



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

04/21/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Dayton Plan Amendment
DLCD File Number 001-11

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, May 04, 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: Debra Lien, City of Dayton
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

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

In person electronic mailed

DATE
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DEPT OF

APR 14 2011

LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

Jurisdiction: *City of Dayton*

Local file number: *Comp. Plan Amendment 1101*

Date of Adoption: *3-21-11*

Date Mailed: *4-13-11*

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: *1-7-11*

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".

Amends Chapter 10 of Dayton Planning Atlas and Comprehensive Plan by adapting 10 policies specific to the Newberg-Dandee Bypass.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

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
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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. 001-11 (18673) [16607]

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

ODOT, FHWA, Yamhill County

Local Contact: Debra Lien

Phone: (503) 864-2221 Extension:

Address: PO Box 339

Fax Number: 503-864-2956

City: Dayton Or Zip: 97114

E-mail Address: debraelien@ci.dayton.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working 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 the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

**ORDINANCE NO 605
CITY OF DAYTON, OREGON**

**AN ORDINANCE AMENDING CHAPTER 10 OF THE DAYTON ATLAS AND
COMPREHENSIVE PLAN TO ADOPT TEN POLICIES SPECIFIC TO THE
NEWBERG-DUNDEE BYPASS.**

WHEREAS, on February 24, 2011, the Planning Commission of the City of Dayton conducted a public hearing to consider a legislative text amendment to include ten policies specific to the Newberg-Dundee Bypass in Chapter 10 (Transportation) of the Dayton Atlas and Comprehensive Plan (Comprehensive Plan Amendment File No. 2011-01); and

WHEREAS, notice of said public hearing was duly given pursuant to the Dayton Municipal Code and the public was given a full opportunity to be present and heard on the matter; and

WHEREAS, after consideration of public testimony, the Planning Commission deliberated on the proposed action and recommended approval of the text amendment to the City Council of the City of Dayton; and

WHEREAS, on March 7, 2011, the City Council conducted a public hearing on the matter; and

WHEREAS, notice of said public hearing was duly given pursuant to the Dayton Municipal Code and the public was given a full opportunity to be present and heard on the matter; and

WHEREAS, on March 7, 2011, the City Council considered the information provided by staff and deliberated on the proposed action, and approved the recommendation of the Planning Commission,

THE CITY OF DAYTON ORDAINS AS FOLLOWS:

Section 1. The City Council hereby adopts the findings of fact attached as Exhibit "A" and incorporated by reference herein.

Section 2. The City Council hereby adopts the amendments to Chapter 10 (Transportation) of the "Dayton Atlas and Comprehensive Plan" attached as Exhibit "B" and incorporated by reference herein.

Section 3. This Ordinance shall become effective thirty (30) days after adoption by the City Council.

**ORDINANCE NO 605
CITY OF DAYTON, OREGON**

Mode of Enactment:

Date of first reading: March 7, 2011 In full _____ or by title only

Date of second reading: March 21, 2011 In full _____ or by title only

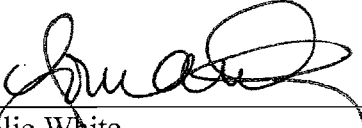
ADOPTED this 21st day of March 2011.

In Favor: Blackburn, Utt, White & Wytoski

Opposed: None

Absent: None

Abstained: None

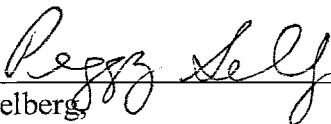


Jolie White
Mayor

4/8/11

Date of Signing

ATTESTED BY:



Peggy Selberg,
City Recorder

3/21/2011

Date of Enactment

Attachments:

- Exhibit "A" – Findings
- Exhibit "B" – Text Amendment

**EXHIBIT A
DAYTON CITY COUNCIL FINDINGS
CPA 2011-01**

I. NATURE OF THE APPLICATION

This matter comes before the Dayton City Council on the application of the City of Dayton (at the request of ODOT) to amend Chapter 10 (Transportation) of the Planning Atlas and Comprehensive Plan to adopt specific policies for the Newberg-Dundee Bypass.

II. GENERAL INFORMATION

A. Location

As a legislative amendment to the text of the Comprehensive Plan, this action applies to and affects all property within the City limits.

B. Background Information

The Oregon Department of Transportation (ODOT) proposes to build a Bypass around the cities of Newberg and Dundee. The Bypass is intended to reduce congestion on Oregon 99W and to improve downtown livability and traffic flow in Newberg and Dundee. ODOT conducted planning for the Bypass under a tiered National Environmental Policy Act (NEPA) process. The Tier 1 phase addressed “big picture” issues associated with the proposed project and evaluated impacts based on general project information. In 2004, Yamhill County adopted plan amendments and goal exceptions to approve a southerly “location corridor” for the Bypass. In coordination with the county’s land use decisions on the Bypass, the cities of Newberg, Dundee and Dayton all adopted a consistent package of comprehensive plan policies in their respective Plans in 2004 to support the Bypass location corridor and interchange areas.¹ The Tier 1 phase concluded in 2005 when the Federal Highway Administration (FHWA) issued a Record of Decision on the Tier 1 Final EIS and advanced the approved corridor (Modified 3J) to Tier 2.

The Tier 2 design phase for the Bypass began in 2006 and concentrated on more detailed design options and local circulation. ODOT released the Tier 2 Draft Environmental Impact Statement (Tier 2 DEIS) for public review on June 4, 2010. Following a public comment period, ODOT held a public hearing/open house on June 29, 2010 for the Tier 2 DEIS at Newberg High School. The Dayton City Council submitted a letter on July 13, 2010 in support of the Build Alternative with Local Circulation Option B, which includes an extension of Ferry Street and a new bridge across the Yamhill River instead of a direct connection of Kreder Road to the interchange. ODOT selected Local Circulation Option B as the Preferred Alternative because it will:

¹ City of Dayton Comprehensive Plan Amendments adopted by Ordinance No. 561 on August 16, 2004.

- Better serve the citizens of Dayton and is the City's preference as documented in the letter from the City Council dated July 13, 2010.
- Use less land that is classified as Exclusive Farm Use (EFU) and will also limit access to EFU land located outside the Dayton UGB and south of the Dayton Interchange.
- Provide better emergency response time to the area east of the river with a bridge over the Yamhill River.

ODOT is now in the process of seeking required land use approvals for the Tier 2 Preferred Alternative from Yamhill County and comprehensive plan policy support from the cities of Newberg, Dundee, and Dayton. For the jurisdictions of Newberg, Dundee and Yamhill County – ODOT is proposing minor amendments to plan policies that were adopted in 2004 to reflect the more detailed design of the Bypass alignment, interchanges and local circulation changes.

The City of Dayton adopted an updated Planning Atlas and Comprehensive Plan in June 2008. The policies that were adopted in support of the Bypass in 2004 were not included in Chapter 10 – Transportation of the updated Plan. Therefore, ODOT proposed that the policies shown in underline type in Exhibit B be included in Chapter 10 of the Plan to reflect the Tier 2 Preferred Alternative. Adoption of the plan policies is necessary to document that all of the relevant jurisdictions (Yamhill County, Newberg, Dundee and Dayton) have taken the necessary actions to support the Tier 2 Preferred Alternative for the Bypass project.

Specific language is found in the Exhibit "B" – Text Amendment to Dayton Planning Atlas and Comprehensive Plan.

III. PUBLIC HEARING

A. Planning Commission Action

A public hearing was duly held on this application before the Dayton Planning Commission on February 24, 2011. The City published the required notice pursuant to the Dayton Land Use and Development Code, Section 3.202.

At the hearing, Comprehensive Plan Amendment File No. 2011-01 and a CD of the Tier 2 Design Environmental Impact Statement (Tier 2 DEIS) were made a part of the record. At the conclusion of the hearing, the Planning Commission deliberated on the issue and voted to recommend the City Council approve the text amendment to Chapter 10 (Transportation) of the Dayton Atlas and Comprehensive Plan to incorporate the policies specific to the Newberg-Dundee Bypass, finding the proposals complied with the applicable criteria.

B. City Council Action

A public hearing was duly held on this application before the Dayton City Council on March 7, 2011. The City published the required notice pursuant to the Dayton Land Use and Development Code, Section 3.202.

At the hearing, Comprehensive Plan Amendment File No. 2011-01 were made a part of the record. At the conclusion of the hearing, the City Council deliberated on the issue and voted to accept the recommendations of the Planning Commission contained in Exhibits "B".

IV. FINDINGS OF FACT-GENERAL

The Dayton City Council, after careful consideration of the testimony and evidence in the record, adopts the following general Findings of Fact:

- A. The applicant is the City of Dayton.
- B. This action affects all property within the City limits.
- C. The proposal adds ten policies specific to the Newberg-Dundee Bypass to Chapter 10 (Transportation) of the Dayton Planning Atlas and Comprehensive Plan.

Specific language is found in the Exhibit "B" – Dayton Atlas and Comprehensive Plan Amendment (CPA 2011-01).

- D. Approval or denial of this request shall be based upon the decision criteria contained in the Statewide Planning Goals and the Dayton Land Use and Development Code; Section 7.3.112 (Text Amendments).

V. CRITERIA AND FINDINGS
AMENDMENT TO CHAPTER 10 (TRANSPORTATION) OF ATLAS AND
COMPREHENSIVE PLAN

- A. Amendments to the Comprehensive Plan text are subject to provisions in Section 7.3.112 of the Dayton Land Use and Development.
- B. Section 7.3.112.02 establishes procedural matters for amending the Code text. These actions can only be initiated by the Commission or Council and notice must comply with provisions in Section 7.3.204.

FINDINGS: The City Council initiated the proposal. Notice was provided pursuant to Code requirements.

C. The specific decision criteria are contained in Section 7.3.112.03. Subsection A., requires the City to address the impact of the proposed amendment on land use and development patterns within the city, as measured by:

1. Traffic generation and circulation patterns;
2. Demand for public facilities and services;
3. Level of park and recreation facilities;
4. Economic activities;
5. Protection and use of natural resources; and
6. Compliance of the proposal with existing and adopted special purpose plans or programs, such as public facilities improvements.

FINDINGS: The amendments to the Dayton Comprehensive Plan to support the Bypass are not anticipated to have a major impact on the land use and development patterns within the City. The policy amendments will not change the UGB or existing comprehensive plan or zone designations and will not change the demand for public facilities and services or the level of park and recreation facilities. Additionally, the Bypass and the new Dayton interchange are planned to be located at the easterly edge of the Dayton UGB and planned Bypass improvements will largely be within the existing Oregon 18 right-of-way. Therefore, the Bypass does not appear to fragment or divide the City of Dayton, but instead could reinforce the state highway corridor that functions as a “hard edge” of the UGB to the east side of the Yamhill River.

As shown on Figure 3.2-1 of the Tier 2 DEIS, the following Dayton Comprehensive Plan designations are applied to land within the UGB and east of the Yamhill River:

- Industrial,
- Commercial,
- Public, and
- Open Space.

A CD with the June 2010 Tier 2 DEIS was entered into the record at the February 24, 2011 Planning Commission public hearing. These findings provide references to specific Figures and page numbers of the DEIS that provide supporting facts and documentation. The Tier 2 Preferred Alternative could displace less than one-half acre designated for Industrial use within the Dayton UGB. The Planning Atlas and Comprehensive Plan (June 2008) includes the following summary of Industrial lands:

The City currently maintains some 31.2 acres of vacant industrial land within the City as well as an additional 13.23 acres of Industrial-designated land within the UGB. Under these circumstances, the City has sufficient land to meet projected demand based on population. As with commercial lands, the larger issue is whether the land is available in the right combination of quantity and location.²

² See Dayton Planning Atlas and Comprehensive Plan – June 2008, page 66.

The potential displacement of less than one-half acre of designated Industrial land is not anticipated to have a significant impact on the adequacy of the City's overall inventory of available industrial lands. Even with the potential displacement of about one-half acre of designated Industrial land, a relatively large, flat, vacant site will still be available for industrial development and associated economic activities over the 20-year planning horizon.

As documented in the Tier 2 DEIS, the Preferred Alternative would not displace any lands designated for Commercial, Public or Open Space uses. Figure 3.6-2 of the Tier 2 DEIS provides an aerial photo of Alderman Park and Dayton Landing Park relative to the existing footbridge over the Yamhill River. As summarized on page 3-176 of the Tier 2 DEIS, the new bridge across the Yamhill River and connection to Ferry Street could be located adjacent to Dayton Landing Park. The proposed alignment for the new bridge remains within existing right-of-way and would not directly impact the park or its use. The new bridge could provide vehicle, pedestrian and bicycle access to the park from properties on both sides of the river.

The Bypass and the new Dayton interchange may impact short-term access to lands designated for industrial development. Nevertheless, the Bypass may have generally positive long-term economic impacts to areas with economic activities. In particular, the Bypass and the Dayton Interchange would reduce travel times for freight movement through the corridor and improve commercial/industrial access to the Portland metropolitan area. Additionally, the policies included in Exhibit B (particularly policies 7 & 8) include special attention to access and local circulation for the commercial/industrial area located north of the river with the Dayton UCB.

Local circulation patterns could be modified at a future date when the existing direct accesses to Oregon 18 will likely be closed and the following improvements could be constructed as part of the Bypass project:

- Construction of an undercrossing to provide a connection to link Kreder Road under OR 18 to the east of the Yamhill River. This undercrossing could maintain connectivity for large commercial farm operations located to the north and south of Oregon 18 outside of the Dayton UGB.
- Extension of Ferry Street and proposed construction of a new bridge (for vehicles, bikes and pedestrians) across the Yamhill River. This bridge could provide a direct connection of the east UGB/city limits to downtown Dayton without having to travel on the state highway. The new bridge could reduce emergency response times to the area east of the river and also improve portions of two City streets (Kreder Road and Ferry Street) to City standards, including bike and pedestrian facilities.

The policies in Exhibit B (particularly Policy 1) are intended to document the City of Dayton's support for the development of the Bypass selected as the Preferred Alternative in the Tier 2 Draft EIS process. While the policy support is required for ODOT to complete the Tier 2 Final EIS, additional planning actions will take place at a

future date before the Dayton Interchange can be constructed. Policies 7-10 in Exhibit B highlight these future actions, including preparation of an Interchange Area Management Plan and update of the Dayton Transportation System Plan. These future actions will include individual property owner notice and public hearings before the Dayton Planning Commission and City Council.

The Ferry Street Bridge is not currently included in the City of Dayton Transportation System Plan (2001). Therefore, a new policy is adopted (See Exhibit B, Newberg-Dundee Bypass Policy 10) that calls for a future update of the TSP to include the Ferry Street bridge and changes to local circulation and access (Kreder Road) that are included in the Tier 2 Preferred Alternative. The policy does not specify a deadline for the TSP update.

The Dayton TSP includes some references to the Dayton interchange that appear to have been added when the TSP was adopted as an Appendix to the Dayton Atlas and Comprehensive Plan – June 2008. The following text is from pages 16 and 17 of the TSP:

Location of the interchange within Dayton at the North Kreder Road intersection: this alternative would both eliminate the north Kreder Road intersection and use industrial land for the interchange. Dayton has very little proposed industrial land, and the elimination of industrial land with exposure and convenient but indirect access to Highway 18 limits Dayton's ability to attract industrial development.

An interchange's impact on Dayton is so significant that Dayton should make a concerted effort to both participate in the interchange planning and revise the Dayton TSP to include the impacts on the interchange. Such revisions will also require that Dayton adopt changes to the Comprehensive Plan.

As described in Section I (Background) of these findings, the City of Dayton adopted comprehensive plan policies in 2004 to support development of the Bypass and the new Dayton interchange. However, those policies were not included in Transportation Chapter when the Planning Atlas and Comprehensive Plan were updated in 2008.

As part of the Tier 2 DEIS process, ODOT conducted four meetings with a Stakeholder Working Groups and three Local Access Forums in Dayton in March and April of 2006 with a specific focus on the proposed Dayton interchange and local circulation options. These public meetings included outreach to property owners, city staff, public service providers and school districts. Press releases, newsletters and updates have been provided on a regular basis. Extensive opportunities were provided for public review and comment on the Tier 2 DEIS and the Dayton City Council submitted a letter in support of the Build Alternative (with the Ferry Street Bridge) on July 13, 2010.

Similar to the policies that were adopted in 2004, the policies in Exhibit B (particularly policies 5, 7, 8 and 9) call for an Interchange Area Management Plan (IAMP) and

specifically emphasize consideration of access and circulation options to support uses in the commercial/industrial area within the UGB and east of the South Yamhill River. Adoption of the plan policies will assure that the City of Dayton and affected property owners will have an opportunity to participate in the development of an IAMP before construction of the interchange as called for in the TSP language referenced above.

The following chapters of the Tier 2 DEIS provide evidence to address natural resources:

Chapter 3.6 Parks and Recreation
Chapter 3.12 Water Quality and Hydrology
Chapter 3.13 Wetlands
Chapter 3.14 Biological Resources

As noted on page 3-298 of the Tier 2 DEIS, the Bypass would not be located within any mapped FEMA floodways, 100-year floodplains, or 500-year floodplains of streams within the project area. The Preferred Alternative would span stream crossings with bridges (including the Ferry Street Bridge). None of the bridge structures would increase flood levels. In the past, the construction of bridges was often associated with floodplain constrictions and channel narrowing; however, recent guidance measures to avoid these impacts would be used in designing the Bypass bridge crossings. Additionally, the Tier 2 DEIS describes proposed mitigation and Best Management Practices (BMPs) that would be used to minimize impacts on natural resource areas. The project would be constructed in accordance with federal, state, and local regulations requiring erosion control plans and stormwater management plans in effect at the time of interchange planning. These plans would address the timing of in-water work, erosion control, demarcation of work zones, and protection of upland, wetland, and riparian vegetation.

Based on the evidence in the Tier 2 DEIS, the policies for the Bypass were crafted to minimize adverse impacts on the land use and development patterns within the City of Dayton, consistent with the criteria for approval of a text amendment.

D. Section 7.3.112.03.B. requires the City to determine whether a demonstrated need exists for the product of the proposed amendment.

FINDINGS: The policies included in Exhibit B are needed to support the Tier 2 DEIS and also to support the goal exception that Yamhill County took in 2004 to approve the location of the Bypass on rural lands. As described in Section I of these findings, Yamhill County and the cities of Newberg, Dundee and Dayton adopted a consistent and coordinated package of plan policies in 2004 to support the Bypass.

Now that ODOT identified a Preferred Alternative for the Bypass design and local circulation, Yamhill County and the cities of Newberg and Dundee are considering minor amendments to the policies that were adopted in 2004 to reflect the more detailed Tier 2 Bypass alignment.

Because the Bypass policies were not included in the update of the Dayton Planning Atlas and Comprehensive Plan in 2008, a demonstrated need exists to adopt the policies shown in Exhibit B. ODOT coordinated with City of Dayton staff to refine the wording of the policies similar to the revisions that are being considered by the cities of Newberg and Dundee. Policies 6-9 in Exhibit B call for coordination in completing an Interchange Area Management Plan for the Dayton interchange before the interchange is constructed. Additionally, ODOT expressed a commitment to support the City in a future update of the TSP as called for in Policy 10.

Yamhill County must approve some minor modifications to the goal exceptions before ODOT can complete the Tier 2 Final Environmental Impact Statement. The Yamhill County Board of Commissioners will not adopt a final decision on the goal exception modifications until the cities of Newberg, Dundee and Dayton update or adopt an ordinance adopting the Comprehensive Plan Bypass policies for their respective jurisdictions. After all local land use decision-making is completed and ODOT receives a Record of Decision on the Tier 2 FEIS, ODOT can begin construction as funds are committed.

In summary, a demonstrated need exists for the Newberg-Dundee Bypass Policies to be incorporated into Chapter 10 of the Dayton Planning Atlas and Comprehensive Plan.

E. Section 7.3.112.03.C., requires the proposed amendments to comply with all applicable Statewide Planning Goals and administrative rule requirements.

FINDINGS: The Statewide Planning Goals and administrative rule requirements not included below are not applicable. Compliance with the applicable Statewide Goals is noted as follows:

Goal 1, Citizen Involvement: 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 published a general newspaper notice of the Type IV Dayton Planning Commission and City Council public hearings to consider the proposed amendments. The City also provided a notice of the proposed amendments to the Department of Land Conservation and Development Commission (DLCD) at least 45 days prior to the first public hearing as required for plan amendments.

A public hearing of the Dayton Planning Commission was held on February 24, 2010. After accepting and considering public testimony, the Planning Commission recommended that the City Council adopt the Newberg-Dundee Bypass policies as shown in Exhibit B. The City Council held a public hearing on March 7, 2011. After consideration of public testimony and the recommendation of the Planning Commission, the City Council voted to approve the legislative text amendment and adopt the Newberg-Dundee Bypass policies as shown in Exhibit B. Therefore, the City followed the public notice and hearing procedures set out in its acknowledged comprehensive plan in compliance with Statewide Planning Goal 1.

Prior to the public hearings on the proposed amendments, ODOT provided many opportunities for citizens to be involved in the Tier 2 Bypass 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 on June 29, 2010. Court reporters were available to take individual testimony. Altogether, 106 comments were submitted during the public comment period. All of the local jurisdictions, including Dayton City Council, favored a Build Alternative.

In summary, we find that citizens were 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 B.

Goal 2, Land Use Planning: Part I of Goal 2 requires that actions related to land use are consistent with acknowledged comprehensive plans of cities and counties.

The amendments are consistent with the plan policies that the City of Dayton adopted in 2004 that authorized the Bypass in a southerly alignment. Additionally, planning for the Bypass 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) engaged in significant coordination efforts over an approximately six year period with Yamhill County officials; officials from the cities of Newberg, Dundee, and 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 and local circulation options as required by Goal 2. For all of these reasons, Goal 2, Part I is met.

Goal 9, Economic Development: The Bypass and the new Dayton Interchange may impact short-term access to lands designated for industrial development. Nevertheless, the Bypass may have generally positive long-term economic impacts to areas that are subject to Goal 9. In particular, the Bypass and the Dayton Interchange would reduce travel times for freight movement through the corridor and improve commercial/industrial access to the Portland metropolitan area. Additionally, the policies included in Exhibit B (particularly policies 7 & 8) include special attention to access and local circulation for the commercial/industrial area located north of the river within the Dayton UGB.

The policies relating to the Newberg-Dundee Bypass are consistent with the following policies relating to commercial and industrial development that are included in Chapter 8 of the City of Dayton Planning Atlas and Comprehensive Plan (page 77):

8. *The City shall promote the continued function and preservation of the central business district as the primary retail center of the community. This general policy statement shall be supported by the following policies:*
 - *The City shall designate Commercial zoned land located south of Church Street, east of Fifth Street, north of Alder Street and west of Second Street as the Central Business District (CBD).*
 - *Competing commercial activity outside the CBD, especially linear "strip" commercial development, shall be discouraged.*
 - *Downtown development and redevelopment, renovation of existing structures, and preservation of historic structures in the CBD shall be encouraged.*
 - *High quality development in the CBD shall be encouraged through separate design standards and the design review process.*

9. *The City shall encourage the development of existing designated industrial land through partnerships with other agencies, private entities or other reasonable methods that will promote growth in local employment.*

As noted earlier, the policies for the Newberg-Dundee Bypass do not affect the location of the Dayton UGB or change existing plan designations or zoning in proximity to the Dayton Interchange. The policies for the Newberg-Dundee Bypass are consistent with and reinforce the existing policies highlighted above that promote the CBD as the primary retail center of the community and retain the designated industrial land within the UGB for industrial employment.

Additionally, the stated purpose and list of permitted and conditional uses in the Industrial zone and discretionary conditional use permit criteria provide adequate tools to limit inappropriate retail uses in the Industrial zone. For all of these reasons, the policies included in Exhibit B are consistent with Goal 9.

Goal 12, Transportation: 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.

As noted earlier, the Yamhill County and the cities of Newberg, Dundee and Dayton all adopted plan policies in 2004 that supported the Southerly Bypass location corridor based on the Tier 1 EIS. The Oregon Transportation Commission also adopted the Bypass location corridor as part of the Oregon Highway Plan. Through the Tier 2 DEIS process, the project 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. As the Tier 2 DEIS and its supporting documents show, the Bypass project is being coordinated among ODOT, Yamhill County and the cities of Newberg, Dundee and Dayton. Coordination was 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 coordinated in calling for and supporting development of the Bypass in the southern location corridor. When the Dayton Planning Atlas & Comprehensive Plan was updated in 2008, the specific policies for the Newberg-Dundee Bypass were not carried forward. Therefore, it is appropriate for the City of Dayton to include the specific Bypass policies in the Comprehensive Plan to assure that all of the relevant state and local plans are coordinated and consistent with respect to the Bypass.

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 and local circulation 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. As shown in Exhibit B, Policy 10, calls for the Dayton TSP to be updated at a future date to show the proposed changes to local circulation and access that are included in the Tier 2 EIS preferred alternative. ODOT expressed a willingness to assist the City of Dayton with the TSP update.

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. This text amendment to reinsert Bypass policies in the Dayton Comprehensive Plan retains the coordinated policy framework and reflects 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. The Bypass policies in Exhibit B satisfy Goal 12.

Goal 14, Urbanization: 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.

In December of 2010, ODOT 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 and/or adopt a similar package of plan policies to support the Tier 2 DEIS preferred alternative. We find that the policies in Exhibit B are consistent with the provisions of Goal 14 and support coordinated land use actions for the Bypass.

- F. Section 7.3.112.03.D., requires the City to determine whether the amendment is appropriate as measured by at least one of the following criteria:
1. It corrects identified error(s) in the provision of the plan.
 2. It represents a logical implementation of the plan.
 3. It is mandated by changes in federal, state, or local law.
 4. It is otherwise deemed by the council to be desirable, appropriate, and proper.

FINDINGS: The Newberg-Dundee Bypass Policies shown in Exhibit B are appropriate to include in the Dayton Comprehensive Plan based on criteria 2 and 4 above. As noted earlier in these findings, the City of Dayton adopted plan policies in 2004 to support the Bypass in the southerly location corridor. However, those policies were not carried forward when the City reformatted and adopted an updated Planning Atlas and Comprehensive Plan in June 2008.

ODOT provided an overview of the Bypass project and Tier 2 DEIS to the Dayton City Council on June 21, 2010. The City Council met again on July 6, 2010, to discuss the two options proposed in Segment A. The City Council formally voted in support of Local Circulation Option B of the Tier 2 DEIS, which proposes to extend Ferry Street across

the Yamhill River connecting to Kreder Road with a new bridge. On July 13, 2010, the City of Dayton submitted a formal letter to ODOT in support of Tier 2 DEIS Option B.

The policies in Exhibit B represent a logical implementation of the City Council position on the Tier 2 DEIS. Additionally, the policies in Exhibit B are deemed desirable, appropriate and proper by the City Council to assure a consistent and coordinated land use framework for development of the proposed Bypass across the jurisdictions of Yamhill County, Newberg, Dundee and Dayton.

VI. CONCLUSION

The request to amend the text of Chapter 10 (Transportation) of the *Atlas and Comprehensive Plan* to include ten (10) policies specific to the Newberg-Dundee Bypass complies with the decision criteria.

EXHIBIT B
AMENDMENT TO DAYTON PLANNING ATLAS AND COMPREHENSIVE PLAN
CPA 2011-01

Note: As requested by staff, the policies for the Newberg-Dundee Bypass have been inserted into Chapter 10 of the Dayton Atlas and Comprehensive Plan (June 2008). The 10 new policies specific to the bypass are shown in underline font.

CHAPTER 10 - TRANSPORTATION

10.1 Introduction

Consistent with requirements in the State Transportation Planning Rule, the City of Dayton developed a Transportation System Plan (TSP) in conjunction with the Mid-Willamette Valley Council of Governments. Findings from the TSP provide updated information on traffic, street classifications and conditions, traffic hazards, rail systems, airports, public transit, pedestrian and bicycle needs, and, long-range transportation needs.

This document, titled the "City of Dayton, Oregon Transportation System Plan" and dated June 2001, is hereby incorporated as Appendix "A" into the *Dayton Planning Atlas and Comprehensive Plan*. This document establishes background information and related findings on transportation issues.

The document also contains supportive Plan policies and Land Use and Development Code amendments. For reasons of clarity, supportive findings, goals and policies will be enumerated in the following Section.

10.2 Transportation Goals and Policies

Findings

1. The automobile constitutes the primary mode of travel in Dayton.
2. The conditions of Dayton's streets are generally adequate for the existing traffic load. Increases in traffic counts will require additional improvements and maintenance.
3. Few streets are improved with curbs and sidewalks.
4. The most serious traffic hazard exists at the intersection of ?? and Third Streets.

5. The closest available rail line, which is currently operated by the Portland and Western, is about 0.25 miles to the urban growth boundary.
6. The nearest available air service is in the McMinnville; the nearest scheduled air service may be found in Portland.
7. At the present time the only localized public transportation available to Dayton is through the Yamhill Community Action Program. The bus provides transportation for the elderly, handicapped and other desiring rides.
8. The relatively short distances between Dayton's commercial core and residential areas, make both walking and bicycling attractive transportation choices. Side streets serve as the primary routes for local bicyclists.
9. There are no developed bicycle paths in the City although Highway 18 is included as a bicycle route in the Oregon State Bikeway System.
10. The City provides adequate disabled access to the Commercial area though ADA ramps at the major intersections.

Goals

1. To provide a safe, convenient, aesthetic and economic transportation system through a variety of transportation means.

Policies

1. Transportation facility designing shall be done in a manner which will minimize adverse effects on the existing land uses and natural features and will meet accepted safety and design standards.
2. The Dayton Transportation Systems Plan shall designate arterial, collector and local streets and proposed streets to assist in prioritizing street development and maintenance.
3. The City shall promote alternative modes of transportation that will be energy conserving and will provide maximum efficiency and utilization.
4. The City shall support and encourage mass transit and public transportation programs.
5. The City shall continue to investigate all sources of funding for street improvement and to upgrade City streets as funds become available.

6. The City shall coordinate with Yamhill County and the Oregon Department of Transportation with regard to City actions and needs which may affect traffic on State and County roads within the Urban Growth Boundary.
7. The City shall promote transportation improvements and actions which address the special needs of low income, the disabled and senior citizens as future development occurs:
8. The City shall ensure that transportation improvements are used to guide urban development and are designated to serve anticipated future needs.
9. The City shall coordinate with the Portland and Western Railroad on any future need to expand rail service to Dayton.
10. The City shall coordinate with Yamhill County and the Oregon Department of Transportation in the development of a county-wide bikeway plan and a designated bicycle route.
11. Bicycle paths between schools, parks, commercial areas and residential areas throughout the City, shall be promoted.
12. Bicycle lanes will be installed as part of arterial and collector street improvements.
13. As funds are available, the existing effort to install disabled curb cuts at street/sidewalk intersections should continue.
14. Walking shall be encouraged by properly maintaining existing walkways and by encouraging walkways in future developments.
15. New sidewalks should be free of physical obstruction, such as mail boxes, utility poles, sign posts or guy wires.
16. The highest priority for sidewalk improvements and maintenance should be on the arterial and collector streets, especially those sidewalks in proximity to the schools.
17. The second priority for sidewalk improvements and maintenance should be those sidewalks that improve connectivity and circulation.
18. The City shall examine hazardous traffic conditions in detail and make improvement recommendations through a systematic capital improvement plan.
19. The City shall participate in any updating process for the City of McMinnville

Master Airport Plan and strive toward maintaining a compatible relationship between growth of the airport and nearby environs.

20. The City shall coordinate with the Oregon Department of Transportation to have alignment and elevation problems along Third Street between Ferry Street and the Palmer Creek Bridge.

Policies – Newberg-Dundee Bypass

1. The City actively supports the development of the Bypass in the southern location corridor selected as the preferred alternative in the Tier 2 Environmental Impact Statement (EIS) process. The preferred alternative includes an extension of Ferry Street and a new bridge across the Yamhill River and improvements to connect Kreder Road under the existing Oregon 18 bridge. The City's support of the Bypass project is also based on ODOT's commitment that the existing Dayton interchange to Oregon 18 will not be closed.
2. The City supports the designation of the Bypass as a moderate to high-speed statewide expressway and freight route as defined in the Oregon Highway Plan. The Bypass and interchanges will be fully access controlled and no direct access will be allowed from private properties onto the Bypass. The primary function of the Bypass is to provide for moderate to high-speed statewide and regional trips and to relieve congestion through downtown Newberg and Dundee.
3. The functions of the Bypass are to accommodate and divert longer-distance statewide through trips around the Newberg-Dundee urban area and to serve regional trips going to and from Newberg or Dundee (i.e., those trips with either an origin or destination outside of the Newberg-Dundee urban area). The function of the planned intermediate interchanges is to provide access between Newberg or Dundee and other regions (e.g. McMinnville, Portland or the coast). It is not the function of the interchanges to provide for or attract regional commercial or highway commercial development in the vicinity of the interchanges. In general, needs for commercial development should be accommodated in areas planned for commercial development within Dayton.
4. For the purposes of compliance with the Transportation Planning Rule, OAR 660-12-0060 and in order to support the goal exception that Yamhill County took to advance construction of the Bypass, the City of Dayton acknowledges that reliance upon the Bypass as a planned improvement to support comprehensive plan amendments or zone changes is premature.

In accordance with OAR 660-012-0060, no portion of the Bypass will be considered a planned improvement that is reasonably likely to be constructed during the 20-year planning horizon until the 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.

5. The City of Dayton will coordinate with ODOT, Yamhill County and affected property owners to complete an Interchange Area Management Plan (IAMP) for the Dayton Interchange as a way to help protect the function and capacity of the interchange for at least a 20 to 25-year planning period. The IAMP must be adopted by the Oregon Transportation Commission (OTC) before construction of the respective interchange, consistent with the requirements of the 1999 Oregon Highway Plan and OAR 734-051-0155(7).
6. The City recognizes that the Oregon Highway Plan seeks to avoid UGB expansions along Statewide Highways and around interchanges unless ODOT and the appropriate local governments agree to an Interchange Area Management Plan to protect interchange operation or an access management plan for segments along the highway [OHP Action 1B.8]. Thus, the City will work with ODOT, property owners, and citizens to finalize the Dayton IAMP prior to construction of the full Bypass or a phase of the Bypass, as appropriate. The IAMP must be consistent with the Dayton Comprehensive Plan and adopted by the OTC.
7. The IAMP for the new Dayton Interchange will consider access and circulation options to support uses in the commercial / industrial area within the UGB and east of the S. Yamhill River.
8. The IAMP will include consideration of any proposed or adopted plan for developing the East Dayton Industrial Park, which comprises the area annexed to the City by Ord. No. 532 along with remaining property designated for industrial use within the UGB and adjacent to Oregon 18.
9. To preserve lands intended for industrial use and protect the function of the Bypass, the City will discourage commercial zoning to the east of the S. Yamhill River. Until the IAMP is adopted, the City will coordinate with ODOT through the Site Design Review process to provide an opportunity to work with applicants in an effort to avoid actions that would negatively impact future construction and operation of the Bypass.
10. To provide a basis for coordination at site plan review, the City of Dayton Transportation System Plan (2001), incorporated as "Appendix A" to the Comprehensive Plan, shall be amended at a future date to show the proposed changes to local circulation and access that are included in the Tier 2 EIS and would be necessary to support mitigation for local roads and access that would be severed or disrupted by the Bypass.

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