



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: May 06, 2016
Jurisdiction: City of Newberg
Local file no.: CPTA-15-002
DLCD file no.: 004-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 05/03/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 42 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 004-15 {24104}

Received: 5/3/2016

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Newberg

Local file no.: **CPTA-15-002**

Date of adoption: 4/18/16

Date sent: 5/3/2016

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 3/14/16

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Same as described in the revised Form 1

Local contact (name and title): Jessica Pelz

Phone: 503-554-7744

E-mail: jessica.pelz@newbergoregon.gov

Street address: 414 E First Street

City: Newberg

Zip: 97132-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

TSP amendment to relocate the Wilsonville Road/Highway 219 intersection to the location that has already been approved in the Newberg Dundee Bypass Final Environmental Impact Statement and Record of Decision, and in the Yamhill County and City of Newberg TSP. Goal 12.

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: ODOT, Yamhill County

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Ordinance No. 2016-2794

**AN ORDINANCE AMENDING THE NEWBERG TRANSPORTATION
SYSTEM PLAN TO REFLECT CHANGES NECESSARY TO
ACCOMMODATE THE RELOCATION OF WILSONVILLE ROAD TO A
LOCATION SOUTH OF WYNOOSKI ROAD**

RECITALS:

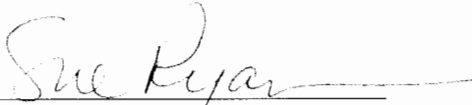
1. The Oregon Department of Transportation (ODOT) submitted an application to the City of Newberg for a proposed Transportation System Plan (TSP) amendment to change the Oregon 219/Phase 1 Bypass/Wilsonville Road intersection to a “No Thru Traffic” design. In January 2016, the Planning Commission voted to deny the request with adoption of Resolution No. 2015-311, but recommended that City Council delay their vote on the request to have further discussions with the affected parties about a solution to the intersection issues.
2. Following the Planning Commission recommendation for further coordination among the involved parties, ODOT participated in mediation with City of Newberg, Yamhill County, Clackamas County, City of Wilsonville, and Ladd Hill Neighborhood Association. The mediation resulted in an Agreement of Understanding, which the City Council approved and directed the Mayor to execute by adoption of Resolution No. 2016-3269. The Agreement of Understanding directed ODOT to revise its TSP amendment request to realign Wilsonville Road to the location south of Wynooski Road that was previously approved as its final location in the Newberg Dundee Bypass Final Environmental Impact Statement (FEIS) and Record of Decision [Newberg Ordinance No. 2011-2734 and Yamhill County Ordinance 866]. ODOT submitted the revised TSP amendment application in accordance with the Agreement.
3. The City has already adopted the ultimate Wilsonville Road alignment through Ordinance No. 2011-2734. However, TSP amendments are needed to reflect the various long-term and interim changes necessary to accommodate the relocation:
 - Addition of a cul-de-sac to serve as access to Adolf Road and the Springbrook Estates mobile home park from Springbrook Road once Wilsonville Road is relocated and no longer connected to Springbrook Road. The location of the cul-de-sac will be east of the current Wilsonville Road/Adolf Road intersection (see Exhibit “B”).
 - Changing the lane configuration of the Oregon 219/Phase 1 Bypass intersection to remove the eastbound turn and through travel lanes previously shown on the 2013 TSP amendment, as shown in both Exhibits “B” and “C”.
 - A new TSP policy to acknowledge that the installation of the temporary right/in, right/out restriction at the intersection of Springbrook Road and Wilsonville Road during design and construction of the Wilsonville Road Relocation (see Exhibits “A” and “C”) is necessary to provide a safer transportation system.
4. After proper notice, the Newberg City Council held a hearing on April 18, 2016 to consider the proposed amendment.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

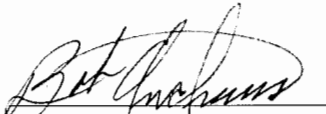
1. The Transportation System Plan is hereby amended as shown in Exhibit "A", with the details shown in Exhibits "B" and "C". Adoption of the amendment is based upon the findings in Exhibit "D". Exhibits "A", "B", "C", and "D" are hereby adopted and by this reference incorporated.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: May 18, 2016.

ADOPTED by the City Council of the City of Newberg, Oregon, this 18th day of April, 2016, by the following votes: **AYE: 6 NAY: 1 ABSENT: 0 ABSTAIN: 0**


Sue Ryan, City Recorder

ATTEST by the Mayor this this 21st day of April, 2016.


Bob Andrews, Mayor

TSP Amendment

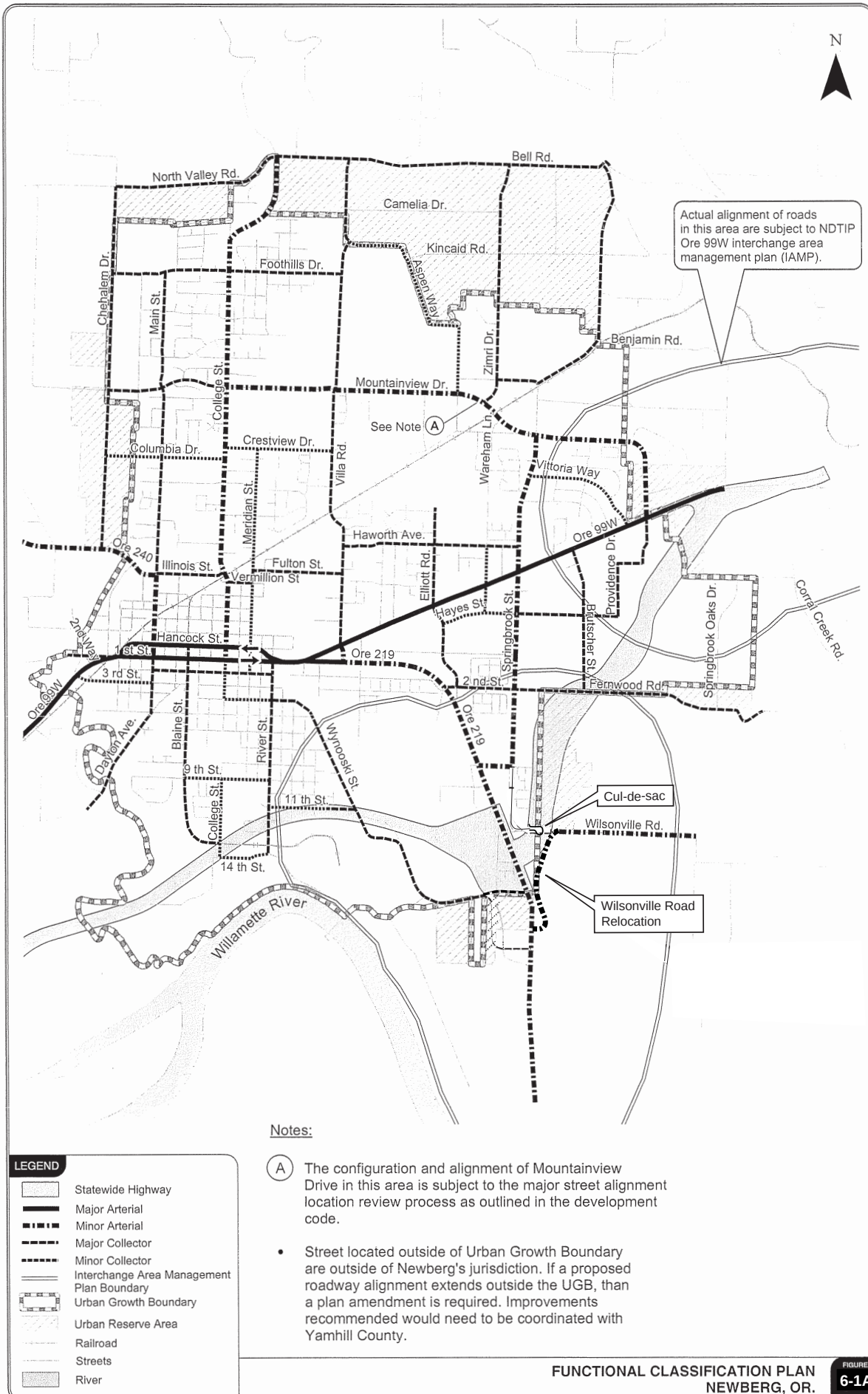
CPTA-15-002 – ODOT TSP Amendment – Wilsonville Road Relocation

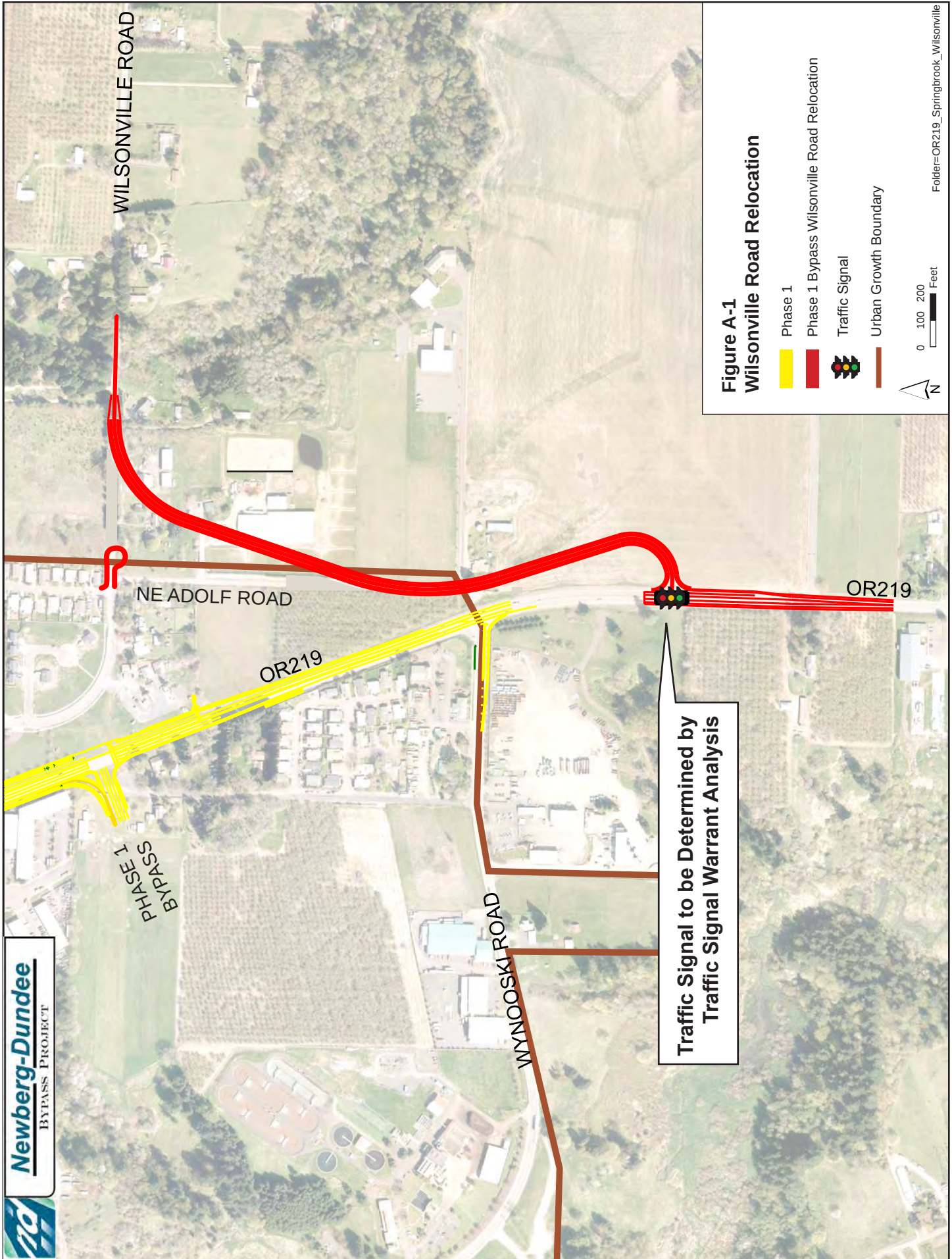
The following text amendment should be made to section 6.2.2(6) of the Newberg Transportation System Plan (2005). Deletions are shown as strikethrough; additions are shown as double underline:

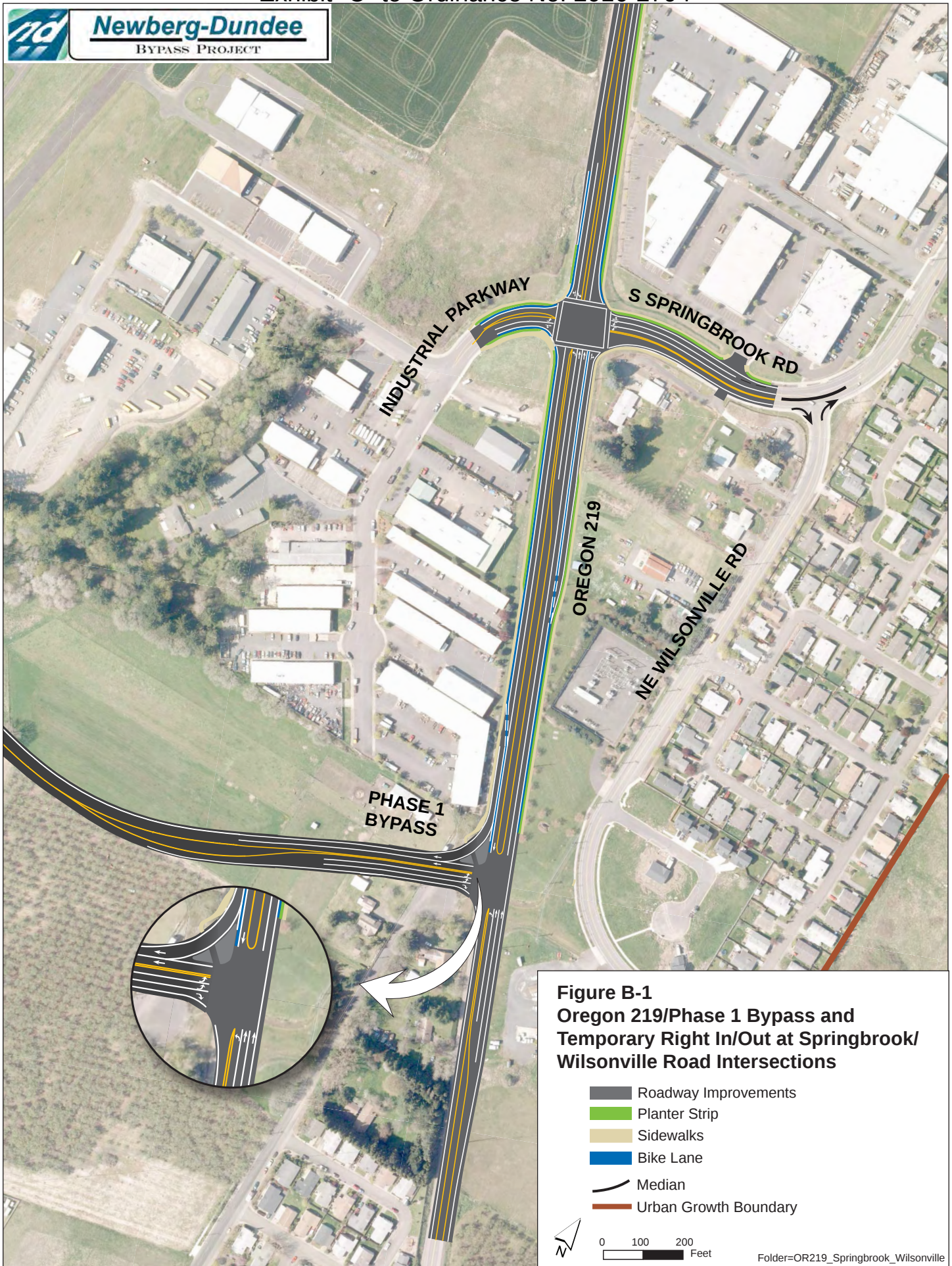
(From page 123 of 2005 TSP.)

6. *Wilsonville Road*: Wilsonville Road is to be extended to the ~~west~~ south to connect to Oregon 219 south of Wynooski Road. A cul-de-sac will be placed on Wilsonville Road at the eastern edge of the UGB to prohibit direct access from Wilsonville Road into Newberg ~~between the extension to Oregon 219 and Springbrook Road~~. The rerouting ~~and extension~~ of Wilsonville Road will be constructed to minor arterial street standards. ~~The purpose of this project is to provide access to Phase 1 of the Bypass at acceptable levels of service and improve safety.~~ The ~~improvement~~ new Oregon 219/Wilsonville Road intersection will comply with ODOT spacing standards for a District Highway. With Wilsonville Road moved to the south to its ultimate location, future phases of the Bypass can be constructed without further impacts to or relocations of Wilsonville Road. ~~The future Phase 2 of the Bypass will disconnect the new intersection of Wilsonville Road and Oregon 219. During Phase 2 construction, Wilsonville Road will be rerouted further south to a new intersection with Oregon 219.~~

The existing intersection of Wilsonville Road and Springbrook Road will remain open while the Wilsonville Road Relocation is being designed and constructed. However, because of the significant traffic volume increases expected on Springbrook Road after the initial opening of the Phase 1 Bypass, and in order to improve safety, this intersection will be reconfigured to allow only right/in and right/out turning movements. The right turn in/right turn out intersection control will be removed when the Wilsonville Road Relocation is completed and opened to traffic.







Findings

CPTA-15-002 – ODOT TSP Amendment – Wilsonville Road Relocation

Note: In the findings below, reference to the Wilsonville Road Relocation includes:

- The new cul-de-sac to prohibit direct access of Wilsonville Road into the Newberg UGB.
- The lane configuration of the Oregon 219/Phase 1 Bypass intersection with no through or turn lanes to the east of Oregon 219.
- The temporary right/in, right/out restriction at the intersection of Springbrook Road and Wilsonville Road.

The findings of consistency do not specifically address the realignment of Wilsonville Road to the south to connect to Oregon 219 south of Wyooski Road as this action is already approved and adopted into the Newberg and Yamhill County Comprehensive Plans and TSPs as per the goal exceptions and other plan amendments processed in 2011.

Applicable Newberg Comprehensive Plan (NCP) Goals and Policies & Applicable Oregon Statewide Planning Goals (SPG)

SPG 1/NCP A. Citizen Involvement. Goal: To maintain a Citizen Involvement Program that offers citizens the opportunity for involvement in all phases of the planning process.

Finding: The city meets this requirement by having various citizen committees with opportunities for the public to testify on general or specific matters. For this specific application, the proposal goes to both the Planning Commission and the City Council, providing multiple opportunities for citizen participation. In addition, a mailed courtesy notice was sent to property owners within 500 feet of the affected intersection and notice was published in the Newberg Graphic newspaper.

SPG 2. Land Use Planning. Goal: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: This Goal requires that actions related to land use be consistent with acknowledged comprehensive plans of cities and counties. The City of Newberg updated its Transportation System Plan (which is adopted as part of the Comprehensive Plan) in 2011 to adopt the Newberg Dundee Bypass Final Environmental Impact Statement (FEIS) and Record of Decision and again in 2013 to include the Newberg Dundee Bypass Phase 1 details. The Goal also requires coordination with affected governments and agencies, evaluation of alternatives, and an adequate factual base. The relocation of Wilsonville Road to the adopted 2011 FEIS location required coordination efforts with planners, officials, other representatives of Newberg, and outside interests. All proposed changes are based on traffic modeling data and professional engineer analysis, and are supported by an adequate factual base.

SPG 6/NCP E. Air, Water, and Land Resource Quality. Goal: To maintain and, where feasible, enhance the air, water, and land resource qualities within the community.

Exhibit "D" to Ordinance No. 2016-2794

Finding: Goal 6 addresses the quality of air, water, and land resources. In the context of a comprehensive plan amendment, a local government complies with Goal 6 by explaining why it is reasonable to expect that the proposed uses authorized by the plan amendment will be able to satisfy applicable federal and state environmental standards, including air and water quality standards. The Wilsonville Road Relocation will not affect air quality in Newberg but will impact water resources by adding a larger amount of impervious surface to the watershed area than the previous 2013 TSP amendment, which had Wilsonville Road directly connecting to Highway 219.

The Wilsonville Road Relocation is necessary to ensure safe and efficient traffic operation in the first step (Phase 1) of implementing the Bypass project. The Bypass project, including the Wilsonville Road Relocation, is an approved project in the City of Newberg's acknowledged TSP and Comprehensive Plan and will improve air quality by substantially relieving traffic congestion in Newberg. Water quality impacts will be mitigated by stormwater treatment facilities included in the Wilsonville Road Relocation.

SPG 9. Economic Development/NCP H. The Economy. Goal: To develop a diverse and stable economic base.

Finding: The Phase 1 Bypass project will improve mobility and accessibility generally, and freight movement in particular, throughout the Newberg-Dundee urban area, thus resulting in substantially reduced congestion and fewer hours of delay. Having better freight movement through the area will also be attractive to industries, which will help Newberg create a stable economic base as envisioned by the Goal.

SPG 12. Transportation. Goal: To provide and encourage a safe, convenient and economic transportation system. A Transportation Plan shall...(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; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy...

Guideline B. Implementation. 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, (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.

NCP K. Transportation. Goal 1: Establish cooperative agreements to address transportation based planning, development, operation and maintenance. Policy f: The City shall coordinate with Yamhill County and the State on the development of the Newberg-Dundee Bypass.

Goal 4: Minimize the impact of regional traffic on the local transportation system. Policy b: Provide for alternate routes for regional traffic. Policy g: Minimize the use of local and minor collector streets for regional traffic through application of traffic calming measures as traffic operations and/or safety problems occur. Policy s: Special planning and efforts shall be made to retain and create livable and desirable neighborhoods near the bypass. This shall include

Exhibit "D" to Ordinance No. 2016-2794

retaining or creating street connections, pedestrian paths, recreational areas, landscaping, noise attenuation, physical barriers to the bypass, and other community features.

Goal 12: Minimize the negative impact of a Highway 99 bypass on the Newberg community.

Finding: Goal 12 is implemented through the Transportation Planning Rule (TPR), OAR 660, Division 12. The Newberg-Dundee Bypass Project is an approved project in the City of Newberg's acknowledged TSP. The relocation of Wilsonville Road to its final adopted FEIS location was decided upon through a public process and direction coordination between the City of Newberg, Yamhill County, Clackamas County, City of Wilsonville, Ladd Hill Neighborhood Association, and ODOT.

The new Wilsonville Road Relocation intersection on Oregon 219 will be south of the Oregon 219/Wynooski Road intersection and will meet all of ODOT's access management requirements. The volume to capacity (v/c) ratio in the opening year (2020) of the Wilsonville Road Relocation is forecast to be 0.78 without a traffic signal and 0.64 with a traffic signal (See Attachment C). Both configurations would meet ODOT's operational performance mobility targets. A traffic signal warrant analysis will be conducted as part of developing final design plans and construction documents to determine if the new intersection will be signalized upon opening.

Wilsonville Road will continue to connect to Springbrook Road during the design and construction of the Wilsonville Road Relocation. Westbound traffic queues on Springbrook Road from the Oregon 219/Springbrook Road intersection are expected to spill back across the Springbrook Road/Wilsonville Road intersection blocking left turn access between Wilsonville Road and Springbrook Road. Also, standing queues within the intersection could create concerns for pedestrian safety and other non-motorized users. Therefore, for the interim period between the initial opening of the Phase 1 Bypass in late 2017 until the Wilsonville Road Relocation opens in 2020, the Springbrook Road/Wilsonville Road intersection will be converted to a temporary right turn in/right turn out intersection (see Figure B-1). The right turn in/right turn out intersection will include all appropriate signing and will include construction of a raised median or some other kind of barrier to physically prohibit vehicles from turning left between Springbrook Road and Wilsonville Road. The Springbrook Road/Wilsonville Road right turn in/right turn out intersection would operate with a v/c ratio of 0.63 in 2017 when the Phase 1 Bypass opens. The right turn in/right turn out intersection control will be removed after the Wilsonville Road Relocation opens in 2020 when the only traffic volumes approaching this intersection from the south will be those which come from the properties adjacent to the disconnected portion of Wilsonville Road.

The interim right turn in/right turn out intersection restriction will result in some out-of-direction travel movements for eastbound and westbound drivers seeking to travel between Wilsonville Road and some locations in Newberg or to the Phase 1 Bypass. All eastbound travelers will still be able to use the Oregon 219/Springbrook Road intersection to get to Wilsonville Road. Westbound Wilsonville Road travelers destined for Oregon 219 or areas in Newberg west of Oregon 219 will be able to use Springbrook Road and 2nd Street, Hayes Street, several county roads, or Oregon 99W to travel into Newberg or access the Phase 1 Bypass. Because of the expected decrease in traffic volumes on Oregon 99W after the Phase 1 Bypass opens, many drivers may also simply continue to use Oregon 99W to travel west to Dundee, McMinnville, and beyond, as opposed to using the Bypass. In any case, the interim right turn in/right turn out intersection restriction will shift some additional traffic to city streets, county roads, and state highways during the interim period when the Wilsonville Road Relocation is being designed and constructed.

Exhibit "D" to Ordinance No. 2016-2794

Given the out-of-direction travel anticipated with the right turn in/right turn out intersection, the Springbrook Road/2nd Street/Fernwood Road intersection peak-hour traffic operation was also reviewed. Approximately 200 additional out-of-direction vehicles per hour would use the Springbrook Road/2nd Street/Fernwood Road intersection to find alternative routes. With this additional traffic, the intersection would still operate at a v/c ratio of 0.85, which meets the City's adopted performance standard.

With Wilsonville Road moved to its ultimate location, future phases of the Bypass and the Oregon 219 interchange can be constructed without further impacts to or relocation of Wilsonville Road.

SPG 13/NCP M. Energy. Goal: To conserve energy through efficient land use patterns and energy-related policies and ordinances.

Finding: The Bypass project 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 project will help relieve much of the substantial traffic congestion that already exists along Oregon 99W. Facilitating the smooth flow of traffic at acceptable levels of service helps conserve fuel.