, available, and necessary for residential use. Hence, Goal 10 does not apply to the affected unincorporated areas in which the Newberg Dundee Bypass/New Oregon Highway 18 facility is proposed. It may be that the facility, as a whole, will impact Goal 10 resources. To the extent that this occurs inside Newberg or Dundee, the issue would have arisen when those cities adopted their TSPs authorizing the Bypass.

Goal 11 (Public Facilities and Services)

Goal 11 requires local governments to plan and develop a timely, orderly, and efficient arrangement of public facilities and services. The goal provides that urban and rural development "be guided and supported by types and levels of services appropriate for, but limited to, the needs and requirements of the urban, urbanizable and rural areas to be served." The Public Facilities Planning Rule, OAR 660, Division 11, implements Goal 11.

Outside a UGB, the level of service provided by the Newberg Dundee Bypass/New Oregon Highway 18 facility would exceed that appropriate for and needed to serve the rural area. Accordingly, a Goal 11 exception is required and has been approved by Yamhill County. See Section 7 of the Goal Exception document (Appendix B).

Goal 12 (Transportation)

Goal 12 requires local governments to "provide and encourage a safe, convenient and economic transportation system." Goal 12 is implemented through the Transportation Planning Rule, OAR 660, Division 12. Compliance with the relevant TPR criteria is addressed in Sections 6 and 7 of the

⁴⁵ Goal 9 applies only to urban and unincorporated lands inside UGBs. See OAR 660-009-0010(1). Planning for industrial and commercial uses outside of UGBs is not required or restricted by LCDC's rule implementing Goal 9.

Goal Exception document (Appendix B). For the reasons stated therein, the Newberg Dundee Bypass/New Oregon Highway 18 complies with the TPR and with Goal 12.

Goal 13 (Energy Conservation)

Goal 13 directs cities and counties to manage and control land and uses developed on the land to maximize the conservation of all forms of energy, based on sound economic principles.

Highways are not generally synonymous with the notion of energy conservation. However, Goal 13 does not prohibit new highways or improvements to existing highways. Indeed, such an interpretation would conflict with provisions in Goal 12 and the TPR authorizing highway facilities and improvements as part of an overall multimodal transportation plan.

The Newberg Dundee Bypass/New Oregon Highway 18 facility is intended to improve statewide and regional mobility through the area and to make existing Oregon 99W more accessible for local and regional traffic. The Bypass facility will relieve the substantial traffic congestion that already exists along Oregon 99W and that will deteriorate only further in the absence of the Bypass. Facilitating the smooth flow of traffic at acceptable levels of service also helps conserve fuel by avoiding the wasteful burning of fuel at intersections already above capacity or expected to exceed capacity during the planning period.

Goal 14 (Urbanization)

Goal 14 requires local governments to establish urban growth boundaries in accordance with seven factors listed in the goal in order to separate urban and urbanizable lands from rural lands. Goal 14 also mandates the orderly and efficient conversion of urbanizable land to urban uses. Pursuant to Goal 14, the Cities of Newberg and Dundee, in coordination with Yamhill County, have established UGBs for their respective urban areas.

Under Goal 14, urban and urbanizable lands are available for urban uses. However, Goal 14 prohibits urban uses on rural lands. To locate urban uses on rural lands, local governments either must expand the UGB to include the subject property or take a Goal 14 exception setting forth reasons why urban development should be allowed on rural land and explaining why the urban use cannot reasonably be located inside the UGB.

A four-lane limited access highway facility is considered to be an urban use because it serves transportation needs well beyond those of the affected rural area. This causes no problem inside a UGB, where urban uses are authorized. Hence, the Newberg Dundee Bypass/New Oregon Highway 18 facility, where located inside the Newberg and Dundee UGBs, complies with Goal 14. However, outside those UGBs, the Bypass violates Goal 14 by placing an urban use on rural land. This is permitted only through an exception to Goal 14. The justification for an exception to Goal 14 is set forth above in Section 7 of the Goal Exception document (Appendix B).

Goal 15 (Willamette River Greenway)

Not applicable. The Newberg Dundee Bypass/New Oregon Highway 18 facility does not directly impact lands inside the Willamette River Greenway.