

AGREEMENT OF UNDERSTANDING

Newberg-Dundee Bypass Phase 1/OR 219/Wilsonville Road

THIS AGREEMENT is made and entered into by and between the CITY OF NEWBERG, hereinafter referred to as "Newberg"; STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State;" CITY OF WILSONVILLE, hereinafter referred to as "Wilsonville"; YAMHILL COUNTY, hereinafter referred to as "Yamhill"; CLACKAMAS COUNTY, hereinafter referred to as "Clackamas"; and LADD HILL NEIGHBORHOOD ASSOCIATION, hereinafter referred to as "Ladd Hill" all herein referred to individually or collectively as "Party" or "Parties."

RECITALS

1. Oregon Jobs and Transportation Act of 2009 (JTA) Program, hereinafter referred to as the "JTA Program", provides funding for preservation and modernization projects chosen by the Oregon Transportation Commission (OTC). On October 21, 2009 the OTC approved funding for the first phase of the Newberg Dundee Bypass project and amended the Statewide Transportation Improvement Program (STIP) to include the project.
2. Oregon Route 99W (OR 99W), Oregon Route 18 (OR 18) and Oregon Route 219 (OR 219), are part of the state highway system under the jurisdiction and control of the OTC. Springbrook Road and Wilsonville Road are part of the city street system under the jurisdiction and control of Newberg. Wilsonville Road outside of the Newberg city limits is under the jurisdiction of Yamhill, Clackamas and Wilsonville. The first phase of the Newberg-Dundee Bypass will be temporarily routed on Springbrook Road and will affect the intersection at Wilsonville Road. This Agreement will address only those portions of the street system within the corporate limits of the City of Newberg and within Yamhill County.
3. Phase 1 of the Newberg-Dundee Bypass (Bypass) will construct two (2) lanes, one (1) in each direction of the four (4) lane Bypass between City of Newberg and City of Dundee; approximately four (4) miles in length. Phase 1 will also include required local circulation improvements needed to accommodate construction of this phase of the Bypass. The Bypass, in Phase 1, will have access points at the two ends, OR 219 in Newberg and OR 99W south of Dundee. The Bypass is designated an expressway and will operate at fifty-five (55) miles per hour. The connection at OR 99W (Dundee) is a temporary connection and may be removed when the Bypass is extended to OR 18 in City of Dayton. This Agreement will address the Project elements constructed within Newberg's corporate limits and within Yamhill County as represented in Exhibits A and B.
4. Newberg and State have entered into an agreement, COOPERATIVE IMPROVEMENT AGREEMENT Oregon Route 18: Newberg-Dundee Bypass - Phase 1 City of Newberg.
5. Yamhill and State are currently in negotiations to enter into an agreement, COOPERATIVE IMPROVEMENT AGREEMENT Oregon Route 18: Newberg-Dundee Bypass - Phase 1W.

6. The City of Newberg amended its Transportation System Plan in 2013 at the request of State to reflect the approved Phase 1 Bypass which included a full movement intersection at OR 219/Phase 1 Bypass/Wilsonville Road.
7. The Parties have been discussing impacts of the Newberg-Dundee Bypass Phase 1 as it relates to the intersection design at OR 219, OR 18 (Newberg-Dundee Bypass Phase 1) and Wilsonville Road for traffic patterns and safety concerns on Wilsonville Road and Newberg's local street system through a Comprehensive Plan Text Amendment to the Newberg Transportation System Plan (CPTA-15-002). State has requested a modification to the intersection design to establish a "No Thru Traffic" option with no direct connection provided between the Newberg-Dundee Bypass Phase 1 and Wilsonville Road.
8. The Newberg Planning Commission adopted Resolution No. 2015-311 recommending that the Newberg City Council delay their vote on the Comprehensive Plan Text Amendment to the Newberg Transportation System Plan until March 2016 to allow time for all entities to meet in an effort to mitigate impacts of the final decision.

TERMS OF UNDERSTANDING

STATE

1. State agrees to the following activities related to OR 219, OR 18 (Newberg-Dundee Bypass Phase 1) and Wilsonville Road:
 - a. Identify and allocate funding by April 30, 2016 to design and building the Final Environmental Impact Statement (FEIS) Wilsonville Road Relocation shown as Exhibit A, and associated existing Wilsonville Road modifications.
 - b. Advance the design solution for Wilsonville Road that represents FEIS Wilsonville Road Relocation; see Exhibit A, which includes but is not limited to right-of-way, design and construction by July 31, 2020.
 - c. Modify the Transportation System Plan amendment for the FEIS Wilsonville Road Relocation.
 - d. Modify the construction contract for Phase 1G (Springbrook Road) to include the following:
 - i. Remove the Wilsonville Road connection to OR 219 at the OR 18 (Newberg-Dundee Bypass Phase 1) intersection by May 1, 2016.
 - ii. Retain the current Wilsonville Road alignment and connection with Springbrook Road (Exhibit B).
 - iii. Include a temporary right-in, right-out intersection for Wilsonville Road at the Wilsonville Road and Springbrook Road intersection that may include construction of a traffic median (see Exhibit B).
 - e. Construction of FEIS Wilsonville Road Relocation shall include:

- i. Removal of the temporary right-in, right-out intersection for Wilsonville Road at the Wilsonville Road and Springbrook Road intersection including the traffic median.
 - ii. Modification of Wilsonville Road south of Springbrook Road to be a cul-de-sac street.
 - iii. Working with Newberg and Yamhill to ensure access to impacted properties from the relocation of FEIS Wilsonville Road Relocation.
- f. Cooperate with Newberg to modify the COOPERATIVE IMPROVEMENT AGREEMENT Oregon Route 18: Newberg-Dundee Bypass - Phase 1 City of Newberg to reflect the State's obligations in compliance with this Agreement of Understanding.
 - g. Cooperate with Newberg to make necessary Newberg Comprehensive Plan and Transportation System Plan amendments in compliance with this Agreement of Understanding.
 - h. Cooperate with Yamhill to execute the COOPERATIVE IMPROVEMENT AGREEMENT Oregon Route 18: Newberg-Dundee Bypass - Phase 1 W to reflect the State obligations in compliance with this Agreement of Understanding.
 - i. Cooperate with Yamhill to amend the Yamhill County Comprehensive Plan and Transportation System Plan, if necessary, to ensure compliance with this Agreement of Understanding.
 - j. Submit a quarterly status report starting in May 2016 and every three months thereafter to all signatories of this Agreement (eMail is sufficient), with a courtesy copy to the Governor's Office, Parkway Committee and local State representatives, including progress on Agreement milestones, emerging issues and proposed mitigation.

NEWBERG

1. Newberg agrees to the following activities related to OR 219, OR 18 (Newberg-Dundee Bypass Phase 1) and Wilsonville Road:
 - a. Agrees to FEIS Wilsonville Road Relocation shown as Exhibit A and associated TERMS OF UNDERSTANDING, STATE 1.b., d. and e.
 - b. Not object to the modification of the Transportation System Plan amendment for the FEIS Wilsonville Road Relocation with Newberg.
 - c. Cooperate with State to modify the COOPERATIVE IMPROVEMENT AGREEMENT Oregon Route 18: Newberg-Dundee Bypass - Phase 1 City of Newberg to reflect the State obligations of the Agreement of Understanding.
 - d. Cooperate with State to make necessary Newberg Comprehensive Plan and Transportation System Plan amendments in compliance with this Agreement of Understanding.

- e. Support the final draft of the COOPERATIVE IMPROVEMENT AGREEMENT Oregon Route 18: Newberg-Dundee Bypass - Phase 1 W and any Yamhill County Comprehensive Plan and Transportation System Plan amendments, if necessary, to ensure compliance with this Agreement of Understanding.

YAMHILL COUNTY

1. Yamhill agrees to the following activities related to OR 219, OR 18 (Newberg-Dundee Bypass Phase 1) and Wilsonville Road:
 - a. Agrees to FEIS Wilsonville Road Relocation shown as Exhibit A and associated TERMS OF UNDERSTANDING, STATE 1.b., d., and e.
 - b. Cooperate with State to execute the COOPERATIVE IMPROVEMENT AGREEMENT Oregon Route 18: Newberg-Dundee Bypass - Phase 1 W to reflect the State obligations of the Agreement of Understanding.
 - c. Cooperate with State to amend the Yamhill County Comprehensive Plan and Transportation System Plan amendments, if necessary, to ensure compliance with this Agreement of Understanding.
 - d. Support modifications of the COOPERATIVE IMPROVEMENT AGREEMENT Oregon Route 18: Newberg-Dundee Bypass - Phase 1 City of Newberg and Newberg Comprehensive Plan and Transportation System Plan amendments in compliance with this Agreement of Understanding.
 - e. Not request a Compatibility Determination through the Department of Land Conservation and Development once the following conditions have been met:
 - i. ODOT has verified that the thru-thru design has been removed from the Phase 1 contract;
 - ii. ODOT has modified the Newberg Comprehensive Plan and Transportation System Plan amendment request; and
 - iii. Necessary Yamhill Comprehensive Plan and Transportation System Plan amendments consistent with FEIS Wilsonville Road Relocation have been approved by Yamhill.

WILSONVILLE

1. Wilsonville agrees to the following activities related to OR 219, OR 18 (Newberg-Dundee Bypass Phase 1) and Wilsonville Road:
 - a. Agrees to FEIS Wilsonville Road Relocation shown as Exhibit A and associated TERMS OF UNDERSTANDING, STATE 1.b., d. and e.
 - b. Support modifications of the COOPERATIVE IMPROVEMENT AGREEMENT Oregon Route 18: Newberg-Dundee Bypass - Phase 1 City of Newberg, COOPERATIVE IMPROVEMENT AGREEMENT Oregon Route 18: Newberg-Dundee Bypass - Phase 1 W, Newberg Comprehensive Plan and Transportation System Plan amendments in compliance with

this Agreement of Understanding, and any amendments to the Yamhill County Comprehensive Plan and Transportation System Plan, if necessary, to ensure compliance with this Agreement of Understanding.

- c. Not request a Compatibility Determination through the Department of land conservation and Development once the following conditions have been met:
 - i. ODOT has verified that the thru-thru design has been removed from the Phase 1 contract;
 - ii. ODOT has modified the Newberg Comprehensive Plan and Transportation System Plan amendment request; and
 - iii. Necessary Yamhill Comprehensive Plan and Transportation System Plan amendments consistent with FEIS Wilsonville Road Relocation have been approved by Yamhill.

CLACKAMAS COUNTY

- 1. Clackamas agrees to the following activities related to OR 219, OR 18 (Newberg-Dundee Bypass Phase 1) and Wilsonville Road:
 - a. Agrees to FEIS Wilsonville Road Relocation shown as Exhibit A and associated TERMS OF UNDERSTANDING, STATE 1.b., d. and e.
 - b. Support modifications of the COOPERATIVE IMPROVEMENT AGREEMENT Oregon Route 18: Newberg-Dundee Bypass - Phase 1 City of Newberg, COOPERATIVE IMPROVEMENT AGREEMENT Oregon Route 18: Newberg-Dundee Bypass - Phase 1 W, Newberg Comprehensive Plan and Transportation System Plan amendments in compliance with this Agreement of Understanding, and any amendments to the Yamhill County Comprehensive Plan and Transportation System Plan, if necessary, to ensure compliance with this Agreement of Understanding.
 - c. Not request a Compatibility Determination through the Department of Land Conservation and Development once the following conditions have been met:
 - i. ODOT has verified that the thru-thru design has been removed from the Phase 1 contract;
 - ii. ODOT has modified the Newberg Comprehensive Plan and Transportation System Plan amendment request ; and
 - iii. Necessary Yamhill Comprehensive Plan and Transportation System Plan amendments consistent with FEIS Wilsonville Road Relocation have been approved by Yamhill.

LADD HILL

- 1. Ladd Hill agrees to the following activities related to OR 219, OR 18 (Newberg-Dundee Bypass Phase 1) and Wilsonville Road:
 - a. Agrees to FEIS Wilsonville Road Relocation shown as Exhibit A and associated TERMS OF UNDERSTANDING, STATE 1.b., d. and e.

- b. Support modifications of the COOPERATIVE IMPROVEMENT AGREEMENT Oregon Route 18: Newberg-Dundee Bypass - Phase 1 City of Newberg, COOPERATIVE IMPROVEMENT AGREEMENT Oregon Route 18: Newberg-Dundee Bypass - Phase 1 W, Newberg Comprehensive Plan and Transportation System Plan amendments in compliance with this Agreement of Understanding, and any amendments to the Yamhill County Comprehensive Plan and Transportation System Plan, if necessary, to ensure compliance with this Agreement of Understanding.
- c. Not request that a local government or state agency request a Compatibility Determination through the Land Conservation and Development Department once the following conditions have been met:
 - i. ODOT has verified that the thru-thru design has been removed from the Phase 1 contract;
 - ii. ODOT has modified the Newberg Comprehensive Plan and Transportation System Plan amendment request ; and
 - iii. Necessary Yamhill Comprehensive Plan and Transportation System Plan amendments consistent with have been approved by Yamhill.

GENERAL PROVISIONS

- 1. This Agreement may be further refined by subsequent agreements, comprehensive plan amendments and transportation system plan amendments that clarify the purpose and intent of advancing FEIS Wilsonville Road Relocation, and the temporary Wilsonville Road and Springbrook Road connection (see Exhibits A & B), as the preferred option for the alignment of Wilsonville Road with OR 219.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its TERMS OF UNDERSTANDINGS.

- Exhibits:
- A. Final Environmental Impact Statement (FEIS) Wilsonville Road Relocation
 - B. Temporary Right In/Right Out at Springbrook Road/Wilsonville Road

CITY OF NEWBERG

Bob Andrews, Mayor

Date

OREGON DEPARTMENT OF TRANSPORTATION

Matthew Garrett, Director

Date

CITY OF WILSONVILLE

Tim Knapp, Mayor

Date

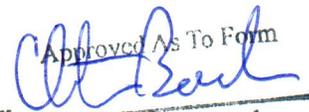
YAMHILL COUNTY



Mary Starrett, Chair

3-10-16

Date

Approved As To Form

by _____
Christian Boenisch
County Counsel
Yamhill County

CLACKAMAS COUNTY

John Ludlow, Chair

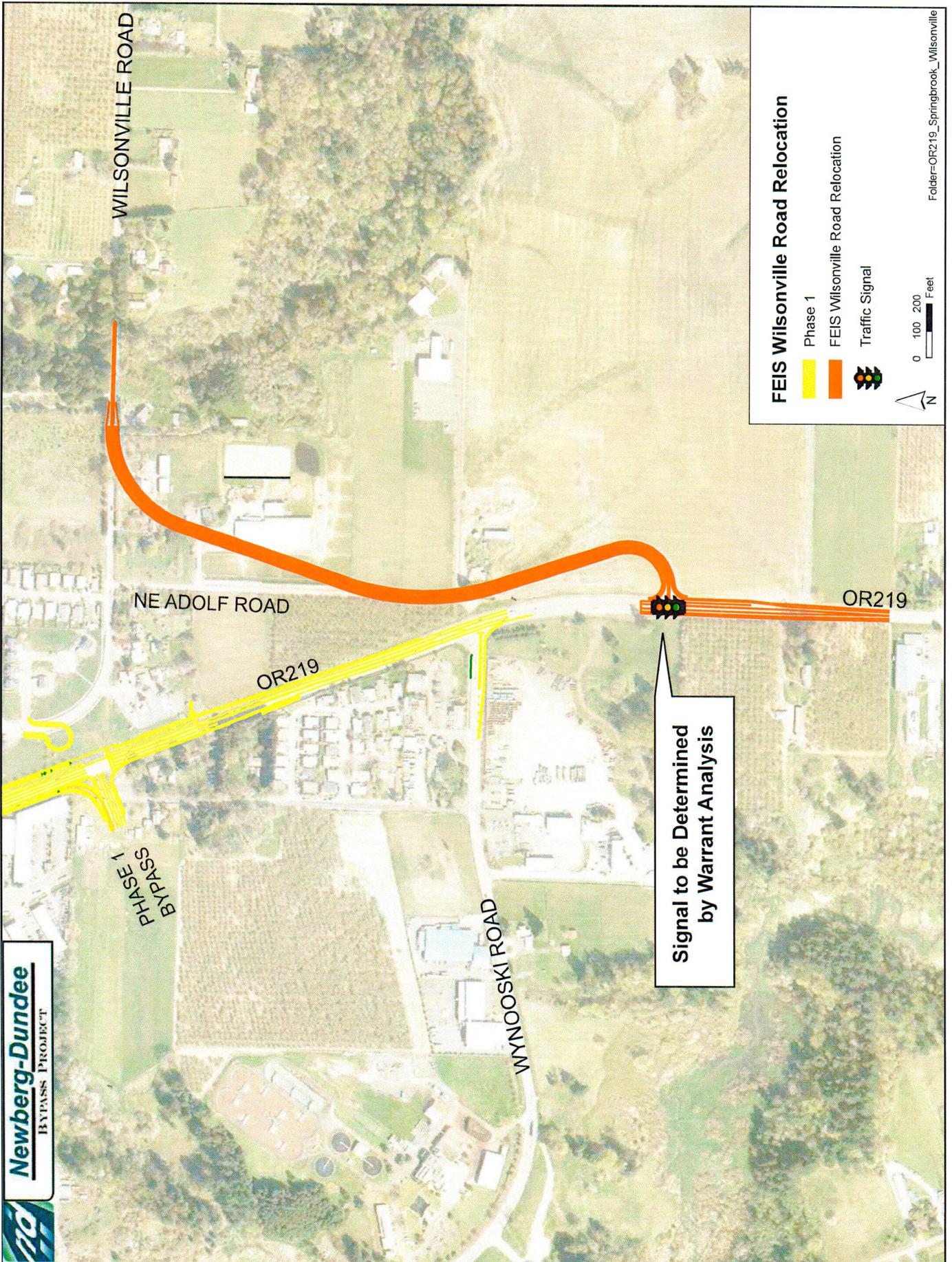
Date

LADD HILL NEIGHBORHOOD ASSOCIATION

Stan Halle, Chair Bypass Impact Committee

Date

Accepted by Yamhill County
Board of Commissioners on
3.10.16 by Board Order
16-82



B.O. 16-82



B.O. 11e-82