

FILED
YAMHILL COUNTY, OREGON
1991 FEB -1 PM 2:42
CHARLES STERN
COUNTY CLERK

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL
SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

91-059

In the Matter of the Adoption)
of an Ordinance Amending the)
Revised Goals and Policies of)
the Yamhill County Comprehensive)
Land Use Plan, Ordinance No. 206,)
as Amended, Relating to Trans-)
portation and Economic Develop-)
ment; Planning Docket G-3-90; and)
Declaring an Emergency)
ORDINANCE 517

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board), sat for the transaction of county business in special session on January 30, 1991, Commissioners Dennis L. Goecks, Ted Lopuszynski and Debi Owens being present.

WHEREAS, the Oregon Department of Transportation has completed a "reconnaissance study" of a route to ease traffic congestion through the cities of Newberg and Dundee for submittal to the Oregon Transportation Commission; and

WHEREAS, Yamhill County, Newberg and Dundee should cooperate and coordinate planning efforts to ensure that local comprehensive land use plans and regulations are in place to ensure consistency with state requirements relative to new access highway developments; and

WHEREAS, the three plan policies established by this Ordinance were considered by the Newberg Area Management Commission on November 13, 1990 and unanimously recommended for adoption by the Board; and

WHEREAS, on January 9, 1991 the Board held a public hearing on adoption of the comprehensive plan policies established by this Ordinance and received no adverse testimony; NOW, THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. The Revised Goals and Policies of the Yamhill County Comprehensive Land Use Plan, Ordinance 206, as amended, is amended by the addition of the following policies:

- a. The following new policy is added to and made a part of Subsection "G" ("Commercial Development") of Section "I" ("Urban Growth and Change and Economic Development"):

"h. 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."

b. The following new policy is added to and made a part of Subsection "G" ("Commercial Development") of Section "I" ("Urban Growth and Change and Economic Development"):

"i. To maintain the integrity and function of the highway system, new commercial development shall be discouraged along the route of any limited-access highway."

c. The following new policy is added to and made a part of Subsection "A" ("Transportation") of Section "III" ("Transportation, Communications and Public Utilities"):

"r. The County will continue to work with the State, the City of Newberg and the City of Dundee on alternatives for routing Highway 99W traffic through or around Newberg and Dundee."

Section 2. In support of the amendments made by Section 1, the Board adopts the Staff Report attached as Exhibit "A", which is by reference made a part of this Ordinance.

Section 3. If any part of Section 1 is found to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall continue in full force and effect unless any part, standing alone, is incapable of being executed in accordance with legislative intent.

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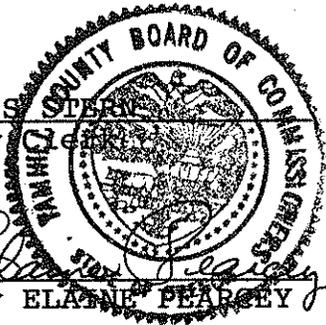
Section 4. This ordinance being necessary for the health, safety and welfare of the citizens of Yamhill County, and an emergency being declared to exist, shall become effective upon passage.

DONE at McMinnville, Oregon this 30th day of January, 1991.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES SPERRY
County Clerk



By: Elaine Pearcy
Deputy ELAINE PEARCEY

Dennis L. Goecks
Chairman DENNIS L. GOECKS

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI

FORM APPROVED BY:

John M. Gray, Jr.
JOHN M. GRAY, JR.
Yamhill County Counsel

Debi Owens
Commissioner DEBI OWENS

ptrarevpol.gor

EXHIBIT "A"
ORDINANCE 517

STAFF REPORT

YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
December 18, 1990

FILE 51 PAGE 1704

DOCKET: G-3-90
PROPONENT: Yamhill County
TOPIC: Amendment of Comprehensive Plan policies.

FINDINGS:

A. Background

The Oregon Department of Transportation has recently completed a reconnaissance study of a Highway 99W bypass to divert traffic around Newberg and Dundee. The study examines various alternatives that would relieve traffic congestion on Highway 99W, including a north bypass, a south bypass, and improvements along the existing route.

The reconnaissance study represents the first step in development of a bypass route around Newberg-Dundee. The reconnaissance study will be submitted to the State Transportation Commission, who will decide whether the project will be put in the Six-year Highway Improvement Program.

To facilitate the process for development of a bypass or Highway 99W improvements, Yamhill County, Dundee and Newberg must cooperate and coordinate planning efforts. This can be accomplished by thorough review of local comprehensive plan policies to ensure that policies are consistent and satisfy state requirements. This report reviews Comprehensive Plan policies for Yamhill County that have been proposed to be added to help insure those requirements are met.

The existing Comprehensive Plan goals and policies were reviewed by planning staff from Newberg and Yamhill County to identify any that may be inconsistent with the intent of the proposed Highway 99W project. The goals of the project were stated in the reconnaissance study as:

1. The goal of the Access Oregon Highway System is to provide for economic growth of Oregon. Moving through traffic safely and efficiently between geographic and major economic areas within Oregon, between Oregon and adjacent states, and to and through major metropolitan areas.
2. Achieve a network of high speed facilities which will provide maximum levels of service at the highest safe

operating speeds possible. Transport goods and people between economic centers and the interstate system with minimum amounts of delay.

3. Improve the safety of the roadway for pedestrians and vehicular traffic.
4. Provide an aesthetically pleasing corridor for increased tourism and facilitate planning growth in and around the community, in accordance with City and County comprehensive plans.
5. Decrease traffic congestion through the cities of Newberg and Dundee. Improving the accessibility for all forms of traffic, especially commercial, to and through the Newberg/Dundee area.

It was the advice of Oregon Department of Transportation personnel that the Comprehensive Plans not contain policies that favor one alternative, because it could conflict with completion of the project should a different alternative be selected.

B. Specific Proposals

Staff did not identify any goals or policies in the Yamhill County Comprehensive Plan that were inconsistent with project goals, so no deletions or alterations of existing policies are recommended. Three new policies have been developed to be added, however. These are explained below.

1. For Section I, "Urban Growth and Change and Economic Development," Subsection G, "Commercial Development," two new policies are proposed as follows:
 - h. 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.
 - i. To maintain the integrity and function of the highway system, new commercial development shall be discouraged along the route of any limited-access highway.

These policies primarily concern project Goals 2 and 5. If a bypass alternative is selected, the intent of the Highway Division is to provide a high-speed route for motorists not intending to stop at Newberg or Dundee (i.e., through

traffic). Consequently, local and highway-commercial traffic needs to be minimized. The proposed policies do not state they apply only to a bypass, but there are no other limited-access highways in the County.

The Goal statement these policies would implement is:

To create an environment for commercial development which will preserve and enhance the vitality of the central business districts, assure safer, more convenient and attractive community and neighborhood commercial centers, and protect prime commercial sites for use in advance of need.

The proposed policies do not appear to conflict with this goal. There are, in addition, existing policies to contain commercial development within Urban Growth Boundaries and discourage strip commercial development. The new policies are consistent with these as well.

2. One new policy is proposed for Section III, "Transportation, Communications, and Public Utilities," Subsection A, "Transportation." This policy is:

- r. The County will continue to work with the State, the City of Newberg, and the City of Dundee on alternatives for routing Highway 99W traffic through or around Newberg and Dundee.

This policy is intended to supplement existing policies to make it clear the County supports a solution to the congestion on Highway 99W. This policy does not favor one alternative over another, so it will not conflict with whatever solution is finally chosen.

The proposed policy does not conflict with the transportation goal of providing efficient, safe, convenient, and economic transportation for local and regional users of a variety of transportation systems in the County. No current transportation policies address traffic congestion or the Newberg-Dundee area specifically, so no conflicts have been identified in that regard.

C. Statewide Goals

1. The policies discussed in Finding B.1 have effect on commercial development only, so the resource goals (3 through 6) are not affected. The policy described in Finding B.2 affects only transportation planning generally,

not specific facilities or plans, so it also is not related to the resource goals. Similarly, goals 7 (natural hazards), 8 (recreational needs), 10 (housing), 11 (public facilities), 13 (energy conservation), and 15 (Willamette River Greenway) are not relevant. Several of these could apply if specific routes or transportation plans were involved, but that is not the case.

2. Goal 9, Economic Development, is:

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

This goal is potentially relevant because the Oregon Administrative Rules that implement this goal (OAR 660-09-000) deal with industrial and commercial development within an Urban Growth Boundary (UGB). The policies proposed in Finding B.2 concern commercial development. The rules deal only with planning for economic opportunities and designating lands for industrial and economic development.

The effect the proposed policies would have regarding Goal 9 is on land zoned for commercial use in the unincorporated portion of the urban growth areas, and on proposals for zone changes to a commercial designation near a limited-access highway in those areas.

Policy I.G.1.h would constrain vehicular access to these developments, which is not addressed by OAR 660-09-000. Policy I.G.1.i would be a consideration in requests to redesignate land to commercial, and in development of currently-designated commercial land. OAR 660-09-025 addresses designation of commercial land, and specifies the planning process required. The proposed policies would not conflict with these rules. The policy is framed in a manner that highway-oriented development would not be prohibited along a limited-access highway, so owners of land already zoned commercial would not necessarily be limited in the use of their land. The policy would be a consideration in requests for zone changes inside UGB's, however, and could factor into any decision.

3. Goal 12, Transportation, is:

To provide and encourage a safe, convenient and economic transportation system.

There are no administrative rules that implement this goal, but there are guidelines on planning and implementation contained in the goal statement (attached). The planning guidelines address the need for transportation studies, and factors to be considered during transportation planning and facilities siting. The policy proposed in Finding B.2 is consistent with these requirements because it commits the county to assist in the effort to alleviate a transportation problem. It does not focus on any particular study, plan, alignment, or facility. No conflict with Goal 12 planning guidelines is foreseen.

The implementation guidelines address coordination between jurisdictions, conformity with comprehensive plans, and identification of impacts regarding specific projects and programs. The policy proposed in Finding B.2 does not concern any one facility, but is rather a statement in support of cooperation with solving a problem. A specific program and project will be the desired result, but the proposed policy is more general than what is addressed by Goal 12.

RECOMMENDATION:

The proposed policies were considered at a public hearing with the Newberg Urban Area Management Commission (NUAMC), pursuant to Section VI of the Newberg Urban Area Growth Management Agreement. The Commission also considered amendments to the cities of Newberg and Dundee Comprehensive Plans. NUAMC voted unanimously to recommend to the Board adoption of the County policies as they are portrayed in this report.

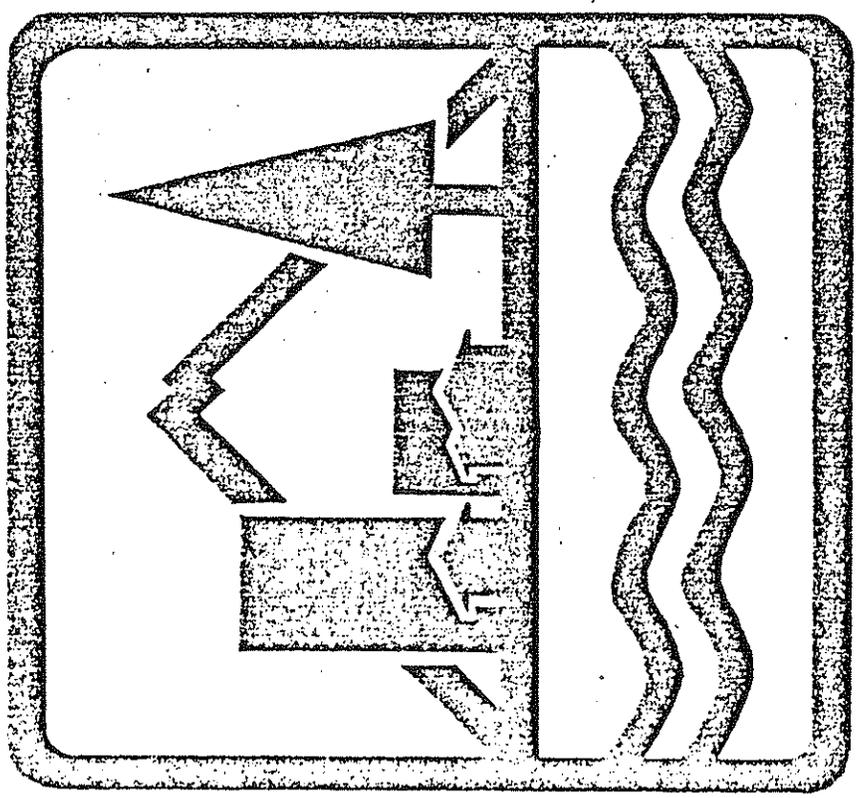
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OREGON'S STATEWIDE PLANNING GOALS

1990

FROM:

Land
Conservation
and
Development
Commission



GOAL

To provide and encourage a safe, convenient and economic transportation system.

A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.

Transportation -- refers to the movement of people and goods.

Transportation Facility -- refers to any physical facility that moves or assists in the movement of people and goods excluding electricity, sewage and water.

Transportation System -- refers to one or more transportation facilities that are planned, developed, operated and maintained in a coordinated manner to supply continuity of movement between modes, and within and between geographic and jurisdictional areas.

Mass Transit -- refers to any form of passenger transportation wheelchairs members of the public on a regular and continuing basis.

Transportation Disadvantaged -- refers to those individuals who have difficulty in obtaining transportation because of their age, income, physical or mental disability.

GUIDELINES

A. PLANNING

1. All current area-wide transportation studies and plans should be revised in coordination with local and regional comprehensive plans and submitted to local and regional agencies for review and approval.

2. Transportation systems, to the fullest extent possible, should be planned to utilize existing facilities and rights-of-way within the state provided that such use is not inconsistent with the environmental, energy, land-use, economic or social policies of the state.

3. No major transportation facility should be planned or developed outside urban boundaries on Class I and II agricultural land, as defined by the U.S. Soil Conservation Service unless no feasible alternative exists.

4. Major transportation facilities should avoid dividing existing economic farm units and urban social units unless no feasible alternative exists.

5. Population densities and peak hour travel patterns of existing and planned developments should be considered in the choice of transportation modes for trips taken by persons. While high density developments with concentrated trip origins and destinations should be designed to be principally served by mass transit, low-density developments with dispersed origins and destinations should be principally served by the auto.

6. Plans providing for a transportation system should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

(Continued on next page)

12. TRANSPORTATION (continued)

- B. IMPLEMENTATION**
1. The number and location of major transportation facilities should conform to applicable state or local land use plans and policies designed to direct urban expansion to areas identified as necessary and suitable for urban development. The planning and development of transportation facilities in rural areas should discourage urban growth while providing transportation service necessary to sustain rural and recreational uses in those areas so designated in the comprehensive plan.
 2. Plans for new or for the improvement of major transportation facilities should identify the positive and negative impacts on:
 - (1) local land use patterns, (2) environmental quality, (3) energy use and resources, (4) existing transportation systems and (5) fiscal resources in a manner sufficient to enable local governments to rationally consider the issues posed by the construction and operation of such facilities.
 3. Lands adjacent to major mass transit stations, freeway interchanges, and other
 4. Plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those governmental bodies operating in the planning area and having interests in carrying out the goal.

13. ENERGY CONSERVATION

- GOAL**
- To conserve energy.
- Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.
- GUIDELINES**
- A. PLANNING**
1. Priority consideration in land use planning should be given to methods of analysis and implementation measures that will assure achievement of maximum efficiency in energy utilization.
- The allocation of land and uses permitted
- depletion of non-renewable sources of energy.
3. Land use planning should, to the maximum extent possible, seek to recycle and re-use vacant land and those uses which are not energy efficient.
 4. Land use planning should, to the maximum extent possible, combine increasing density gradients along high capacity transportation corridors to achieve greater energy efficiency.
 5. Plans directed toward energy conservation within the planning area should consider as a major determinant the existing and potential capacity of the renewable energy sources to yield useful energy output. Renewable energy sources include water, sunshine, wind, geothermal heat and
- B. IMPLEMENTATION**
1. Land use plans should be based on utilization of the following techniques and implementation devices which can have a material impact on energy efficiency:
 - a. Lot size, dimension, and siting controls;
 - b. Building height, bulk and surface area;
 - c. Density of uses, particularly those which relate to housing densities;
 - d. Availability of light, wind and air;
 - e. Compatibility of and competition between competing land use activities; and
 - f. Systems and incentives for the collection, reuse and recycling of metallic and
- ever possible, land conservation and development activities provided for under such plans should utilize renewable energy sources.