

**Errata Sheet**  
**Submitted July 22, 2004**

Subsequent to filing ODOT's "Findings of Fact and Statement of Reasons in Support of Exceptions to Goals 3, 11 and 14" (April 30, 2004) (the "Exceptions Document"), several errors and omissions have been discovered. ODOT asks that Yamhill County enter this errata sheet into the record and consider the Exceptions Document for approval "as corrected".

- The last sentence on page 9 of the Exceptions Document (Section 2.1.1, Second Paragraph) incorrectly states that outside the UGB, the bypass is located on lands designated Rural Residential. It should read, instead: "Outside of the UGB, the Bypass is located on lands designated EFU and Very Low Density Residential."
- The third paragraph on page 16 of the Exceptions Document (Section 2.1.3, second paragraph) incorrectly states that a small area of the connector road and ramps to the Bypass is located on land designated EFU, but this section is otherwise located on land designated Rural Residential. The second sentence of this paragraph should read, instead: "Most of the Bypass corridor, together with a small area of the connector road and ramps to the Bypass, is located on rural land designated Agriculture/EFU. Most of the connector road to the Bypass, as well as a small portion of the Bypass corridor, is located on rural land designated Very Low Density Residential."
- On page 144 to 147 of the Exceptions Document, ODOT addresses compliance with Policy 1B of the Oregon Highway Plan. However, the policies addressed in that section were amended by the Oregon Transportation Commission in January, 2004. New findings addressing the amended Policy 1B are attached to this Errata Sheet. However, because the findings set out at pages 144-147 remain relevant, they should not be discarded but supplemented by the attached findings. To the extent that the findings are conflicting, the new findings would control.
- On page 47, footnote 46 requires clarification. Footnote 46 should be replaced to read as follows:

LDEIS at S-1 and 4-1. The bypass facility will potentially require a strip of land approximately 198-246 feet wide. This includes area required for cut and fill slopes. LDEIS at 2-4. Because the project's actual footprint would require only about 60 percent of the area within the build alternative corridors that were studied, resources within those corridors may not necessarily be affected. To estimate impacts, ODOT's analysts multiplied the total amount of resources found in each corridor by the percentage of the corridor that would probably be used for bypass construction. Hence, if the bypass is likely to require 60 percent of that corridor, analysts applied a factor of 0.6 to estimate the portion of the corridor that would be affected. LDEIS at 4-1.

establish priorities for UGB expansions that will direct such expansions away from the Bypass interchanges.

**Action 1B.5** provides for ODOT to work with local governments to develop corridor and transportation system plans that protect existing limited access interchanges, emphasizing safe egress from freeways as the highest priority and regional access to freeways as the second highest priority. This policy also provides for consistency with local TSPs. ODOT already has worked cooperatively with the City of Dundee in the development of Dundee's TSP, and it is working with Newberg on that city's TSP update. ODOT also can achieve this policy objective through development of IGAs and IAMPs with Yamhill County and the affected cities as provided for in Policy 3C.

**Action 1B.7** provides for ODOT to use identified highway segment designations and objectives to foster compact development patterns in communities as provided for in their local acknowledged comprehensive plans or TSPs. These include Special Transportation Areas (STAs), within which the primary objective for highway management is to provide access to community activities, businesses and residences and to accommodate pedestrian movement along and across the highway in a downtown, business, or community center district.<sup>225</sup> Because Action 1B.7 applies inside urban growth boundaries rather than to the unincorporated lands that are the subject of this application, Action 1B.7 does not directly apply to this application. Still, as noted in the response to Action 1B.1, ODOT can work with Newberg and Dundee to support more compact development.

**Action 1B.8** provides for ODOT to consider classifications like STAs when it is engaging in planning and decision-making involving, among other things, development of corridor plans, review of local TSPs, review of site acquisition and construction of proposed public facilities, development of major investment studies, and highway facility design and project management. For this project, ODOT considered an STA classification at the suggestion of DLCDC. As explained in detail in Section 7.4 above, ODOT concluded that an STA is not an appropriate designation in Dundee at this time. It concluded that Dundee does not currently exhibit the characteristics of an STA as described in **Action 1B.9**.

<sup>225</sup> As described under Action 1A.7, an STA "is a highway segment designation that may be applied to a highway segment when a downtown, business district or community center straddles the state highway within an urban growth boundary... in accordance with Action 1B.9." OHP at 50-51.

**Action 1B.10** provides for ODOT to consider a proposal to establish an STA where compact development did not already exist at the time of adoption of the OHP (i.e., 1999) "only if the proposed STA is already planned in the local or regional adopted comprehensive plan." In 1999, compact development did not exist in Dundee and Dundee's plan did not provide for STAs. Accordingly, Dundee does not qualify for development as an STA under this action item, and consideration of an STA here is not required.

**Action 1B.12** and **Action 1B.13** are directory provisions directing ODOT to encourage local governments to cluster commercial development in community centers, commercial centers or Urban Business Areas, with limited access to the state highway, to reduce the number of vehicle trips and to reduce conflicts with through traffic. While these provisions again focus on lands inside UGBs rather than unincorporated rural lands, it is noted that the Bypass will be access controlled to reduce the number of vehicle trips and to separate through traffic from local traffic.

**Action 1B.14** directs ODOT to work with local governments to accommodate alternative modes on state highways. The NDTIP, including the proposed Bypass, will facilitate improved and faster transit travel through the region on the Bypass and to or from the region on existing Oregon 99W, improving its practical appeal. Bicycle facilities will be provided either as part of the roadway cross-section or as a separate, parallel facility.<sup>226</sup> Also, by removing statewide and many regional trips from existing Oregon 99W, the Bypass will create conditions that are significantly safer for and more favorable to bicyclists and pedestrians traveling along existing Oregon 99W.

In January, 2004, the OTC amended OHP Policy 1B. These findings address compliance with **Policy 1B as amended.**

While the introduction to amended Policy 1B repeats much of the language in *former* Policy 1B, there is more extensive discussion regarding urban form and the functions that state highways can provide. Terms like Special Transportation Areas (STAs), Commercial Centers and Urban Business Areas (UBAs) now are defined in the introduction to Policy 1B rather than under specific actions. Still, the substance of these definitions remains generally the same. For example, like before, STAs are intended to identify highway sections where the need for appropriate local access outweighs considerations of highway mobility. One notable difference is that unlike before, Policy 1B now states that for designated freight routes, through highway mobility has greater importance. *Former* Policy 1B had instead provided that for designated freight routes, "accessibility and mobility needs are balanced."

<sup>226</sup> LDEIS at S-1.

Existing Oregon 99W is a designated major freight route. This means that under the amended policy, highway mobility has greater importance than local access. And indeed, the identified transportation need in the Newberg-Dundee urban area is a “mobility” need to move statewide and regional through traffic more efficiently and safely around and through the region. That need, of course, could change after the Bypass is built and operating. Then, the principal focus of Oregon 99W reasonably can shift to local access.

The language of Policy 1B itself is essentially unchanged from before. However, there are numerous changes in the wording of the Actions listed under this policy. Indeed, there are now only 11 Actions, compared to 14 under *former* Policy 1B. These 11 Actions are addressed in turn.

New **Action 1B.1** directs ODOT to actively pursue the objectives and designations in the Background, Intent and Actions in Policy 1B “as appropriate” through access management planning and permitting, facility and transportation system plans, periodic review of local comprehensive plans, local plan and zoning amendments, highway facility design and project development, and other methods and means. ODOT is engaged in steps involving amendments to local comprehensive plans and transportation system plans that in turn will lead to project development (*i.e.*, construction of the Bypass and East Dundee Interchange as well as supporting transportation facilities). Because the Bypass will be a freight route serving interurban statewide and regional travel, ODOT’s focus is on mobility rather than local access.

In pursuing its objectives, ODOT is acting consistently with Policy 1B by (1) working collaboratively with Yamhill County and the cities of Newberg, Dundee and Dayton in planning and decision-making relating to transportation system management, (2) coordinating with these communities on transportation and land use decision-making to maintain the mobility and safety of the highway system; (3) providing opportunities to foster compact development patterns in Newberg and Dundee by removing most statewide and regional traffic movements off of existing Oregon 99W in their downtown areas; (4) enhancing livability in Newberg and Dundee by providing relief to the severe congestion in their downtown areas; and (5) supporting acknowledged city and county transportation system plans that in turn support construction of a Newberg-Dundee Bypass. The result of ODOT’s efforts will be twofold: a new highway facility (the Bypass) that accommodates statewide and regional passenger and freight traffic, and an existing Oregon 99W where capacity is freed up to accommodate primarily local traffic and where the absence of large volumes of statewide and regional traffic reasonably permits the affected cities to pursue compact development objectives like those in Policy 1B.

**Action 1B.2** directs ODOT to use the rules, standards, policy and guidance developed by ODOT to implement Policy 1B. These include, for example, OAR 734, Division 51; the ODOT Highway Design Manual; and the Transportation Planning Rule (TPR). It is ODOT’s intention to design the Bypass to expressway standards consistent with its design manual, and wherever feasible, to apply ODOT’s access management standards to the Bypass and its interchanges. The Exceptions Document at pages 46-135 identifies how the proposal is consistent with applicable transportation planning rule policies.

**Action 1B.3** directs ODOT to use categories like STAs, UBAs, Commercial Centers and Non-Designated Urban Highways to designate highway segments “when the concept is identified in a local transportation system plan, downtown plan, facility plan or other adopted plan and is supported by both the local government and ODOT.” This is not unlike former Actions 1B.7 through 1B.13, addressed above in the Exceptions Document. Here, of course, Newberg and Dundee support a Bypass and the removal of most statewide and regional traffic, including freight traffic, off of Oregon 99W in their downtowns. Dundee’s transportation system plan (TSP) does not provide for STA, Commercial Center or UBA designations in Dundee, although it does encourage a more pedestrian friendly urban form with construction of the Bypass. Likewise, Newberg’s TSP does not provide for any of these designations. And as explained in the findings addressing *former* Policy 1B, Dundee does not currently exhibit the characteristics of an STA as described in the new language of Policy 1B. Currently, existing Oregon 99W best fits under the category of “Non-Designated Urban Highways.” For these, the policy objective is to efficiently move through traffic while also meeting the access needs of nearby properties. Under current conditions and with anticipated growth, neither of these objectives can be reasonably met.

**Action 1B.4** directs ODOT to work with local governments to obtain plan and zoning regulations that are consistent with the TPR and this policy. Compliance with TPR requirements is addressed above in Section 7 of this application. Action 1B.4 also identifies steps that ODOT may take when plan and zoning regulations are not yet in place, with the aim of getting local governments to move in the direction of Policy 1B objectives. Here, Newberg, Dundee and Yamhill County each have acknowledged TSPs. However, those TSPs do not provide for categories like STAs, Commercial Centers or UBAs within Newberg or Dundee (although this could change once the Bypass has removed the heavy daily volumes of statewide and regional traffic from existing Oregon 99W). To the extent Action 1B.4 encourages a more compact form of development, the Bypass will change the type of traffic using existing Oregon 99W in a manner that would support compact forms of development in the future.

**Action 1B.5** directs ODOT to develop and implement plans that support compact development, including but not limited to highway segment designations such as STAs, UBAs and Commercial Centers. This includes supporting plans, strategies, and local ordinances that include parallel and interconnected local roadway networks to encourage local automobile trips off the state highway; transit, bicycle and pedestrian facilities; designing and orienting buildings that accommodate bicycle and pedestrian use; providing for infill development and redevelopment and for public and shared parking; expansion of intensive urban development away from rather than along state highways; and other supporting public investments that encourage compact development and development within centers. Construction of the Bypass and the East Dundee Interchange is consistent with achieving these objectives. Once built, they will allow existing Oregon 99W to function as a local roadway that can help keep local traffic off of the Bypass. They support development of safe bicycle and pedestrian facilities along Oregon 99W by removing very high volumes of statewide and regional trips, including freight trips, from existing Oregon 99W. Those trips today pose a safety threat to bicycle and pedestrian as well as

automobile travel. The Bypass Project also supports infill, redevelopment, and the use of shared parking and compact development in Dundee and Newberg by providing conditions (e.g., significantly lower daily traffic volumes on Oregon 99W) under which those kinds of developments are much more likely to occur. Indeed, Dundee's acknowledged TSP and its Vision Statement expressly encourage the Bypass in order to achieve these kinds of results in downtown Dundee along existing Oregon 99W. Efforts to support transit will be part of the Alternate Modes and Land Use program described in the LDEIS.

**Action 1B.6** directs ODOT to help protect state highway function by working with local jurisdictions in developing land use and subdivision ordinances, including: a process for coordinated review of future land use decisions affecting transportation facilities, corridors and streets; a process to apply conditions to development proposals in order to minimize adverse impacts to transportation facilities, corridors and sites; regulations assuring that amendments to land use designations, densities and design standards are consistent with the functions, capacities and highway mobility standards of facilities identified in the OHP and adopted highway corridor plans; refinement of zoning and permitted uses to reflect the effects of various uses on traffic generation; standards to protect future operations of state highways and other roads; and access control measures.

The Dundee TSP and the draft TSP currently under review for the City of Newberg provides for coordinated review of future land use decisions affecting state transportation facilities. As part of the Bypass Project, consistent with Action 1B.6, ODOT is working with Yamhill County and the cities of Newberg, Dundee and Dayton to (1) adopt new comprehensive plan or transportation system plan policies aimed in large measure at protecting the function of the Bypass and the East Dundee Interchange. These include additional provisions for coordinated review of future land use actions, and identifying additional study areas for access management along the state highways within the Newberg Dundee study area; and (2) adopt new overlay zones for lands near interchange ramps, again to protect the function of the interchange and the Bypass until Interchange Area Management Plans can be developed and adopted. In addition ODOT and each of the local jurisdictions are in the process of adopting intergovernmental agreements (IGAs) that in turn identify a planning process for the development of Interchange Area Management Plans that will address long-term management of land uses within a distance of ¼ mile of each interchange within an urban growth boundary and ½ mile of each interchange outside the UGB and local circulation and access issues in order to achieve ODOT standards for access management and ensure continued consistency with TPR standards.

**Action 1B.7** directs ODOT to assist local governments in implementing state access management standards and policies by working with them to develop access management strategies, plans or access management components in comprehensive plans, facility plans and/or transportation system plans. For this project, this will happen through local adoption of new plan policies addressing the Bypass, the adoption of interchange overlay districts, and the adoption of IGAs by Yamhill County and the cities of Newberg, Dundee and Dayton. As recognized in the IGAs, more specific access management plans will be developed during the design phase of the project. The access management plans will include the areas within the Interchange

Management Study Areas as well as additional segments of the State Highways in the vicinity of the Bypass project.

**Action 1B.8** directs ODOT to work with local governments to maintain the highway mobility standards on state highways by creating effective development practices through various means, including (1) developing an adequate local network of arterials, collectors and local streets to limit the use of state highways and interchanges for local trips; (2) reducing access to state highways by use of shared driveways, access from side and back roads, and frontage roads, and by development of local street networks as redevelopment along state highways occurs; (3) clustering development in compact development patterns off of state highways; (4) developing comprehensive plan, zoning and site plan review provisions that address highway mobility standards; and (5) avoiding expansions of urban growth boundaries along statewide highways and around interchanges unless ODOT and the local governments agree to an appropriate interchange area management plan to protect highway operation or access management plan for segments along non-freeway highways.

Here, ODOT has taken many steps towards achieving the objectives of this policy. First, with the Bypass and East Dundee Interchange, Oregon 99W once again can comply with ODOT's highway mobility standards. This makes "maintaining" those standards all the more meaningful. Second, ODOT is negotiating comprehensive plan and transportation system plan amendments and IGAs with the affected jurisdictions that include not only new policies aimed at maintaining highway functions (which should concurrently maintain mobility), but also provisions to ensure an adequate, well connected local road network that would limit use of the Bypass for local trips by significantly reducing local road congestion. The Bypass project itself includes local road improvements between Newberg and Dundee to help reduce traffic on 99W. In addition, ODOT has committed to coordinating with each of the local jurisdictions, individually and collectively to develop local road improvements to enhance local circulation. With the Bypass, Oregon 99W and the local road networks in Newberg and Dundee will be much better equipped to accommodate local traffic, removing any need for local traffic to use the Bypass for short trips.

Third, as part of the Bypass Project, ODOT will develop comprehensive access management strategies for segments of the state highways in the Newberg Dundee area in an effort to achieve compliance with ODOT access management requirements, which include use of shared driveways and new frontage roads where appropriate. Fourth, by eliminating congestion on local roads, Newberg and Dundee will be better able to accommodate more compact development on existing Oregon 99W. Fifth, the local jurisdictions have adopted comprehensive policies or interim measures to avoid expansion of the UGB along existing state highway facilities.

**Action 1B.9** directs ODOT to develop facility and transportation system plans that protect existing limited access interchanges. Because the Bypass proposal does not involve any existing limited access interchanges, Action 1B.9 does not apply. However, ODOT will be developing Interchange Area Management Plans for each interchange that will meet this same objective.

**Action 1B.10** directs ODOT to continue to develop and implement design guidelines for highways that describe a range of automobile, pedestrian, bicycle or transit travel alternatives. The guidelines should include appropriate design features such as lighted, safe and accessible bus stops; on street parking; ample sidewalks; pedestrian crossings; pedestrian scale lighting; street trees; and related features.

The development of design guidelines is not an action directly applicable to development of a project. However, ODOT will apply appropriate design guidelines in the development of the design of the Project. In addition, the Bypass project includes an Alternative Modes and Land Use program (AMLU) that fosters a range of transportation alternatives. A description of the AMLU program can be found at Appendix B of the Draft Location EIS. ODOT and local jurisdictions are in the process of committing to implementing portions of the AMLU program through Intergovernmental Agreements. Again, these design guidelines will be applied as appropriate.

**Action 1B.11** directs ODOT to work to accommodate alternative modes on state highways according to the various types of land uses and highways. An Alternative Modes and Land Use Program is an element of the Newberg-Dundee Transportation Improvement Project.

A description of the expansive program is found at Appendix B of the Draft Location EIS. Each jurisdiction is currently in the process of developing an IGA with ODOT which identifies the planning process and planning obligations of ODOT and the local jurisdictions through the development of the bypass project. Each IGA includes a commitment to work together to develop alternative modes and implement land use policies along the state highways.

While ODOT recognizes significant differences between the wording of the Actions under *former* Policy 1B and Policy 1B as adopted in January, 2004, much of its analysis of compliance with former Policy 1B remains relevant to the new policies. Accordingly, ODOT relies on that analysis as well to demonstrate compliance with revised OHP Policy 1B.

**Policy 1C** seeks to balance the need for movement of goods with other uses of the highway system and to recognize the importance of maintaining efficient through movement on major truck freight routes. Existing Oregon 99W is a major freight truck route, connecting the Willamette Valley and the Portland metropolitan area to the central Oregon coast via Oregon 18. See OHP, Figure 10. Upon its construction and opening, the Bypass would become the freight truck route. As a limited access facility serving through and regional traffic, it would maintain efficient through movement for freight vehicles. **Action 1C.1** directs ODOT to apply performance standards "appropriate to the movement of freight on freight routes." By applying ODOT's minimum performance standards (OHP, Table 6) to the Bypass and to Oregon 99W (which would continue to handle over 1200 daily freight trips through Newberg or Dundee even after the Bypass is in operation),<sup>227</sup> the Bypass proposal is consistent with Policy 1C and Action 1C.1.

**Action 1C.4** provides that the "importance of timeliness in freight movements" be considered in developing and implementing plans and projects on freight routes. The timeliness of freight movement is a particularly important concern of this project, because an estimated eight percent of traffic on existing Oregon 99W consists of heavy vehicles.<sup>228</sup> Much of this traffic, including shipments that pass through the area, will be transferred to the Bypass.

**Policy 1E** addresses lifeline routes. The policy seeks establishment of a secure lifeline of streets, highways, and bridges to facilitate emergency services response and to support rapid economic recovery after a disaster. By adding a new facility with improved performance, the Bypass supports the objectives of this policy.

**Policy 1F** addresses highway mobility standards. As described in the background section, this policy "establishes standards for mobility that are reasonable and consistent with the directions of other Highway Plan policies."<sup>229</sup> The policy carries out the directions of Policies 1A and 1C

<sup>227</sup> LDEIS at S-15.

<sup>228</sup> LDEIS at 3-6.

<sup>229</sup> OHP at 71.