



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

04/13/2011

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Dundee Plan Amendment
DLCD File Number 003-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, April 27, 2011

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Luke Pelz, City of Dundee
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative

<paa> YA



NR OF **2**

DLCD

Notice of Adoption

Division District Office Bureau

DEPT OF

APR 07 2011

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **CITY OF DUNDEE**

Local file number: CPA-10-17

Date of Adoption: 04/5/2011

Date Mailed: 4/6/2011

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 12/27/2010

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

This application includes amendments to the comprehensive plan to:

1. Amend the policy supporting the Tier 2 design alignment.
2. Delete the policy relating to special setback requirements for the Bypass alignment.
3. Revise the policy relating to when the City can rely on the Bypass as a planned improvement.
4. Revise the policy relating to the timing for adoption of an Interchange Area Management Plan.
5. Adopt a new policy relating to the collector road crossing that will be constructed by ODOT.
6. Delete the policy that placed a "freeze" on existing zoning and on a UGB expansion toward the East Dundee Interchange.

Does the Adoption differ from proposal? Please select one

NO

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: Newberg Dundee Bypass Tier 2 Alignment

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 003-10 (18632) [16591]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

ODOT

Local Contact: **LUKE PELZ**

Phone: (503) 554-7728 Extension:

Address: **PO BOX 970**

Fax Number: 503-537-1272

City: **NEWBERG**

Zip: 97132

E-mail Address: luke.pelz@newbergoregon.gov

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

**CITY OF DUNDEE
ORDINANCE NO. 502-2011**

**AN ORDINANCE ADOPTING AMENDMENTS TO THE DUNDEE COMPREHENSIVE PLAN TO
REFLECT THE NEWBERG-DUNDEE BYPASS TIER 2 ALIGNMENT**

WHEREAS, In 2003, the City of Dundee adopted the Dundee Transportation System Plan (TSP) as a wholesale replacement of the "Transportation Element" of the Dundee Comprehensive Plan (ORD 411-2003).

WHEREAS, In 2004, following completion of the Tier 1 Location Environmental Impact Statement (EIS) for the Bypass, the City of Dundee amended the Transportation Element of the Comprehensive Plan to include nine additional policies specific to the Bypass (ORD 424-2004). The Oregon Department of Transportation (ODOT) conducted a public hearing on the Tier 2 Draft Environmental Impact Statement (Tier 2 DEIS) for the bypass on June 29, 2010, followed by the selection of the Locally Preferred Alternative (LPA).

WHEREAS, ODOT has submitted an application to Yamhill County for land use actions necessary to support the LPA, including some modifications to goal exceptions approved in 2004. Amendments to the Dundee Comprehensive Plan are necessary to reflect the Tier 2 bypass alignment and support the Yamhill County land use actions.

WHEREAS, The City wishes to amend the Comprehensive Plan policies adopted in 2004 to reflect the progress of the Bypass project from the Tier 1 location corridor phase through the more detailed Tier 2 design alignment phase; and coordinate with the cities of Newberg and Dayton and Yamhill County to maintain a consistent comprehensive plan policy framework to support the statewide goal exception that Yamhill County took for the Bypass.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DUNDEE HEREBY
ORDAINS AS FOLLOWS:**

1. The Dundee Comprehensive Plan is amended as shown Exhibits "A". Exhibits "A" is hereby attached and by this reference incorporated.
2. The amendments are based on the findings shown in Exhibit "B". Exhibit "B" is hereby attached and by this reference incorporated.

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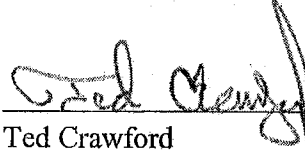
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ADOPTED by the Council this 5th day of April 2011.

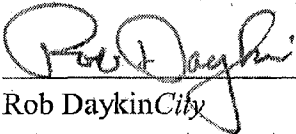
Approved:



Ted Crawford

Mayor

Attest:



Rob Daykin

City Administrator/Recorder

EXHIBIT A

DUNDEE COMPREHENSIVE PLAN AMENDMENTS REFLECTING THE NEWBERG-DUNDEE BYPASS TIER 2 ALIGNMENT

Ordinance 502-2011
File No. CPA-10-17

Note: Proposed text is shown in underline font. Deleted text is shown in ~~strike through~~ font Existing text is shown in regular font

B. Newberg-Dundee Bypass

7. The City actively supports the development of the Newberg-Dundee Bypass in the southern location corridor described as Alternative 3J (Modified) in the Tier 1 Location Environmental Impact Statement. The City prefers a below-grade roadway, however the City recognizes that ODOT has selected an at-grade roadway with 6-8 foot berms as the preferred alternative in the Tier 2 Draft Environmental Impact Statement (DEIS) process.
8. The City affirms its support for a Bypass location and design that recognizes existing Comprehensive Plan policies, including Recreation and Willamette River Greenway policies, and which includes providing public access to the Willamette River and the City's waterfront for park and recreational development.
9. The City recognizes the designation of the Bypass as a statewide expressway and freight route as defined in the Oregon Highway Plan. The City expects the Bypass and interchanges will be fully access controlled and no direct access will be allowed from private properties on the Bypass or within the Interchange Management Areas as defined by the OHP.
- ~~10. The City will consider adopting additional setback requirements to maintain appropriate area for the approved Bypass alignment.~~
10. The Bypass will be planned and developed by ODOT as a two-tiered project in which the corridor will first be approved and then the design of the facility will be approved. Therefore, For purposes of City compliance with the Transportation Planning Rule (OAR 660-012-0060), the City will not consider or rely on the Bypass (including the proposed East Dundee Interchange) for providing additional planned capacity as a "planned transportation facilities" improvement that is reasonably likely to be constructed during the 20-year planning horizon until the Oregon Transportation Commission approves a financing plan for the Bypass. OTP includes all or a specific phase of the Bypass in the construction section of the Statewide Transportation Improvement Program (STIP) or until ODOT agrees, in writing, that all or a portion of the bypass may be considered a

planned improvement. Upon adoption of a Bypass financing plan by the Oregon Transportation Commission, those portions of the Bypass identified to be constructed within the 20-year planning horizon by the financial plan can be considered planned improvements pursuant to OAR 660-12-0060. During the period before the Bypass can be considered a planned improvement, the City of Dundee will work with ODOT to pursue mutually agreed upon alternative mobility standards for Oregon 99W to comply with OAR 660-12-0060.

11. The City will coordinate with ODOT, Yamhill County and affected property owners in participating, preparing, and adopting An Interchange Area Management Plan (IAMP) will be developed, preparing, and adopting An Interchange Area Management Plan (IAMP) will be developed to protect the function and capacity of the for the East Dundee Interchange for at least a 20 to 25-year period. The IAMP must be adopted by the Oregon Transportation Commission (OTC) before construction of the interchange, consistent with the requirements of the 1999 Oregon Highway Plan and OAR 734-051-0155(7). The IAMP will address the following at a minimum: state access management standards, road connections and local street circulation, and compatible land uses. The IAMP will be designed to protect the function and capacity of the East Dundee Interchange for a 20-year planning period.
12. Figure 6-1 of the Dundee TSP identifies three potential collector road crossings of the Bypass for illustrative purposes only. The City recognizes that one of the crossings will be constructed as part of the Bypass project to maintain connectivity between downtown Dundee and the Riverfront. The Tier 2 DEIS, Preferred Alternative, identifies an overcrossing in the vicinity of 8th Street. The City is in the process of master planning the undeveloped area between Dundee and the Willamette River. At a future date, Figure 6-1 of the Dundee TSP shall be amended to reflect either the Tier 2 DEIS Preferred Alternative for the overcrossing or the location for the overcrossing identified in the adopted Riverfront master plan. ODOT will continue to coordinate with the City on location of the overcrossing and is flexible on the ultimate location within the UGB if it could serve all property ownerships between the Bypass and the Willamette River.
13. The City will help protect the function of the Bypass and help protect agricultural and rural lands from development pressures that could result from improved proximity, visibility and travel times associated with the interchanges to the Bypass by retaining existing zoning to land located in the City and within approximately ¼ mile of the connector road intersection to Oregon 99W as identified in Figure 1 "Area of Applicability of Dundee Comprehensive Plan Policies 13 & 14." This policy will remain in effect until the IAMP for the East Dundee Interchange is adopted by the City of Dundee, Yamhill County and ODOT.
14. For the area within the city limits and shown in Figure 1, the City will continue to review development applications for permitted and conditional uses that are authorized in adopted underlying zones.

13. The City recognizes that the Oregon Highway Plan seeks to avoid UGB expansions along Statewide Highways and around interchanges unless ODOT and affected cities and counties agree to an Interchange Area Management Plan to protect interchange operation or access management for segments along the highways. (OHP Action 1B.4). ~~Therefore, the City will not expand its UGB toward the East Dundee Interchange into the area identified in Figure 1 as "Area of Applicability of Yamhill County Policies & Interchange Overlay District" until the IAMP for the interchange is prepared and adopted by ODOT, Yamhill County and the City. This policy shall not preclude expansion of the Dundee UGB to include land within the existing city limits.~~

EXHIBIT B

FINDINGS

DUNDEE COMPREHENSIVE PLAN AMENDMENTS REFLECTING THE NEWBERG-DUNDEE BYPASS TIER 2 ALIGNMENT

Ordinance 502-2011

File No. CPA-10-17

The following findings support the adoption of amendments to the Dundee Comprehensive Plan as set forth in Exhibit A to revise measures to protect the function of the Newberg-Dundee Bypass (Bypass). The findings are organized to address the goals and policies of the Dundee Comprehensive Plan (Section I) and the relevant Statewide Planning Goals (Section II). Text from the relevant documents is presented in *bold, italic* font.

BACKGROUND

The Dundee Comprehensive Plan was initially adopted in May 1977. The City was involved in a periodic review and update of the Comprehensive Plan from 1987-1990.

The Dundee Transportation System Plan (TSP) was developed on a parallel track with the Tier 1 Location DEIS for the Bypass, and was closely coordinated with the Oregon Department of Transportation. The City Council adopted the Dundee Transportation System Plan (TSP) in 2003 (ORD 411-2003). As a component of the TSP, the City Council adopted specific goals, objectives and policies as a wholesale replacement of the Transportation Chapter of the Dundee Comprehensive Plan, including six policies specific to the Newberg-Dundee Bypass. [See Dundee Comprehensive Plan, page 74, Policies 1-6].

In 2004, following completion of the Tier 1 Location EIS for the Bypass, the City of Dundee adopted ORD 424-2004 to include nine additional policies specific to the Newberg-Dundee Bypass in the Transportation Chapter of the Comprehensive Plan. [See Dundee Comprehensive Plan, page 74-76, Policies 7-15].

In June of 2010, ODOT released the Tier 2 DEIS to focus more specifically on the design/alignment and local circulation options for the Bypass. Following public comment and a public hearing, ODOT chose a Preferred Alternative for the Tier 2 DEIS. The amendments in Exhibit A reflect refinements to the specific policies adopted in 2004 to reflect the progress of the Bypass project from the Tier 1 location corridor phase through the more detailed Tier 2 design alignment phase.

The amendments to the Dundee Comprehensive Plan policies adopted for the Bypass in 2004 are briefly summarized below and revisions are shown in underline and strikeout type in Exhibit A:

- Amend policy 7 supporting the Tier 1 bypass location corridor with the more specific Tier 2 design alignment and acknowledge that ODOT has identified the at-grade roadway with 6-8 foot berms as the Preferred Alternative within Dundee.
- Delete policy 10 relating to special setback requirements for the Bypass alignment.
- Revise policy 11 relating to when the City can rely on the bypass as a planned improvement for the purposes of compliance with the Transportation Planning Rule.
- Revise policy 12 relating to the timing for adoption of an Interchange Area Management Plan (IAMP) for the East Dundee Interchange.
- Delete policy 13 that placed a “freeze” on existing zoning of lands within ¼ mile of the connector road intersection to OR 99W.
- Delete policy 14 that placed a “freeze” on UGB expansion toward the East Dundee Interchange until the IAMP is adopted.
- Delete Figure 1 that illustrated the applicability area for policies 13 & 14.
- Adopt a new policy (#12) relating to the collector road crossing that will be constructed by ODOT as part of the Bypass project.

I. DUNDEE COMPREHENSIVE PLAN FINDINGS

In some instances, the Dundee Comprehensive Plan policies use mandatory (“shall”) language, while in other instances, the policies use directory language (e.g., “should” or “encourage”) which express preferences but do not serve as mandatory review criteria. While the findings address many policies that use directory language, those policies do not operate as review standards with which the text amendment application must comply.

Transportation Chapter

B. Newberg-Dundee Bypass Policies (Comprehensive Plan, page 74-76)

1. The City shall coordinate with the Oregon Department of Transportation, Yamhill County and other affected agencies regarding the location and construction of the Newberg-Dundee Bypass.

Finding: The City has coordinated with ODOT, Yamhill County and other affected agencies regarding the location and construction of the Bypass for more than 10 years. When the Dundee TSP was adopted in 2003, it identified the City’s preferred location of the Bypass in the southerly corridor. After the Tier 1 Location EIS was prepared, the City adopted specific plan policies to support the southerly location corridor (3J Modified). ODOT, Yamhill County and the cities of Newberg and Dayton also adopted policies supporting the 3J Modified corridor.

The Bypass crosses four different jurisdictions. Yamhill County and the cities of Newberg, Dundee and Dayton all adopted a package of coordinated comprehensive plan policies in 2004 to support the location corridor. The City has continued to coordinate with ODOT and other jurisdictions through the Tier 2 DEIS phase and the City Council submitted specific comments on the Tier 2 DEIS (July 16, 2010 letter) that supported the Build Alternative and design alternatives which:

- Incorporate the most effective visual screening and sound buffering elements including below-grade construction
- Protect and preserve natural and historic resources
- Provide adequate, safe, and convenient access to the Willamette River

The City recognizes that ODOT selected Design Option 3.B2 within the UGB, an at-grade facility that will include 6- to 8-foot tall berms on both sides of the Bypass and a landscaped, 42-foot wide median. ODOT selected this option because it will:

- Minimize visual impacts with barrier/screening berms
- Avoid potential drainage problems due to high groundwater
- Cost \$12 million less to construct than the two below-grade options

While the design option selected by ODOT was not the specific option preferred by the City of Dundee, the Council finds that opportunities for coordination have been provided. Additionally, the Council recognizes that it is necessary to balance design options and costs to keep the project moving forward. Similar to the City of Dundee, the City of Newberg also advocated for consideration of a below-grade option through South Newberg. However, because of issues relating to groundwater and substantially higher construction costs, ODOT also selected an at-grade facility as the preferred alternative through Newberg in the Tier 2 DEIS.

2. ***The City shall encourage the selection of a Bypass alternative that ensures sufficient traffic is diverted from OR 99W through Dundee to allow the remaining traffic to be served by two travel lanes (or three including a center left turn lane) within the Transportation Plan's planning horizon.***

Finding: Table 3.1-5 of the Tier 2 DEIS (see page 3-15) provides a summary of 2005 Average Daily Traffic (ADT) and projected 2030 ADT for the No Build and Build Alternative. The Table shows that ADT on OR 99W at 5th Street would decrease from about 32,000 vehicles per day in 2005 to about 16,000 vehicles per day in 2030 with construction of the Bypass. We find that the data in Table 3.1-5 of the Tier 2 DEIS documents that construction of the Bypass will allow the remaining traffic on OR 99W through Dundee to be served by 2-3 travel lanes within the TSP planning horizon, consistent with policy 2 above.

3. ***The City shall encourage the new Bypass design to provide adequate public access – including pedestrian, bicycle, vehicle and recreational – to the Willamette River.***

Finding: Maintaining community access to the Willamette River has been consistently highlighted as a key issue for the City of Dundee relative to the design of the Bypass. The Dundee Comprehensive Plan and Vision Statement emphasize the importance of the Willamette River as an open space resource and amenity for community identity and character. Dundee's adopted TSP (Figure 6-1) illustrates the conceptual extension of a collector street system across the Bypass to provide local circulation and access to the riverfront. A note on Figure 6-1 states:

Note: Collector street systems shown in the undeveloped area are for illustrative purposes only. These are not officially planned facilities, and do not necessarily prescribe exact locations of new collector streets.

The City of Dundee is currently involved in a master planning process for the Southeast Dundee Riverside area that would be traversed by the Bypass (including the Edwards and Lindquist parcels). These large parcels are currently undeveloped and the Lindquist parcel is still in an "Agricultural Holding" zone. In 2009, the City Council approved a plan amendment/zone change for the Edwards parcel to accommodate a mix of residential, commercial and light industrial uses. The approved plan and zone designations reflect the Bypass location corridor. The Tier 2 DEIS includes an overcrossing at 8th Street that would be constructed as part of the Bypass project to provide local circulation and access to the riverfront (vehicle, bicycle and pedestrian). ODOT selected this overcrossing location primarily because it would serve both the Edwards and Lindquist properties and provide a public street connection between downtown Dundee and the riverfront.

ODOT is aware that the precise location of the overcrossing may shift when the City adopts a master plan for the Southeast Dundee Riverside area. As shown in Exhibit A, a new policy 12 is proposed to document that ODOT will continue to coordinate with the City on the location of the overcrossing and is flexible on the ultimate location within the UGB if it could serve all property ownerships between the Bypass and the Willamette River.

Therefore, the City finds that the Tier 2 DEIS preferred alternative will provide adequate public access to the Willamette River with construction of an overpass in conjunction with the Bypass. The overpass will be designed and constructed to meet Dundee collector street standards and the precise location of the overcrossing will be coordinated with the on-going master planning effort.

4. *The City shall encourage the new Bypass design to incorporate adequate buffering and physical separation between the new highway, and, public access to the Willamette River and existing residential neighborhoods.*

Finding: In supporting Alternative 3J (Modified) as the preferred corridor for the Bypass in 2004, the Dundee City Council advocated for a location as far east as possible to increase separation from developed neighborhoods, while recognizing the need to avoid steep slopes and floodplain areas closer to the Willamette River.

As described above, the Southeast Dundee riverfront area that is traversed by the Bypass corridor is still largely undeveloped. The City of Dundee is currently involved in a cooperative master planning effort for the riverfront area that includes participation by the major property owners and representatives of several local and state agencies. As part of that effort, the City and the major property owners have the opportunity to establish a more detailed land use, circulation and open space framework for the riverside area that reflects and accommodates the Tier 2 preferred alternative for the Bypass alignment through Dundee.

ODOT's preferred alternative includes landscaped berms and a landscaped median as part of

Bypass design through Dundee to provide buffering and separation from future development. Additionally, the master planning process described above has also included consideration of trails, local streets and transitional land uses abutting the Bypass to minimize the barrier effect of the expressway.

The City understands that an overcrossing will be constructed as part of the Bypass project to provide a public street connection (including sidewalks and bike lanes) between existing neighborhoods and the Willamette River. Additionally, the Tier 2 design will span the stream in proximity to 10th Street and will accommodate a potential future trail connection under the Bypass bridge. Therefore, the City finds that the Tier 2 preferred alternative is consistent with policy 4 above.

5. ***Improvements for street connectivity within the City that may provide alternative routes to avoid OR 99W congestion through Dundee, including alternative linkages to adjacent communities, shall not occur until such time the Bypass is in operation.***

Finding: Over many years, the City and ODOT have explored feasible short-term improvements to OR 99W to improve safety and relieve congestion, while concluding that short-term improvements will not be alternatives to the Bypass itself for relieving congestion on a long-term basis.

The Dundee TSP (page 156) strongly recommends that Yamhill County provide for the following connectivity improvements (outside the Dundee city limits) and commits City support to the County in implementing the improvements:

- Edwards Road extension to Dayton Avenue (not to be made until after Bypass is operational)
- Worden Hill Road improvements to provide an east-west connection between the City of Dundee and Highway 240
- Realign Fox Farm Road to improve its approach to OR 99W

The City finds that the Tier 2 DEIS preferred alternative includes a realignment of Fox Farm Road to improve its connection to OR 99W, as recommended by policy 5. Consistent with the directive in policy 5 above, the Tier 2 preferred alternative does not include extension of Edwards Road to Dayton Avenue as part of the Bypass project. The City and County can coordinate to make that extension after the Bypass is constructed, if appropriate.

6. ***The land use decisions regarding the location of the proposed Newberg-Dundee Bypass shall be made through a subsequent amendment to the Dundee TSP. As part of this process, the City recognizes Newberg and Yamhill County will need to amend their TSPs to authorize a Bypass corridor, and, Yamhill County must take an exception to Statewide Planning Goal 12 to authorize a new transportation facility in rural lands.***

Finding: As summarized earlier in these findings, the land use decisions regarding the location of the Bypass were approved in 2004. Yamhill County took an exception to authorize the Bypass

and interchanges on rural lands and all four jurisdictions (Yamhill County, Newberg, Dundee and Dayton) authorized the Bypass corridor as a land use decision that was coordinated and consistent across the jurisdictions.

Therefore, the Council finds that the City of Dundee complied with policy 6 based on the land use decisions taken in 2004. Further, refinements to the Dundee plan policies through this text amendment will support any modifications to the goal exception that Yamhill County must take for the Tier 2 preferred alternative.

7. *The City actively supports the development of the Newberg-Dundee Bypass in the southern location corridor described as Alternative 3J (Modified) in the Location EIS.*

Finding: As noted in the Background section of these findings, policies 7-15 were adopted by the City of Dundee in 2004 to support the Tier 1 location decision for the Bypass. The proposed amendments set forth in Exhibit A focus specifically on revisions to some of these policies.

The Tier 2 preferred alternative is consistent with southern location corridor (3J Modified) supported in policy 7 above. As shown in Exhibit A, a new sentence is proposed to be added to policy 7 to confirm that the City recognizes that ODOT has selected an at-grade roadway with 6-8 foot berms as the preferred alternative in the Tier 2 DEIS process.

While the Dundee City Council expressed a preference for a below-grade alignment through Dundee, the Council finds that ODOT's preferred alternative is consistent with policy 7 above. The below-grade design option was evaluated in the Tier 2 DEIS but was not selected as the preferred alternative because of a high water table and substantially higher construction costs.

8. *The City affirms its support for a Bypass location and design that recognizes existing Comprehensive Plan policies, including Recreation and Willamette River Greenway policies, and which includes providing public access to the Willamette River and the City's waterfront for park and recreational development.*

Finding: No changes to policy 8 are proposed. The City finds that the Tier 2 DEIS has considered existing Dundee Comprehensive Plan policies and includes an overcrossing to provide public access to the Willamette River and the City's waterfront for park and recreational development.

In recognition of the master planning effort that is currently underway for the Southeast Riverfront area, a new policy (#12) is proposed to be included in the Comprehensive Plan to address the overcrossing. When the master plan is complete, Policy 12 directs the City to amend Figure 6-1 of the Dundee TSP to reflect either the Tier 2 DEIS preferred alternative (in the vicinity of 8th Street) or the location for the overcrossing identified in the adopted master plan. ODOT is flexible on the ultimate location of the overcrossing within the UGB if it could serve all property ownerships between the Bypass and the Willamette River.

The overcrossing will be designed to City of Dundee standards for a collector road and will

include pedestrian and bicycle improvements. Further, based on information provided by ODOT engineers, the City understands that the Bypass will bridge a stream west of the wastewater treatment plant and could accommodate a future trail connection under the Bypass and parallel to the stream corridor.

Therefore, the City concludes that the Tier 2 DEIS preferred alternative is consistent with policy 8 above.

9. ***The City recognizes the designation of the Bypass as a statewide expressway and freight route as defined in the Oregon Highway Plan. The City expects the Bypass and interchanges will be fully access controlled and no direct access will be allowed from private properties on the Bypass or within the Interchange Management Areas as defined by the OHP.***

Finding: No changes to policy 9 are proposed and the Tier 2 DEIS preferred alternative is consistent with the designation of the Bypass as a statewide expressway and freight route as defined in the Oregon Highway Plan. The master planning that is currently underway for the SE Dundee riverside area assumes that the Bypass and the East Dundee Interchange, including the connector road to OR 99W, will have full access control.

10. ***The City will consider adopting additional setback requirements to maintain appropriate area for the approved Bypass alignment.***

Finding: The City of Dundee and ODOT have jointly agreed to delete policy 10 from the Comprehensive Plan. While this policy was adopted in 2004, it was not mandatory and no special setback requirements have been included in the Dundee Development Ordinance. Because the SE Dundee Riverside area is still largely undeveloped, imposing special setbacks has not been necessary.

The on-going master planning for the SE Dundee riverfront area has taken the Bypass corridor into account. ODOT has started the purchase of right-of-way from willing sellers within the preferred Tier 2 DEIS project footprint. The City understands that ODOT has already initiated discussions with the property owners traversed by the Bypass within Dundee. Based on the current status of the project, the City finds that it is not necessary to adopt special setback requirements to maintain appropriate area for the approved Bypass alignment and it is reasonable to delete policy 10 from the Dundee Comprehensive Plan.

11. ***The Bypass will be planned and developed by ODOT as a two-tiered project in which the corridor will first be approved and then the design of the facility will be approved. Therefore, for purposes of City compliance with the Transportation Planning Rule (OAR 660-012-0060), the City will not consider or rely on the bypass (including the proposed East Dundee Interchange) for providing additional planned capacity as "planned transportation facilities" until the Oregon Transportation Commission approves a financing plan for the Bypass. Upon adoption of a Bypass financing plan by the Oregon Transportation Commission, those portions of the Bypass identified to be constructed within the 20-year planning horizon by the financial plan can be***

considered planned improvements pursuant to OAR 660-012-0060.

Finding: The City of Dundee has coordinated with ODOT to revise the wording of policy 11 above to address the requirements of the Transportation Planning Rule (specifically OAR 660-012-0060). As shown in Exhibit A, new or revised wording is highlighted in underline type. The key policy changes are summarized below:

- The City will be able to consider the Bypass a planned improvement that is reasonably likely to be constructed during the 20-year planning horizon when the OTP includes all or a specific phase of the Bypass in the construction section of the Statewide Transportation Improvement Program (STIP) or when ODOT agrees, in writing, that all of a portion of the Bypass may be considered a planned improvement.
- During the period before the Bypass can be considered a planned improvement, the City of Dundee will work with ODOT to pursue interim measures for Oregon 99W to comply with OAR 660-012-0060. This could include adopting alternative mobility standards for OR 99W.

The City finds that the revisions to policy 11 are consistent with the TPR and also reflect the progress of the project from the Tier 1 location phase through the Tier 2 design/alignment phase.

12. *The City will coordinate with ODOT, Yamhill County and affected property owners in participating, preparing, and adopting an Interchange Area Management Plan (IAMP) for the East Dundee Interchange. The IAMP will address the following at a minimum: state access management standards, road connections and local street circulation, and compatible land uses. The IAMP will be designed to protect the function and capacity of the East Dundee Interchange for a 20-year period.*

Finding: The City of Dundee has coordinated with ODOT to revise the wording of policy 12 above relating to the East Dundee Interchange Area Management Plan (IAMP). Rather than completing the IAMP as part of the Tier 2 DEIS, the revised policy clarifies that the IAMP must be adopted by the Oregon Transportation Commission (OTC) before construction of the East Dundee Interchange. The Tier 2 DEIS addresses local street circulation in the vicinity of the East Dundee interchange, and Yamhill County has already adopted policies and an Interchange Overlay District to identify and protect the function of the East Dundee Interchange (which is located on rural land). ODOT has indicated that the proposed revisions to policy 12 are consistent with the 1999 Oregon Highway Plan and OAR 734-051-0155(7).

13. *The City will help protect the function of the Bypass and help protect agricultural and rural lands from development pressures that could result from improved proximity, visibility and travel times associated with the Interchanges to the Bypass by retaining existing zoning of land located in the City and within approximately ¼ mile of the connector road intersection to Oregon 99W as identified in Figure 1 “Area of Applicability of Dundee Comprehensive Plan Policies 13 & 14.” This policy will remain in effect until the IAMP for the East Dundee Interchange is adopted by the*

City of Dundee, Yamhill County and ODOT.

Finding: As shown in Exhibit A, the City of Dundee and ODOT have agreed to delete policy 13 from the Dundee Comprehensive Plan. Yamhill County and the cities of Dundee, Dayton and Newberg all adopted similar policies in 2004 to reduce premature urbanization pressures near the four proposed interchanges and provide the time to prepare and adopt IAMPs for each interchange. It was anticipated that the IAMPs would be complete by September 2007.

The interim freeze of existing zoning was delaying several important planning projects in Newberg and the City of Newberg initiated and approved a text amendment in 2008 to delete a similar policy from the Newberg Comprehensive Plan. Yamhill County also initiated and approved a text amendment to delete the interim freeze in 2009.

While IAMPs have not yet been adopted, the Tier 2 DEIS process did include more detailed planning for changes to local access and circulation associated with the Bypass and interchanges. Opportunities were provided for input from affected property owners, local jurisdictions, emergency service providers, school districts and others during local access forums held in the Dundee area in 2006. The Tier 2 DEIS documents the mitigation to address two types of potential impacts associated with the Bypass:

- Changes to local circulation where the bypass would eliminate or disrupt existing patterns of connectivity; (e.g., Fox Farm Road, Dayton Avenue, Hagey Road, Fulquartz Landing Road)
- Revisions to property driveways or other connections to the local street system (e.g., private access to Columbia Empire Farms and new overcrossing to serve large parcels in SE Dundee that will be severed by the Bypass)

ODOT is adopting access control measures on the cross streets within the interchange areas and will deed back access to operating farms that is limited to farm use only. It has incorporated design measures into the design of the interchanges that will assure that the interchanges will function properly. The City finds that these subsequent design measures and access control measures will adequately protect agricultural and rural lands from development pressures that could result from improved proximity, visibility and travel times. These provisions will meet the requirements of the Yamhill County goal exception for the Bypass and therefore render policy 13 unnecessary.

14. *For the area within the city limits and shown in Figure 1, the City will continue to review development applications for permitted and conditional uses that are authorized in adopted underlying zones.*

Finding: Policy 14 and Figure 1 are no longer relevant since policy 13 is proposed to be deleted from the Dundee Comprehensive Plan as described above. As shown in Exhibit A, policy 14 and Figure 1 will also be deleted. Dundee's development review and public agency notice/coordination procedures will still be applicable to new development in accordance with Development Code provisions.

15. *The City recognizes that the Oregon Highway Plan seeks to avoid UGB expansions along Statewide Highways and around interchanges unless ODOT and affected cities and counties agree to an Interchange Area Management Plan to protect interchange operation or access management for segments along the highways. (OHP Action 1B.4) Therefore, the City will not expand its UGB toward the East Dundee Interchange into the area identified in Figure 1 as “Area of Applicability of Yamhill County Policies & Interchange Overlay District” until the IAMP for the interchange is prepared and adopted by ODOT, Yamhill County and the City. This policy shall not preclude expansion of the Dundee UGB to include land within the existing city limits.*

Finding: As shown in Exhibit A, the last sentence of policy 15 is proposed to be deleted to eliminate the interim “freeze” on UGB expansion toward the East Dundee Interchange. As noted above, the City of Newberg and Yamhill County have already deleted this policy from their respective plans. Since ODOT requested the Dundee initiate amendments to adopted policies to support the Tier 2 DEIS preferred alternative, it is timely to amend Dundee’s policy for consistency.

Other Relevant Comprehensive Plan Chapters

Amending the Plan (Comprehensive Plan, page 92)

The citizens of Dundee and any affected governmental units will be given an opportunity to review and comment on any proposed plan changes. A public hearing on the proposed change will be held and at least 30 days notice of the hearing will be given to all owners and renters within 500 feet from the boundary of the property where the change is proposed. Major revisions to the plan will be treated differently from minor changes.

Major revisions include land use changes that have wide-spread and significant impact beyond the immediate area such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential land to industrial use; or a spatial change that affects large areas or many different ownerships. A complete rethinking of the plan and the needs of the public will be needed before major revisions are approved.

Finding: As summarized in the Background section of these findings, the City of Dundee approved the southerly Bypass corridor and adopted nine policies specific to the Bypass in 2004. The proposed revisions to the Bypass policies to reflect the more specific Tier 2 DEIS preferred alternative can be considered “refinements” of the existing Bypass policies rather than a “major” revision to the Comprehensive Plan.

The plan text amendment is classified as a Type IV Legislative action by the Dundee Development Ordinance (Development Ordinance). The City Council initiated consideration of the Type IV text amendment on December 7, 2010 as required by Section 3.101.04 of the Development Ordinance. The City provided notice of the proposed amendments to the Department of Land Conservation and Development Commission 45 days prior to the first public

hearing. Additionally, the city provided general notice and individual mailed notice of the public hearings to property owners and renters within 100 feet of the boundary of the property affected by the Tier 2 preferred alternative for the Bypass. Therefore, the City finds that the notice and review policy and procedures for amending the Plan have been followed.

Open Spaces, Natural and Cultural Resources Policies (Comprehensive Plan, page 30-37)

3. Fish and wildlife habitat, water resources and groundwater sources will be protected and preserved.

Finding: Figures in Dundee's Comprehensive Plan illustrate that multiple resources (riparian area, floodplain, fish and wildlife habitat and open space) are concentrated in the lowland area along the Willamette River. The Dundee city limits extend to the river; however, the UGB ends on the upper terrace and does not extend to the river. The lowland area adjacent to the river (within the city limits) is zoned Exclusive Farm Use.

The Tier 2 preferred alternative for the Bypass is within the approved location corridor and does not encroach into the lowland area that is currently outside of Dundee's UGB. Therefore, the Bypass avoids the identified resource areas that parallel the Willamette River. Additionally, Figure 3.14-3 of the Tier 2 DEIS shows that the Bypass will bridge the tributary stream near the wastewater treatment plant to avoid impacts to forested and riparian wetlands and protect the resource areas for multiple values as called for in policy 3 above.

As described on page 3-294 of the Tier 2 DEIS, the groundwater elevation within the Dundee segment is relatively shallow, ranging from 0 to 9 feet. While the City of Dundee stated a preference for a below-grade Bypass design option, ODOT did not select that option, in large part because it would have required installation and maintenance of much more complex and expensive subdrainage system to address high groundwater conditions.

In summary, the City finds that the Tier 2 DEIS includes a more detailed analysis of site-specific environmental resources and the specific alignment of the Bypass within the approved location corridor will avoid, minimize or mitigate for impacts to comply federal and state laws and natural resource policies in the Dundee Comprehensive Plan.

Air, Water and Land Resources Policies (Comprehensive Plan, page 38-40)

1. The city will do what is necessary to improve the sewage treatment system.

Finding: The City of Dundee is currently in the process of planning for major upgrades to its existing Wastewater Treatment Plant (WWTP). The 2010 WWTP Master Plan has been designed to meet the needs of a year 2031 population of 6,351 people. New facilities and enhancements at the WWTP will include treatment lagoon improvements, influent pump station and other facilities.

Development of a new Nature Park is also included as part of the proposed future improvements to the city's WWTP. This park would incorporate a variety of trails, water features and a small

playground and would help meet open space, recreational and wildlife habitat needs. The water features in this area also may allow for tertiary treatment of the treated effluent, primarily to reduce temperatures prior to eventual discharge to the Willamette River.

The Tier 2 DEIS preferred alternative will span the unnamed stream near the WWTP and the alignment will not conflict with the planned improvements outlined in the 2010 WWTP Master Plan. The existing access to the WWTP will be maintained or relocated by ODOT as part of the construction of the Bypass project to assure continued access.

Natural Hazards Policies (Comprehensive Plan, page 41-43)

- 1. The City will prevent development in the areas of natural hazard, unless special design features adequately insure the safety and protection of life and property.***
- 2. Uses that do not require protection through dams, dikes, or levies, will be given priority over other uses in the flood plain. No development will be allowed in the exclusive farm use zone (and flood plain) adjacent to the Willamette River other than farm uses.***

Finding: Figure 3 of the Dundee Comprehensive Plan illustrates areas within the city limits that are within the 100-year floodplain; areas of slope, flood hazard and drainage problems; and one area subject to occasional flooding. As described above, the majority of the natural hazard areas are concentrated in the lowland area adjacent to the Willamette River. While these properties are within the city limits of Dundee, they are currently located outside of the UGB and are designated for exclusive farm use.

The Tier 2 preferred alternative is located within the approved location corridor and within the UGB, outside of the primary floodplain area identified in Figure 3 of the Comprehensive Plan. Additionally, the City finds that the Tier 2 DEIS states on page 3-298: “The Bypass would not be located within any mapped FEMA floodways, 100-year floodplains, or 500-year floodplains of streams within the project area.” As shown on Figure 3.12-4 of the Tier 2 DEIS, the Bypass will span the unnamed stream in the Southeast Dundee area.

Based on the technical information in the Tier 2 DEIS, the City finds that the Bypass will be constructed outside of the exclusive farm use and floodplain area within the Dundee city limits and tributary streams will be bridged.

Recreation and Willamette River Greenway Policies (Comprehensive Plan, page 44-50)

- 1. The City supports the 150-foot line from the ordinary low-water mark for the Greenway.***
- 2. Creeks and natural drainage channels will become increasingly important for storm drainage as development increases. Major alterations to these stream courses or building in their flood plains will be prohibited. At a future date, pedestrian-ways or bicycle paths might be developed along these creeks.***

Finding: The Tier 2 preferred alternative is located within the approved location corridor in Dundee and outside of the Greenway boundary. As described above, the Bypass will span tributary streams in Southeast Dundee and will not include alteration of the streams or construction within their floodplains.

Through the on-going Southeast Riverside master planning process, protection of the Willamette River Greenway and tributary streams has also been targeted as a key objective. It is expected that areas along the Willamette Riverfront, outside of the existing UGB and within existing floodplain overlay zones will be targeted for protection through a combination of regulatory requirements and possible density transfers. The City finds that the Tier 2 preferred alternative will accommodate future development of pedestrian or bicycle paths along the creeks and underneath the Bypass spans, consistent with the Recreation and Greenway policies.

Additionally, Dundee's adopted and acknowledged TSP (Figure 6-3) shows the Bypass location corridor and also identifies three conceptual locations for local street connections across the Bypass. Therefore, the City clearly anticipated in 2004 that a Bypass could be developed in a southerly corridor in a manner that supports recreation and greenway policies.

Economy Policies (Comprehensive Plan, page 51-55)

2. ***The city should preserve and upgrade the businesses along 99W by supporting highway improvements that will alleviate traffic congestion, by requiring off-street parking and by requiring high design standards in new developments.***

Finding: The City of Dundee has long supported the Bypass in a southerly corridor to provide the opportunity to alleviate traffic congestion and preserve and upgrade the businesses along 99W as called for in policy 2 above. The Tier 2 preferred alternative ensures that sufficient regional and statewide trips are diverted off of 99W to the Bypass and allows retention of a 2-3 lane cross section through Dundee's downtown. The City expects that ODOT will continue to support the city's efforts in planning for "Main Street" type improvements in the downtown area, including possible adoption of new commercial design standards.

Housing Policies (Comprehensive Plan, page 56-63)

3. ***Highway uses will be kept from intruding into adjacent neighborhoods.***
5. ***The priority area to develop for new residential use is the western part of the city. The eastern part of the city will be developed when public need is established.***

Finding: In adopting Alternative 3J (Modified) as the preferred location corridor for the Bypass in 2004, the City of Dundee was striving to move the corridor as far to the east as possible to avoid established residential neighborhoods, consistent with Policy 3 above. The Council recognized that the Bypass would displace some land within the Dundee UGB that was identified for residential use. However, because the properties affected are large and currently undeveloped, the City has had the opportunity to coordinate the on-going Southeast Riverside

Master Planning with the Tier 2 Bypass alignment and design to assure local circulation across the Bypass and compatibility with anticipated neighborhood development.

Public Facilities and Services Policies (Comprehensive Plan, page 64-70)

- 1. The city supports construction of upgraded sewerage services to facilitate orderly growth and preserve and enhance water quality.***

Finding: As described earlier in these findings, the City recently completed an update to the Wastewater Treatment Facility Master Plan and identified improvements to the treatment plant that are needed to accommodate an estimated year 2031 population of 6,351 people. The City's sewage treatment facilities and lagoons are located east of the Bypass location corridor toward the Willamette River. During the Tier 2 design phase, the City has coordinated with ODOT to ensure that the specific Bypass alignment maintains adequate area and access to accommodate the planned improvements at the WWTP as called for by policy 1 above. We find that the modifications to the Bypass will not interfere with the upgraded sewerage services and is consistent with this policy.

Energy Policies (Comprehensive Plan, page 79-81)

- 1. The City will promote alternative transportation modes to private auto use, including car-pooling, pedestrian traffic, and bicycling.***

Finding: The City finds that the Tier 2 preferred alternative will include improvements for alternate modes as described on page 3-20 of the DEIS: "Oregon 99W would remain the designated bicycle route through Newberg and Dundee under the Build Alternatives. Bicyclists would use the bike lanes and paved shoulders on Oregon 99W or the 10- to 12-foot wide outside shoulders planned for the Bypass; both would safely accommodate bicycles." Pedestrian facilities are not proposed on the Bypass. However, local circulation changes to roads disrupted by the Bypass would be constructed to the relevant City or County standards. Therefore, the City expects that the collector road overcrossing of the Bypass within the Dundee UGB and the Fulquartz Road overcrossing will include pedestrian and bicycle improvements. Further, the Bypass will span the stream near the treatment plant and could accommodate future construction of a multi-purpose trail under the bridge to provide another linkage of east and west Dundee across the Bypass. While carpooling will be accommodated on the Bypass, promotion of this alternative mode is more relevant to programs such as preferential parking for carpool vehicles, park and ride lots and outreach programs. We find that the design of the Bypass and the collector road overcrossing within the Dundee city limits will accommodate and promote alternative modes, particularly bicycling.

II. STATEWIDE PLANNING GOAL FINDINGS

The Land Conservation and Development Commission (LCDC) acknowledged that the Dundee Comprehensive Plan and implementing ordinances comply with the statewide planning goals. The existing plan policies in the Transportation Chapter of the Dundee Comprehensive Plan that

specifically address the Bypass have been in place for more than six years and were adopted in compliance with the statewide planning goals.

The policy amendments that are set forth in Exhibit A represent a refinement of plan policies that are already in place rather than a major policy change. The policy amendments do not affect or change the plan designations or zoning of any properties within Dundee. Statewide goals that are relevant to the new or revised policies in the Exhibit A amendments include Goal 1 (Citizen Involvement), Goal 2 (Land Use Planning), Goal 9 (Economic Development), Goal 10 (Housing), Goal 12 (Transportation) and Goal 14 (Urbanization).

Goal 1 – Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding: Generally, Goal 1 is satisfied when a local government follows the public involvement procedures set out in its acknowledged comprehensive plan and land use regulations.

The City mailed individual notice of the public hearings on the policy amendments to property owners of record within the boundaries of the Tier 2 DEIS Preferred Alternative in Dundee. Additionally, the City published a general notice of the Type IV public hearings and provided a 45-day notice to the Department of Land Conservation and Development Commission as required for post acknowledgement plan amendments.

A public hearing of the Dundee Planning Commission was held on February 16, 2011. Therefore, the City has followed the public notice and public hearing procedures set out in its acknowledged comprehensive plan in compliance with Goal 1.

Prior to the public hearings on the proposed amendments, ODOT provided many opportunities for citizens to be involved in the Tier 2 design planning phase from 2005 through 2010. Public involvement activities included open houses, design workshops and local access forums, and communication tools included newsletters and a project website. The public had an opportunity to review and comment on the Tier 2 DEIS during the June 4 – July 9, 2010 public comment period. ODOT held a public hearing/open house for the Tier 2 DEIS at Newberg High School on June 29, 2010. One hundred eighteen individuals attended. Court reporters were available to take individual testimony. Altogether, 106 comments were submitted during the public comment period. All of the jurisdictions, including Dundee City Council, favored a Build Alternative.

In summary, the City finds that citizens have been provided an opportunity for involvement in all phases of the planning process, including the federal NEPA process associated with the Tier 2 DEIS and the local land use process associated with public hearings on the plan policy revisions included in Exhibit A.

Goal 2 – Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: Part I of Goal 2 requires that actions related to land use be consistent with acknowledged comprehensive plans of cities and counties. Consistency of the proposed plan policy amendments with the acknowledged Dundee Comprehensive Plan is addressed in Section I of these findings.

The proposed amendments are consistent with the Dundee Comprehensive Plan and TSP because those plans authorize the Bypass in a southerly alignment. Additionally, planning for the Bypass has involved extensive coordination between affected governments and agencies, evaluation of alternatives, and an adequate factual base as supported by the Tier 1 location EIS and the Tier 2 DEIS.

In developing the Tier 2 DEIS and selecting the preferred alternative, ODOT (the lead agency) has engaged in significant coordination efforts over an approximately six year period with Yamhill County officials, officials from the cities of Newberg, Dundee, Dayton, representatives of the Oregon Department of Land Conservation and Development, the Federal Highway Administration, and other federal, state and local agencies and officials. The Tier 2 DEIS included an analysis of design alternatives as required by Goal 2. For all of these reasons, we find that Goal 2 Part I is met.

Goal 9 – Economic Development

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

Finding: The Bypass will have generally positive long-term economic impacts to areas that are subject to Goal 9. In particular, the Bypass and the East Dundee Interchange will reduce travel times for freight movement through the corridor and improve commercial/industrial access to the Portland metropolitan area. Additionally, by diverting longer-distance through trips from OR 99W to the Bypass, the City of Dundee will have an opportunity to reclaim the segment of OR 99W through the downtown area as a main street for the community.

By reducing congestion on OR 99W, the City of Dundee has the opportunity to enhance access and local circulation for residents and businesses and help facilitate economic development consistent with Dundee's vision of becoming a center for the wine & tourist industries. Therefore, the Council finds that continued support for the Bypass project will reinforce the City's long-term policies for economic development consistent with Goal 9.

Goal 10 – Housing

To provide for the housing needs of citizens of the state.

Finding: 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 must inventory “buildable lands” for residential use and encourage the availability of needed housing units at price ranges and rent levels that are commensurate with the financial capabilities of Oregon households.

When the Bypass location corridor through the Dundee UGB was approved in 2004, it affected about 28 acres of land in East Dundee that were identified on the Comprehensive Plan for future residential use. The affected parcels (Edwards and Lindquist) were undeveloped and included in an “Agricultural Holding” zone at that time. Prior to approving the specific policies for the Bypass in 2004, the City Council concluded that the City would retain a surplus of 80 acres of residential land to meet projected housing needs to the year 2020, even taking the displacement of about 28 acres for the Bypass into account.

In 2009, the Dundee City Council approved a plan amendment/zone change affecting the northerly property (Edwards) for a mix of Residential, Commercial, Industrial and Public uses. (File 07-05-09/07-05-10). The southerly property (Lindquist) is still in an Agricultural Holding Zone. Both properties are still undeveloped.

The City of Dundee is currently involved in a master planning process for the Southeast Dundee Riverside area that is traversed by the Bypass (including the Edwards and Lindquist parcels). The master planning project is partially funded by a grant from the Transportation and Growth Management Program. The master planning process will take approximately one year to complete, with adoption of a master plan expected in June 2011. The project will help ensure that the lands within the study area are planned in an efficient and sustainable manner that maximizes the use of the available lands while protecting the natural resources and taking into account the planned location of the bypass and associated crossings.

A multi-day design charrette was held in Dundee in October 2010 to identify a preferred conceptual land use and transportation plan for the study area. ODOT representatives participated in the charrette and the land use plan reflects the Bypass alignment from the Tier 2 DEIS. While the master planning process is on-going and final plan and zoning designations have not been implemented (particularly for the Lindquist property), it is envisioned that the study area will be developed with a variety of integrated land uses, including a mix of housing types and densities.

In summary, the City concluded that adequate lands were available to meet housing needs when the Bypass location corridor was designated in 2004, and the on-going master planning process provides the opportunity to ensure that the Southeast Dundee Riverside area is planned and developed as part of a cohesive master plan and will continue to provide a substantial portion of Dundee’s future housing inventory. Therefore, the Council concludes that the refinements to the Bypass policies will not impact the City’s ability to meet its residential land needs.

Goal 12 – Transportation

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

Finding: The findings in Section I that address the Transportation Chapter of the Dundee Comprehensive Plan are adopted by this reference to demonstrate compliance with Goal 12. The Transportation Planning Rule (TPR) implements Goal 12. The following findings focus more specifically on the requirements of that rule (OAR 660-012).

As explained in OAR 660-012-0010(1), the TPR divides transportation planning into two phases: (1) transportation system planning, and (2) transportation project development. Transportation system planning establishes land use controls and a network of facilities and services to meet overall transportation needs. Transportation project development implements the TSP by determining the precise location, alignment, and preliminary design of improvements included in the TSP.

The southerly Bypass location corridor is already included in Dundee's acknowledged TSP and supported in comprehensive plan policies based on the Tier 1 EIS. The Oregon Transportation Commission has also adopted the Bypass location corridor as part of the Oregon Highway Plan. Through the Tier 2 DEIS process, the project has advanced from the location phase through the more detailed alignment and project development envisioned in the TPR.

OAR 660-012-0015 provides for coordination between the State of Oregon and affected cities and counties in developing transportation system plans. ODOT has prepared and adopted a state Transportation System Plan and modal plans in accordance with statutes and its program for state agency coordination. The state TSP identifies a system of transportation facilities and services adequate to meet identified state needs. This section of the TPR also requires that cities and counties prepare, adopt and amend local TSPs for lands within their planning jurisdiction. Local TSPs shall establish a system of transportation facilities and services adequate to meet identified local transportation needs and shall be consistent with adopted elements of the state TSP.

As the Tier 2 DEIS and its supporting documents show, the Bypass project has been coordinated among ODOT, Yamhill County and the cities of Newberg, Dundee and Dayton. Coordination has also extended to Marion and Washington Counties and the Federal Highway Administration. Since 2004, all of the local jurisdiction plans (Yamhill County, Newberg, Dundee and Dayton) and ODOT's Highway Plan have been coordinated in calling for and supporting development of the Bypass in the southern location corridor.

OAR 660-012-0020(1) requires that a TSP establish a coordinated network of transportation facilities adequate to serve state, regional and local transportation needs. As documented in Chapter 3.1 (Transportation) of the Tier 2 DEIS, the Bypass would serve state and regional transportation needs and would free up capacity on existing OR 99W to serve local and regional travel needs. Again, all of the affected jurisdictions have already authorized the Bypass within their acknowledged TSPs and all plans have been coordinated.

OAR 660-012-0035(3) requires consideration of various factors in evaluating and selecting transportation system alternatives. While this level of analysis is targeted to the overall transportation system planning phase, the Tier 2 DEIS includes consideration of similar factors in

the evaluation of design options for the Bypass, including compliance with air, land and water quality standards; minimizing adverse economic, social, environmental consequences; and minimizing conflicts and facilitating connections between modes of transportation.

OAR 660-012-0040 requires that the TSP include a financing program, including a general estimate of the timing for planning transportation facilities and major improvements and a determination of their rough cost estimates. Table ES-1 of the Tier 2 DEIS estimates a total cost of about \$752 - \$879 million to construct the Bypass (including right-of-way cost, utility relocation and local circulation cost). Funding for the Bypass will come from a variety of sources, including federal, state, and local governments. The Oregon Jobs and Transportation Act (HB 2001), passed by the 2009 Oregon Legislature, authorizes bonds to be issued as early as 2011 to be used to finance all or any portion of a number of projects. This bill includes \$192 million for the Newberg Dundee Bypass.

A formal financing plan is currently being prepared and will be finalized after a Record of Decision (ROD) on the Tier 2 FEIS.

OAR 660-012-0045 requires that local governments adopt regulations to protect transportation facilities for their identified functions. This provision of the TPR provided the key impetus for Yamhill County and the cities of Newberg, Dundee and Dayton to amend their comprehensive plans in 2004 to protect the Bypass and interchanges to accommodate primarily longer-distance through traffic. The proposed amendments to the Dundee Comprehensive Plan retain this policy framework, but refine specific provisions to reflect the Tier 2 DEIS and the progression of the project from the more general location phase to the more detailed alignment and project development phase. We find that the modifications to the Bypass satisfy Goal 12.

Goal 14 – Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding: A four-lane limited access 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 Bypass, where located inside the Newberg, Dundee and Dayton UGBs, complies with Goal 14. Outside of the UGBs, the Bypass is permitted only through an exception to Goal 14 (and Goals 3 and 11). Yamhill County approved goal exceptions for the Bypass and interchanges on rural lands in 2004. The county goal exception was supported by coordinated policies in the county and city comprehensive plans to reduce pressures to prematurely convert land from rural to urban land uses on the basis of the planned Bypass and interchange locations.

ODOT has submitted an application to Yamhill County to modify the goal exceptions approved in 2004 to reflect refinements to the Bypass alignment, interchange design and modifications to local circulation based on the Tier 2 DEIS. Similar to the approach followed in 2004 for the

Bypass location decision, ODOT is coordinating with Yamhill County and the cities of Newberg, Dundee and Dayton to update a similar package of plan and code provisions to support the Tier 2 DEIS preferred alternative. We find that the modifications to the Bypass policies are consistent with the provisions of Goal 14.

Goal 15 – Willamette River Greenway

To protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Finding: The Tier 2 DEIS preferred alternative does not directly impact lands inside the Willamette River Greenway boundary. However, as summarized in the findings addressing the Dundee Comprehensive Plan, the Tier 2 DEIS identifies an overcrossing in the vicinity of 8th Street that will be constructed as part of the Bypass project to maintain connectivity between downtown Dundee and the Riverfront. Recognizing that the City is in the process of master planning the undeveloped area between Dundee and the Willamette River, ODOT will continue to coordinate with the City on the location of the overcrossing and is flexible on the ultimate location within the UGB if it could serve all property ownerships between the Bypass and the Willamette River. This commitment is reflected in the new wording of policy 12 as shown in Exhibit A. We find that the modifications to the Bypass policies are consistent with the provisions of Goal 15.



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