THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY (“the Board”) sat for the transaction of county business in special joint session with the Yamhill County Planning Commission on February 15, 2011, at 7:00 p.m. in the McMinnville Civic Hall, 200 NE 2nd Street, McMinnville, Commissioners Leslie Lewis and Kathy George being present and Commissioner Mary P. Stern being excused.

Present from the Planning Commission were Daryl Garrettson, John Abrams, Alan Halstead, Michael Sherwood, Marjorie Ehry, Matt Dunckel, Bob White, and Dan Armstrong, with David Polite joining the meeting in progress at 7:03 p.m.

Also present were Mike Brandt, Planning Director; Nicole Montesano, News-Register; Shelley Holly and Bill Ciz, Parametrix, 700 NE Multnomah, Ste 1000, Portland 97232; Mark Greenfield, 14745 NW Gillihan Rd, Portland 97231; Terry Cole, Kelly Amador, and Rod Thompson, ODOT, 455 Airport Rd SE, Salem 97310; Bonnie Heitsch, Department of Justice, 1162 Court St, Salem; Dave Haugeberg, 620 NE 5th St, McMinnville; Jon Mangis, 920 Sahalee Ctr SE, Salem 97306; Saj Jivanjee, 32230 NE Old Parrett Mt Rd, Newberg; Andrew Aylor, 31461 NE Bell Rd, Sherwood; Donald Alexander, 1112 N Klimels Ln, Newberg; Merilyn Reeves, PO Box 1083, McMinnville; Mart Storm, 22965 Sunnycrest, Newberg; Mary Etta Findley, 21925 NE Fulquartz Landing Rd, Dundee; Jessica Cain, 700 N Deborah Rd, Ste 150, Newberg; Mark Higgins, 32255 NE Old Parrett Mt Rd, Newberg; and Don Angell, 11002 NE Morris St, Portland 97220.

Commissioner Lewis and Planning Commissioner Daryl Garrettson called the meeting to order at 7:00 p.m. and opened the joint public hearing.

LEGISLATIVE PUBLIC HEARING

1. Consideration of Planning Docket G-02-10, a request for modifications to Goals 3, 11, and 14 exceptions for the Newberg-Dundee Bypass corridor and the East Dundee Interchange adopted by Yamhill County in 2004; to adopt four new exceptions to Goals 3, 11, and 14 associated with the Newberg-Dundee Bypass project; and to amend Yamhill County’s Comprehensive Plan, Transportation System Plan, and Land Use Regulations to adopt or amend plan policies related to the bypass corridor, applicant Yamhill County, initiated by Oregon Department of Transportation (ODOT).
Staff Report - Mike Brandt provided background information on Planning Docket G-02-04, which adopted the bypass corridor and accompanying interchanges. He stated that Docket G-02-10 requests amendments to that as a result of the Tier 2 (Design) Draft Environmental Impact Statement (DEIS). He reviewed the approval process, explaining that a recommendation to the Board by the Planning Commission would require five affirmative votes, after which the Board would deliberate and make a final decision. He stated that three letters had been received that day and copies are in front of the commissioners.

He noted that the approval criteria under the Yamhill County Comprehensive Plan, as referred to on page 8 of the staff report, were copied from an earlier ordinance and are incorrect. He distributed copies of Ordinance 838, pages 3 and 4 of which contain the updated criteria.

ODOT Presentation (See Exhibit A for slides) - Mark Greenfield, land use consultant to ODOT, reviewed the four different requests being made and requested that the binders of materials submitted be included as part of the record.

Kelly Amador, ODOT, reviewed the Tier 2 process and schedule. In response to a question from Alan Halstead, she confirmed that the questions in the letter from Miller Nash regarding properties between Newberg and Dundee would be addressed in the Final Environmental Impact Statement (FEIS).

Mark Greenfield and Bill Ciz reviewed the details of the application. Mr. Greenfield explained that the bypass project has been identified as a transportation need and it cannot be met on land not requiring goal exceptions.

Segment 1: Dayton Interchange

Mr. Ciz stated that Option 1.7B (Figure 23) is the preferred alternative selected by ODOT. Mr. Garretson expressed concerns about the proposed closure of the Kreder Road access, which is often used by local law enforcement to detour traffic around accidents. He said that this is an important connection and the county had not previously approved its closure. He said that in the event of earthquake, there would be no access on that side of the river. Mr. Ciz stated that Kreder Road would be rerouted through a new underpass under Highway 18 near the existing Yamhill River bridge, then would reconnect to Kreder Road on the east side and continue to the new Ferry Street Bridge, with the existing road being improved to city standards. He said that the Dayton emergency service providers preferred the direct access route across the new Ferry Street Bridge (Option 1.7B) and had expressed concerns about Option 1.7A. He said that the City of Dayton had submitted a letter selecting this as the preferred design option. He added that traffic volumes coming from Dundee are very low on Highway 99W and the number of accidents is minimal.

Mr. Greenfield stated that many of the proposed improvements are not within the approved bypass corridor, but are necessary to meet safety standards. He said that a goal exception is not required to close a local access road outside the bypass corridor. Bonnie Heitsch, Department of Justice, added that the bypass was originally approved as an expressway...
with no local access. Mr. Greenfield discussed the reasons for modifying both the location and the function of the interchange: cost, land efficiency, sustaining of resources, and visual impacts. He said that these reasons strongly support a full-service interchange in place of a directional interchange.

There was some discussion about the proposed replacement of Ferry Street Bridge. Mr. Ciz stated that other locations for the bridge were not considered. Mr. Halstead stated that before Hwy 18 was built, Ferry Street was the main highway and there was a ferry across the river at that location.

**Segment 2: Dayton to Dundee**

Mr. Ciz stated that three options were considered for the alignment of Fulquartz Landing Road east crossing, and the preferred alternative is #2 (Figure 5), which moves the road to the west. He said that there are a number of local circulation changes because the bypass disrupts local roads, and ODOT’s preference is Alternative A for Crawford Lane and Alternative B for the west crossing of Fulquartz Landing (Figure 24) because they have the least impact on farmland.

Mr. Greenfield reviewed the modified goal exception areas (Figure 7), explaining that this shifts the bypass corridor, opening up more lands for farming to the south and eliminating fragments of land that are undesirable for farming. He said that it also preserves the building for the gun club.

John Abrams questioned the need for three overpasses, at great expense, over a stretch of road that services very little population. Mr. Ciz stated that ODOT is looking to replace the existing access points between Riverwood Road and Fulquartz Landing Road and reconnect them to the system.

Mart Storm stated that there is currently a north-south connection that allows access to Fulquartz Landing Road from the west by turning left across the median. Another audience member pointed out that there are actually two median crossings in that area. Mr. Ciz stated that the proposed design does not allow any left turns. He said that ODOT could look at that option, but it would be difficult because of the guardrails and because of the difference in heights between the two sides of the road.

**Segment 4: Dundee to Newberg**

Mr. Ciz stated that two design options were considered and the preferred alternative is Option 4.1, the diamond interchange (Figure 27). He reviewed the proposed local road changes. Mr. Greenfield stated that the modifications to the goal exception are needed in order to widen the corridor and provide additional fill slope. He said that the diamond interchange has less impact on farmland than the partial cloverleaf interchange (Option 4.2, Figure 28).

**Segment 6: OR 219 Interchange Area**
Mr. Ciz stated that new goal exceptions are needed for the ramps because they are outside the Urban Growth Boundary. He said that Wynooski and Wilsonville Roads also need to be moved to meet ODOT intersection spacing standards. Mr. Greenfield stated that ODOT had rejected the first alternative because it violated a federal law regarding the economic impact on low-income and minority residents. He said that the proposed alternative minimizes impacts on farmland and does not have extreme economic impacts on low-income and minority residents. He explained that even though a portion of the land has been accepted into the city’s Urban Renewal Area, that hasn’t been formally acknowledged at this point and ODOT has to base its proposal on the current status of the property.

**Segments 7 and 8: East Newberg, East Newberg Interchange, and Rex Hill**

Mr. Ciz stated that modifications to these goal exception areas are necessary because the interchange could not be designed within the approved bypass corridor. He reviewed local circulation changes and said that the preferred alternative is Option 7.5C (Figure 29). Mr. Greenfield stated that the proposed modifications minimize impacts on farmland. He explained that Option 7.5C cuts off a corner of the golf course, but avoids the hospital and allows for the realization of the hospital’s master plan. He added that even with this change, the golf course would be able to operate in a manner consistent with its master plan.

David Polite expressed concern about the ability to safely get onto Highway 99W heading to Sherwood, especially with increasing traffic in that area, and asked about the possibility of a design that would allow traffic to merge onto 99W. Mr. Ciz stated that ODOT had not looked at that option. He said that traffic volumes may not warrant that type of design, and it would also extend the project to the east, which might run into the creek, and would require the road to be widened to accommodate a merge lane. He stated that the right-in, right-out design eliminates left turns and provides safer traffic movements.

Saj Jivanjee asked about the local impact on traffic at the bottom of the intersection. He stated that ODOT is solving one problem, but creating another. Mr. Ciz stated that ODOT did not look any trip generation issues in that area, but he believes that Mr. Jivanjee is correct in that traffic would increase with utilization of the new roadway.

Mr. Ciz confirmed that the new footprint of the interchange is about doubled in size. He explained that Highway 99W would move to the south, the old 99W would become a frontage road, and the island of land between the two roads would be about three to four acres in size.

Mr. Greenfield stated that with the final record of decision, the corridor boundaries would be condensed to fit the proposed alignment, returning land to farmland.

Terry Cole, ODOT, provided background information on the plan policy amendments. He reviewed the current status of plan policies for the cities of Newberg, Dundee, and Dayton, and provided an overview of the requested plan, policy, and code changes for Yamhill County. He explained that the proposed ordinance at the back of the packet includes everything that was presented at this hearing as preferred or recommended alternatives.
Tim Potter, ODOT, stated that it is difficult to estimate the timeline for construction of Phase 1 because there is a lot of right-of-way to be acquired, but it would probably be two to three years for right-of-way acquisition and three to four years for construction if all goes well. Mr. Cole stated that ODOT won’t know exactly what Phase 1 will look like until it takes a look at what funding is on the table when the FEIS is completed. Ms. Lewis stated that Phase 1 and funding for it is in the legislation, and there is a certain senator who knows very well what Phase 1 is, so it will get done.

Jon Mangis stated that if Kreder Road is closed and the Ferry Street Bridge is not funded, slow-moving farm equipment could create a hazard. Mr. Potter assured him that the bridge is built into the cost of the ODOT project and would not need to be funded by Yamhill County or the City of Dayton. Mr. Greenfield added that ODOT is required to provide reasonable access to properties, and the bridge is necessary for that.

Mr. Garrettson stated that he has major issues with amending the Transportation Systems Plan (TSP) to allow ODOT to close a major access point outside of the bypass corridor. Ms. George said that it would be nice if Kreder Road did not have to be closed. She said that closing the road would make it difficult for people to get around and she is worried about emergency access. Mr. Cole stated that ODOT feels it is adequately serving that area with access and is also serving the long-term objective to make Highway 99W a more limited access roadway. He said that the bridge should provide good emergency access.

In response to a question from John Abrams about ODOT’s control over future industrial development in the area, Mr. Cole stated that there would be no direct access to the bypass from any future development. He said that ODOT would be working with cities and the county to begin TSP updates over the next couple of years, looking particularly at Highway 99W and adjusting its performance expectations to be more reasonably in line with what can be expected to happen in the future. Mr. Polite pointed out that once the bypass is built, pressure on 99W will be reduced and 99W will be more capable of absorbing new traffic. He said that the bypass would also facilitate transportation to new industrial development and may provide future opportunities for more commercial development.

Public Testimony - Andrew Aylor highlighted the main points of a letter in the record from Miller Nash.

Merilyn Reeves, representing Friends of Yamhill County, submitted written testimony. She stated that the decision was made in 2004 to make a four-lane, 11-mile, 55-mph expressway. She said that the decision to have the speed limit be 55 mph set into motion a very expensive, drawn-out process, and there are concerns about both the cost and the extent of this project. She reviewed the 37 projects approved for funding from the state gas tax increase and expressed concern about the fact that Phase 1 is for a two-lane bypass, but the Environmental Impact Study is for a four-lane bypass. She said that it isn’t clear whether Phase 1 would be a high-speed road or not. She recommended that the Board hold off on approving the proposed changes until it can get better information about what would happen in Phase 1.

Dave Haugeberg, chair of the Yamhill County Parkway Committee, reminded the group...
of the support for the bypass from the Mid-Willamette Valley Area Commission on Transportation, the governor, cities, chambers of commerce, businesses and others. He stated that this project received about twice as much state funding as any other project on the list, which indicates its importance. He said that the bypass is a critical part of the infrastructure and the transportation corridor for the entire region, and it is important to move forward with it.

Close of Public Hearing / Deliberations (Planning Commission)- John Abrams disagreed with the application, stating that he is disgusted with the whole process and, although he appreciates the work that’s been put in, doesn’t understand why a fairly simple road wasn’t put in over Riverbend and McKay Roads that would provide a 15-minute drive to I-5.

Alan Halstead supported the application, stating that the bypass route suggested by Mr. Abrams would never be approved by Marion County.

Michael Sherwood supported the application, stating that everybody needs the bypass and the county needs to see it through.

David Polite supported the application. He agreed that the other route seems far more efficient, but said that he also wants to make industry more viable for cities and businesses from a commercial point of view, and believes that Mr. Garrettson’s concerns can be overcome.

Daryl Garrettson stated that he can’t support doubling the footprint of the east Newberg interchange, the TSP amendments, or closing Kreder Road. He said that he is also concerned about Fulquartz Landing Road and doesn’t think the county got enough input from the community or from emergency services about the impact in that area. He supported the other proposed amendments.

Marjorie Ehry stated that the bypass is needed, but she will vote no to make the point that ODOT still needs to finish Highway 99W, which was designed to be a four-lane highway. She said that the bypass won’t completely alleviate the traffic problem, which will continue to grow, and an overchange over Dundee would solve everything. She expressed appreciation for the concerns raised by Friends of Yamhill County and said that noise is one concern that wasn’t mentioned.

Matt Dunckel agreed with Ms. Ehry and said that he would also vote against the application as a protest about 99W.

Bob White supported the application, stating that Yamhill County will continue to get a lot of traffic going to the ocean.

Dan Armstrong stated that this is a very important issue and it is difficult for him to move forward with such indecision on the part of the commission.

Motions - Mr. Halstead moved to recommend approval of Planning Docket G-02-10; Mr. Sherwood seconded the motion. The motion failed, Commissioners Halstead, Sherwood, Polite, and White voting yes and Commissioners Abrams, Ehry, Dunckel, Armstrong, and Garrettson
voting no.

Ms. Ehry moved to recommend denial of Planning Docket G-02-10; Mr. Dunckel seconded the motion. The motion passed, Commissioners Armstrong, Dunckel, Ehry, Abrams, and Garrettson voting yes and Commissioners White, Halstead, Sherwood, and Polite voting no.

Ms. George moved to continue the Board of Commissioners’ hearing to 10:00 a.m. on March 31, 2011, in Room 32 of the Courthouse, at the point of Staff Recommendation. The motion passed, Commissioners Lewis and George voting aye.

OTHER BUSINESS (Planning Commission)

2. Consideration of approval of Planning Commission minutes from January 6, 2011.

Mr. Halstead moved approval of the minutes; Mr. Polite seconded the motion. The motion passed unanimously.

The meeting adjourned at 10:10 p.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair
MARY P. STERN

Commissioner
LESLIE LEWIS

Commissioner
KATHY GEORGE
Application to Amend
the Yamhill County Comprehensive
Plan and Transportation System
Plan and Adopt New and Modified
Exceptions to Statewide Planning
Goals 3, 11 and 14

Yamhill County Presentation
February 15, 2011

Goal Exception Requests

- Six (6) Modifications to Previously
  Approved Goal Exceptions for Bypass
  Corridor
- Four (4) New Goal Exceptions
Transportation System Plan (TSP) Amendments

- Requests for inclusion of several local circulation and access improvements in the TSP
- Amendments to the Yamhill County Comprehensive Plan and Land Use Regulations relating to the Bypass

Newberg Dundee Bypass Tier 2 Process

- Tier 2 Kickoff Open House. Oct 2005
- Tier 2 DEIS & ODOT/FHWA Review. March 2007 - March 2010
- Tier 2 DEIS Public Hearing and Comment. June/July 2010
- Select Preferred Alternative. August/September 2010
- Prepare FEIS. Nov 2010 - Oct 2011
- Issue FEIS and Record of Decision. Late 2011/Early 2012
Six Goal Exception Modifications

- Modifications to:
  - Dayton Interchange,
  - East Dundee Interchange,
  - East Newberg Interchange
- Modifications to Bypass Corridor:
  - Between Dayton and Dundee,
  - Between Dundee and Newberg,
  - Between Oregon 219 and East Newberg Interchanges

Four New Goal Exceptions

- Fulquartz Landing Road (East)
- Wynooski Road
- Wilsonville Road
- Oregon 219 Interchange Ramps
TSP Local Circulation Amendments

- Segment 1 near Dayton Interchange
- Segment 2 between Dayton and Dundee
- Segment 4 between Dundee and Newberg
- Segment 7, 8, and 8a in the vicinity of the East Newberg Interchange

Legal Standards

OAR 660-012-0070 – locating transportation facilities on rural lands
- **Reasons** why state policies in the goals should not apply
- **Alternatives** not requiring a Goal Exception cannot reasonably accommodate the transportation need
- **Economic, Social, Environmental, and Energy Consequences (ESEE)**
- **Compatibility** with surrounding uses on rural lands
TSP Amendments for Local Roads

- OAR 660-012-0065(5)
  - Identify reasonable build alternatives
  - Assess impacts on farmland
  - Select alternative with least impact on land in farm use
- ORS 215.296-Improvement does not significantly change or increase the cost of accepted farming practices

Statewide Planning Goal Exceptions

- Goal 3 – Preserve agricultural land for farm uses
- Goal 11 – Public facilities should be limited to the needs of the rural area being served
- Goal 14 – Locate urban uses only inside the UGB or unincorporated areas
Questions?

Plan Policy Amendments - Background

- Yamhill County’s Comprehensive Plan has included policies in support of a southerly Bypass around Newberg and Dundee for many years.
- Over the past 10 years, Yamhill County has revised and updated specific plan policies in parallel with the tiered environmental review (NEPA) process for the Bypass.
- In 2004, Newberg, Dundee, Dayton, and Yamhill County adopted a consistent and coordinated set of plan policies to support the Tier 1 southerly “location” corridor and statewide goal exceptions that Yamhill County took for the Bypass.
- The 2004 policies included a temporary “freeze” on UGB amendments, plan amendments and zone changes in proximity to the interchanges – this policy was deleted from the Newberg and Yamhill County plans in 2008 and is expected to be deleted from the Dundee and Dayton plans when their policies are updated in the next few months.
Plan Policies – Current Phase

- In 2010, ODOT released the Tier 2 DEIS that focused more specifically on the Bypass alignment and associated local circulation options.
- In addition to the Yamhill County land use application that you are considering tonight, ODOT has coordinated with the cities of Newberg, Dundee and Dayton to make minor revisions to their respective plan policies to reflect the Tier 2 preferred alternative.
- Hearings before the Newberg, Dundee, and Dayton Planning Commissions & City Councils are scheduled for February and March of 2011.
- We understand that the Yamhill County Board will not take final action on the modified goal exceptions until the cities have taken final action on their updated plan policies.

Overview of Plan, Policy, and Code Changes for Yamhill County

- Amend the existing policy supporting the southerly location corridor with the more specific Tier 2 Bypass alignment.
- Amend policies relating to when the Bypass will be considered a “planned improvement” for purposes of compliance with Oregon’s Transportation Planning Rule.
- Amend policy relating to the timing and adoption of IAMPS for the four interchanges (must be adopted by OTC prior to construction of each respective interchange).
- Amend the Yamhill County TSP to show the Bypass alignment and changes to local circulation that are included in the Tier 2 preferred alternative and that will be constructed by ODOT as part of the Bypass project.
Overview of Plan, Policy, and Code Changes for Yamhill County

- The consolidated Yamhill County application includes findings to address compliance with Oregon's Transportation Planning Rule for local circulation changes affecting rural lands.
- Reduce the size of the Bypass Interchange Overlay in the vicinity of the four interchanges. The smaller boundaries reflect the refined, detailed planning for local circulation in the interchange areas.

Dayton Interchange Overlay