

BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Approving Amendments to the Yamhill County Comprehensive Plan and Yamhill County Zoning Ordinance to Accommodate The Newberg-Dundee Transportation Improvement Project, Docket G-01-09, and Declaring an Emergency) Ordinance 838

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on June 17, 2009, Commissioners Leslie Lewis, Kathy George and Mary P. Stern being present.

IT APPEARING TO THE BOARD that, in co-operation with the Oregon Department of Transportation and local municipalities, Yamhill County needs to revise its Comprehensive Plan and Zoning Ordinance with several amendments to accommodate the proposed Newberg-Dundee Bypass project, and

IT APPEARING TO THE BOARD that the Planning Commission heard this matter at a duly noticed public hearing on May 7, 2009 and voted 7-0 to recommend approval, and the Board held a duly noticed legislative public hearing on June 3, 2009, and, after hearing from supporters (no opponenets being present) voted unanimously to approve the application, NOW, THEREFORE,

IT IS HEREBY ORDAINED BY THE BOARD, that the application is approved as detailed in the Amendments to the Comprehensive Plan and Zoning Ordinance, attached as Exhibits "A" and "B", and by this reference incorporated herein. This ordinance, being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective upon passage.

DONE this 17th day of June, 2009, at McMinnville, Oregon.

ATTEST: YAMHILL COUNTY BOARD OF COMMISSIONERS

REBEKAH STERN DOLAN County Clerk LESLIE LEWIS

By: Deputy Anne Britt Commissioner KATHY GEORGE

APPROVED AS TO FORM Commissioner MARY P. STERN

Rick Sanai, Assistant County Counsel

Exhibit "A" – Yamhill County Comprehensive Plan Amendments

The following amendments to the Yamhill County Comprehensive Plan (goals & policies) are hereby adopted for the Newberg-Dundee Bypass and interchange areas. The Summary under Section III.A (Transportation of the Comprehensive Plan) is hereby revised to read as follows:

SUMMARY

Yamhill County and ODOT have discussed ways to relieve traffic congestion on Oregon 99W through Newberg and Dundee for many years.

A Southern Bypass is included in Newberg's acknowledged Transportation System Plan and also is an element of Dundee's adopted Transportation System Plan.

ODOT initiated a tiered environmental impact statement to consider transportation alternatives for the Newberg-Dundee corridor. A Tier 1 Location Draft Environmental Impact Statement (LDEIS) was published in September 2002. The LDEIS evaluated eight Build Alternatives and a No Build Alternative.

Following the public comment period and public hearings on the LDEIS, the Project Oversight Steering Committee (which includes representatives of ODOT, the Federal Highway Administration, Yamhill County, and the Cities of Newberg, Dundee, Dayton and McMinnville) determined that a Bypass was needed to solve the region's growing traffic congestion problem.

The recommended four-lane Bypass (Modified Alternative 3J) extends for approximately 11 miles from the Rex Hill area east of Newberg to the intersection of Oregon 99W and Oregon 18 (McDougal Corner) near Dayton.

The Bypass will function as a high-speed statewide expressway and freight route as defined in the Oregon Highway Plan. The Bypass includes four associated interchanges at Dayton (directional), East Dundee (full movement), Oregon 219 (full movement) and East Newberg (directional). The Bypass and interchanges will be fully access controlled and no direct access will be allowed from private properties. The primary function of the Bypass is to provide for high-speed, through trips and to relieve congestion on Oregon 99W through the downtown areas of Newberg and Dundee.

ODOT and Yamhill County completed the local land use process for the location of the Bypass (corridor width of about 300 feet) before the record of decision was issued on the Location Final Environmental Impact Statement in 2005. The specific Bypass alignment within the wider location corridor will be determined in the Tier 2 Design Environmental Impact Statement.

Land use actions including goal exceptions were required for the portions of the Bypass located on rural lands. As part of the goal exception, Yamhill County adopted facility design and land use measures to minimize accessibility of rural lands from the proposed transportation facility and support continued rural use of surrounding lands. The new policies specific to the Bypass

were adopted concurrent with the goal exception to address the requirements of OAR 660-012-0070 of the Transportation Planning Rule. In addition, a new Interchange Area Overlay District was established and applied to implement the new plan policies.

2. Specific Policies for the Newberg-Dundee Bypass

- a. The functions of the Newberg-Dundee 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 vicinity of the interchanges. In general, need for commercial development should be accommodated in areas currently planned for commercial development within Newberg and Dundee. Plan amendments and zone changes shall be consistent with the function of the bypass and interchanges as set forth in this policy.
- b. Yamhill County will apply and maintain an Interchange Overlay District to for unincorporated county lands that are within approximately $\frac{1}{4}$ to $\frac{1}{2}$ mile of the interchange ramps
- c. Yamhill County will discourage expansion of urban growth boundaries toward the interchanges to support continued rural use of lands surrounding the interchanges and to protect the planned function and capacity of the Bypass and interchanges to serve primarily longer-distance through trips.
- d. Within the Interchange Overlay District, Yamhill County will permit all uses that are permitted outright or that may be authorized as conditional uses in the underlying zoning district(s).
- e. Yamhill County will provide notice to ODOT of certain land use and development applications within the boundaries of the Interchange Overlay District. ODOT may request that an applicant submit a traffic impact study or access plan before a land use application is accepted as complete by Yamhill County. Yamhill County zoning maps shall clearly indicate on a parcel-specific basis if property is within the planned right-of-way for the Newberg Dundee Bypass or interchanges.
- f. ODOT may coordinate with property owners/applicants on a voluntary basis to protect the planned right-of-way for the bypass and interchange; and to assure that proposed access points are located consistent with the anticipated access spacing standards for the interchange.
- g. Yamhill County will consider and may impose additional setback requirements or restrict use of the planned right-of-way to low intensity uses such as agriculture, parking or

storage in the interim period before right-of-way for the Newberg-Dundee Bypass is acquired by ODOT.

- h. The Newberg Dundee Bypass received final environmental approval of the corridor in August 2005. The second tier of the environmental process is for approval of the design of the facility and is expected to receive final approval in 2010 from the Federal Highway Administration. The Oregon Department of Transportation received funding to construct Phase 1 of the Newberg Dundee Bypass, which is a 2-lane facility from OR 219 near Wyooski Road in Newberg, around the southern portions of Newberg and Dundee, and reconnecting with OR 99W south of Dundee beyond Fulquartz Landing Road. This approximate 6-mile segment of the Newberg Dundee Bypass can be considered a planned facility. For purposes of compliance with the Transportation Planning Rule (OAR 660-012-060), other segments of the Bypass and associated interchanges (from Rex Hill to OR 219 and from Fulquartz Landing Road to Dayton) are not yet considered to be planned transportation facilities and cannot be relied upon for providing additional planned capacity until the Oregon Transportation Commission approves a financing plan for these segments of the Bypass project.
- i. Yamhill County will coordinate with ODOT and the affected jurisdictions to further explore and implement agreed upon elements of the Alternate Mode and Land Use Components of the Newberg-Dundee Transportation Improvement Project.
- j. Yamhill County will coordinate with ODOT and the affected jurisdictions and property owners to adopt Interchange Area Management Plans for each of the four interchanges, consistent with the requirements of the 1999 Oregon Highway Plan and OAR 734-051-0200(4). The interchange area management plans will address the following at a minimum: access management standards, road connections and local street circulation, compatible land uses and bypass termini protection. The interchange area management plans will be designed to protect the function and capacity of the interchanges for at least a 20 to 25-year planning period.
- k. These policies for the Newberg-Dundee Bypass and the provisions of the Interchange Overlay District shall be considered interim provisions that may be refined, revised or replaced as needed based on the Tier 2 Design EIS and/or the adopted Interchange Area Management Plans.

Ordinance 838 - Exhibit "B" – Amendments to the Yamhill County Zoning Ordinance

The following amendments to the Yamhill County Zoning Ordinance (Section 908.00 – Interchange Overlay District) are adopted for the Newberg-Dundee Bypass and interchange areas.

908.01 Purpose

The purpose of the Interchange Overlay District is to:

- A. Protect the planned function and capacity of the Newberg-Dundee Bypass (Bypass) as an “Expressway” as defined in the 1999 Oregon Highway Plan (OHP) by prohibiting direct private access to the Bypass and controlling access and managing land uses in the vicinity of the interchanges. The primary function of Expressways is to provide for interurban travel and connections to ports and major recreation areas with minimal interruptions. A secondary function is to provide for long distance intra-urban travel in metropolitan areas.
- B. Protect land designated for agriculture and rural development (e.g., exception areas) on the Yamhill County Comprehensive Plan from development pressures that could result from improved proximity, visibility, accessibility, and faster travel times associated with the four interchanges to the Bypass.
- C. Support continued rural use of lands surrounding the interchanges and protect the planned function and capacity of the Bypass and interchanges to serve primarily longer-distance through trips by retaining existing zoning within the Interchange Overlay District and discouraging expansion of urban growth boundaries (UGBs) toward the interchanges.
- D. Assure coordination between Yamhill County and ODOT on Site Design Review and access management within the Interchange Overlay District.
- E. Provide the opportunity for Yamhill County to recommend additional setbacks for voluntary use of the Bypass location corridor to for low intensity uses such as agriculture, parking or storage.

ODOT will prepare interchange area management plans for each of the four interchanges in partnership with Yamhill County, the affected cities and property owners. This Interchange Overlay District is intended as an interim land use tool that may be refined, revised or replaced as Interchange Area Management Plans are adopted for each of the four interchanges as required by the OHP and OAR 731-051-0200.

908.02 Area of Application of Interchange Overlay District

- A. The Interchange Overlay District shall apply to unincorporated lands within approximately ¼ mile (inside UGBs) to ½ mile (outside UGBs) of the end of the ramps to the following four interchanges to the Bypass:
 - 1. Dayton Interchange
 - 2. East Dundee Interchange
 - 3. Oregon 219 Interchange
 - 4. East Newberg Interchange
- B. The Interchange Overlay District shall be combined with at least one (1) underlying zoning district and may be combined with any zoning district pursuant to this ordinance. All property within the Interchange Overlay District shall be

subject both to the provisions of this section and to the underlying zoning district. Nothing in this section shall be construed as a waiver or suspension of the provisions of any underlying zoning district, or any other applicable overlay district.

- C. The general boundaries of the Interchange Overlay District are shown on Figure 908-1 and shall be delineated on a parcel-specific basis on the Official Zoning Map.

908.03 Interim Protection of Bypass Corridor through Site Design Review

- A. Yamhill County shall maintain a parcel-specific map that illustrates the Bypass corridor (about 300 feet wide) approved in the Record of Decision for the Location Final Environmental Impact Statement.
- B. In the interim period before construction of the Bypass, Yamhill County shall will coordinate with affected property owners and ODOT in an effort to avoid construction of permanent structures on the segments of the planned Bypass under Yamhill County jurisdiction.
- C. Site Design Review (see Section 1100 of this Ordinance) shall be required for development that includes all or a portion of a parcel within the Bypass corridor as described in A above. The County may waive the requirement for Site Design Review if a review of building plans indicates the proposed development will be located outside the Bypass corridor.
- D. Through the Site Design Review process, ODOT may recommend and Yamhill County may propose additional voluntary setbacks before the Bypass is constructed.
- E. The width of the Bypass corridor subject to Site Design Review shall be narrowed when the Record of Decision is issued for the Design-level Environmental Impact Statement.

908.04 Permitted Uses

- A. All uses of land and water that are permitted in the underlying zoning district(s) are also permitted in the Interchange Overlay District.
- B. All uses of land and water in the Interchange Overlay District are subject to the standards and limitations of the underlying zoning district(s), with the following additional limitations:
 - 1. All development within the boundaries of the Interchange Overlay District is subject to Site Design Review as outlined in Section 1100.

2. Through the Site Design Review process, ODOT may recommend, and Yamhill County may propose, that new development within the Interchange Overlay District maintain additional voluntary setbacks.
3. Through the Site Design Review process, ODOT may recommend, and Yamhill County may require, that new development within the Interchange Overlay District locate access points to assure consistency with the anticipated access spacing standards for the interchanges.

908.05 Conditional Uses

- A. All uses of land and water that are listed as conditional uses in the underlying zoning district(s) may also be allowed in the Interchange Overlay District subject to the following:
 1. Yamhill County shall notify ODOT when an application is submitted for a proposed conditional use within the Interchange Overlay District.
 2. During the 30-day completeness review, ODOT may request that the applicant prepare a traffic impact study or an access plan to provide additional information on how the proposed conditional use may impact the interchange. If additional information is requested in writing by ODOT during the 30-day completeness review, such information shall be required by Yamhill County before the application is accepted as complete.
- B. The proposed conditional use shall be subject to the conditional use review criteria and requirements as outlined in Section 1202 of this Zoning Ordinance.
- C. In addition to the types of conditions of approval outlined in Section 1202.03 of the Zoning Ordinance, ODOT may recommend, and the decision-making body may impose conditions or mitigation to protect the function and capacity of the interchange; and to assure that proposed access points are located consistent with the anticipated access spacing standards for the interchange.

908.06 UGB Amendments within the Interchange Overlay District

- A. Three of the four interchanges to the Bypass (Dayton, East Dundee and East Newberg) are located outside of acknowledged UGBs of the Cities of Dayton, Dundee and Newberg, respectively. The Oregon 219 interchange will be located inside the Newberg UGB.
- B. Proposed amendments to UGBs are governed by the criteria in Statewide Planning Goal 14 (Urbanization) and acknowledged UGB Management Agreements between Yamhill County and the respective cities. A decision to expand the UGB must be approved by the Yamhill County Board of Commissioners and the respective City Council.

- C. The 1999 OHP (Action 1B.3) directs ODOT to avoid expansions of UGBs along Interstate and Statewide Highways and around interchanges unless ODOT and the appropriate local governments agree to an interchange area management plan to protect interchange operation.