APPENDIX E

Location Final Section 4(f) Evaluation
Table of Contents

Introduction ........................................................................................................................................... 1

Methodology ......................................................................................................................................... 2
  Parks and Recreation Areas .................................................................................................................. 2
  Cultural Resources .............................................................................................................................. 2

LDEIS Build Alternatives .................................................................................................................... 4

Preferred Alternative / Modified 3J ....................................................................................................... 10

Potentially Affected Section 4(f) Resources ......................................................................................... 14
  Recreational Resources ....................................................................................................................... 14
  Cultural Resources .............................................................................................................................. 16

Section 4(F) Resources not affected ...................................................................................................... 19

POTENTIAL Use of Section 4(f) Resources ...................................................................................... 22
  Recreational Resources ....................................................................................................................... 22
  Historic, Cultural, and Archaeological Resources .............................................................................. 23

Constructive Use of The Section 4(f) Resources ................................................................................. 23
  Noise/Vibration ................................................................................................................................. 23
  Visual Resources ............................................................................................................................... 24

Measures to Mitigate Harm .................................................................................................................. 24
  Recreational Resources ....................................................................................................................... 24
  Historic Buildings and Structures ...................................................................................................... 24
  Archaeological Resources .................................................................................................................. 25

Record of Coordination ......................................................................................................................... 25

Section 4(f) determination .................................................................................................................... 25
  Next Steps ......................................................................................................................................... 25
Figures

Figure E-1  Section 4(f) Resources in the Project Vicinity............................................... E-3
Figure E-1A  LDEIS Build Alternatives .............................................................................. E-5
Figure E-1B  Preferred Alternative Modified Alternative 3J ............................................ E-11
Figure E-2  Spring Meadow Park ....................................................................................... E-15
Figure E-3  CPRD Golf Course .......................................................................................... E-17
Figure E-4  Scott Leavitt Park ............................................................................................ E-18
Figure E-5  Dundee Elementary School ............................................................................. E-21

Tables

Table E-1  Components of Bypass Build Alternatives ........................................................... E-9
Table E-2  Listed and Potentially Eligible Historic Properties That May Be Affected by the Proposed Bypass .............................................................................. E-19
INTRODUCTION

Section 4(f) was created by Congress when the United States Department of Transportation (USDOT) was formed in 1966. It was initially codified as 49 U.S.C. 1653(f) (Section 4(f) of the USDOT Act of 1966) and only applied to USDOT agencies. Later that year, 23 U.S.C. 138 was added with somewhat different language, which applied only to the highway program. In 1983, Section 1653(f) was reworded without substantive change and recodified at 49 U.S.C. 303. In their final forms, these two statutes have no real practical distinction and are still commonly referred to as Section 4(f).

This evaluation provides an assessment of the potential use of lands subject to the requirements of Section 4(f), which requires that any transportation project funded with federal transportation funds and requiring or using land from a public park, recreation area, wildlife or waterfowl refuge, or historic sites can only be constructed if there is no feasible and prudent alternative to using the resource and if the project will include all possible means to minimize harm to the resources. Section 4(f) ensures that USDOT-funded highway projects preserve important values associated with publicly owned recreation lands, parks, wildlife and waterfowl refuges, and significant historic properties. Special effort must be made to avoid impacts to these resources and their values. If avoidance of these resources is not possible using feasible and prudent alternatives, then measures to minimize harm to them must be considered and implemented.

The Oregon Department of Transportation (ODOT) is leading the preparation of the Location Final Environmental Impact (LFEIS) for the Newberg-Dundee Bypass (Bypass) in coordination with the Federal Highway Administration (FHWA), who is the lead agency under the National Environmental Policy Act (NEPA). The environmental analysis of the project is being conducted in a two-tiered NEPA process. The Tier 1 work, which is the subject of this LFEIS, identifies feasible alternative corridors for the Bypass project, which will culminate in a recommended corridor alternative. The Preferred Alternative will be carried forward through the Tier 2 analysis for more detailed study. The Tier 2 work will involve further refinement of the Preferred Alternative, including locating the Bypass within the recommended corridor, evaluation of preliminary engineering options, and additional environmental analysis (A list of activities that will be conducted during the Tier 2 process is included at the end of Chapter 6 of the LFEIS).

This Location Final Section 4(f) Evaluation provides additional information to decision-makers to assist in the selection of a Bypass Preferred Alternative. To advance the project in the environmental decision-making process, it is necessary to identify the Section 4(f) resources that may be affected and determine if it is possible to avoid or minimize impacts to those resources. The analysis focuses on potential Section 4(f) issues associated with the Preferred Alternative, Modified 3J (Modified 3J), for the Bypass. For comparison purposes, the analysis also includes a discussion of all of the other Build Alternatives initially presented in the Location Draft Environmental Impact Statement (LDEIS) and summarized in the LFEIS. Modified 3J is a combination of Alternative 3J and elements from other Build Alternatives as described in the LDEIS. ODOT developed Modified 3J in response to direction from the Project Oversight Steering Team (POST), agency stakeholders, and the public to avoid and minimize impacts to resources in the Alternative 3J corridor project area. The POST recommended Alternative 3J, because it best avoids and minimizes impacts to resources in the project area and best provides for route continuity and long-term transportation system function. Modifications made to 3J further minimized impacts to resources and resulted in Modified 3J, the Preferred Alternative. ODOT directed staff to calculate impacts for the Modified 3J area to ensure that the Preferred Alternative did not result in any significant environmental impacts, which had not been previously evaluated and disclosed in the LDEIS. Chapter 2, of the LFEIS provides additional information on the development of Modified 3J.

Initial research of Section 4(f) resources conducted at a location level, in coordination with the LDEIS, identified three parks/recreational sites, two National Register of Historic Places sites, and one school playground used for recreation within the project area that could potentially be affected by the Bypass project. There are 47 potentially eligible historic sites within the overall project area. ODOT has not
identified any archaeological sites in the project area at the current level of investigation. The Bypass project will not impact any wildlife or waterfowl refuges. See Figure E-1 for locations of Section 4(f) sites.

This document concludes with the Federal Highway Administration’s (FHWA) Preliminary Section 4(f) determination (see CFR 771.135(o)).

**METHODOLOGY**

ODOT conducted a location-level analysis for the LDEIS Build Alternatives. The location analysis determined the corridor needs for the Bypass project and provided information required for community and facility planning. The analysis did not address preliminary engineering and alignment issues. ODOT will address these topics in Tier 2 of the NEPA process. The project area, defined as the Build Alternatives’ combined footprints, serves as a boundary for identifying potential direct impacts.

**Parks and Recreation Areas**

The Section 4(f) park and recreation areas were mapped using the City of Newberg’s Geographic Information Systems (GIS) tax lot data. Potential impacts to Section 4(f) resources were determined using air photos with both 1.2 meters and 0.6 meters (4-feet and 2-feet) resolution and overlay maps of the Build Alternatives. To obtain additional information on the Section 4(f) resources, site visits were conducted to the parks and Dundee Elementary School playground, and the Chehalem Parks and Recreation District (CPRD) park district manager was interviewed.

**Cultural Resources**

An archaeologist reviewed the Oregon State Historic Preservation Office (SHPO) archaeological files and literature and conducted a field survey of the Build Alternatives corridors. The reviewed files included information on earlier surveys and recorded sites in the Newberg-Dundee area. The archeologist also consulted the General Land Office maps of survey and land claims at the University of Oregon library.

The archaeologist visited portions of the Build Alternatives corridors to informally inspect the terrain and environmental settings in accessible locations, looking for possible archaeological sites. The archeologist observed areas in and adjacent to the Build Alternatives by driving and stopping on existing public roads.

A historical resources specialist collected data, completed site visits to potentially eligible historic sites and sites listed on the National Register of Historic Places (NRHP) and conducted a survey to identify and document historical resources potentially affected by the Build Alternative corridors. The survey is in compliance with Section 106 for a corridor-level study. The survey identified resources of potential concern within the project’s Area of Potential Effect (APE)\(^1\). The specialist conducted a windshield survey and used aerial photos with the alternatives drawn on the photograph. Information recorded includes the following data categories:

- Alternative(s) affecting the property
- Building style
- Building integrity
- Estimated date of construction
- The current use of the building
- Preliminary National Register status
- Photo number

---

\(^1\) According to 36 CFR 800.16(d), the Area of Potential Effect is the geographic area or areas within which a federal undertaking may directly or indirectly cause changes in the character or use of historic properties, if such properties exist. The area of potential effects is influenced by the scale and nature of the undertaking and may be different for different kinds of effects caused by the undertaking. For the purposes of this project the APE is defined as the Bypass Alternative corridor footprints.
Figure E-1. Section 4(f) Resources in the Project Vicinity

- Parks and Recreation Facilities
- Schools and Universities
- National Register Site
- Potentially Eligible
- Combined Alternative Footprint
- Urban Growth Boundary

Legend:
- Green: Parks and Recreation Facilities
- Blue: Schools and Universities
- National Register Site: Triangle
- Potentially Eligible: Circle
- Combined Alternative Footprint: Yellow
- Urban Growth Boundary: Orange

Legend Source: Figure E1_noLandfill.mxd

Print Date: 5/12/05
The specialist based the NRHP status of the properties primarily on Criterion C (an important example of period architecture, landscape, or engineering) and Criterion A (an association with important events or patterns of history). A limited number of properties had potential Criterion A importance. Background research for the properties identified in the survey included investigation of the Yamhill County Cultural Resources Survey and Inventory, Phase II, completed by the Yamhill County Planning Department in May 1985. The specialist also consulted the NRHP database on the SHPO Web site to locate and identify properties listed in the NHRP within the APE. The data are divided into three categories:

- NHRP listed properties.
- Potentially eligible for inclusion in the NHRP.
- Not eligible for inclusion in the NHRP.

The potentially eligible historic finding for each property is based solely on the field observation. The specialist only conducted research on the two NHRP listed properties.

**LDEIS BUILD ALTERNATIVES**

The LDEIS evaluated eight Build Alternatives. These alternatives are 3C, 3D, 3G, 3H, 3I, 3J, 3K (the Southern Build Alternatives), and 4C (the Northern Build Alternative). All alternatives are generally located between the Rex Hill area east of Newberg at mile post 20.08 and the area west of Dundee where Oregon 99W intersects with Oregon 18 at mile post 51.84. The Southern Build Alternatives would take travelers to the south of Newberg and Dundee. The Northern Build Alternative would head north of Newberg, but then follows the same route as the Southern Build Alternatives after heading south and crossing Oregon 99W between Newberg and Dundee. An important difference among the alternatives is the location of accesses to the Bypass.

The Build Alternative corridors are at least 330 feet wide. The future Bypass alignment will require about 60 percent of that width. The corridor width allows for flexibility during the Tier 2 preliminary engineering of the Bypass roadway alignment. The actual width of the Bypass facility will vary, but generally will require approximately 60 percent of the corridor width. Interchange footprints in the corridor also allow space to account for variations in interchange design. The corridor width also provides flexibility within which the alignment can be designed to avoid or minimize use of Section 4(f) resources.

Figure E-1A illustrates the location of the Build Alternatives. Each of the Build Alternatives includes the following:
- **A four-lane bypass “Expressway.”**
  Expressways\(^2\) as defined in the 1999 Oregon Highway Plan (OHP) provide for high-speed, high-volume travel between cities with minimal interruptions. A secondary function is to provide for long-distance, intra-urban travel in metropolitan areas. In urban areas expressway speeds are moderate to high. In rural areas, expressway speeds are high. This facility would also serve as a statewide freight highway.

- **A median.**
  A landscaped median or median barrier will be located between the travel lanes, as well as shoulders on both sides of the travel lanes.

- **Bicycle access.**
  Bicycles are permitted to travel on the shoulders of highway facilities in Oregon. In addition, enhanced bicycle facilities may be provided either as part of the roadway cross-section or as a separate, parallel facility. This issue will be addressed as part of the Tier 2 study and other associated multimodal studies.

- **Access to the Bypass restricted to interchanges.**
  Access to the Bypass is restricted to interchanges with the exception of Alternative 3I, which has two at-grade intersections. No direct access to the Bypass will be permitted from private properties. The Bypass will be grade-separated. Major county and city roads will be rerouted under or over the Bypass. Other local streets, crossed by the Bypass, will be rerouted around or away from the Bypass or stopped at the Bypass.

- **Bridges crossing larger fish-bearing streams.**
  Bridges will be used to cross larger fish-bearing streams. Smaller drainages might be crossed using fish-passable culverts.

- **Toll Roads.**
  “Tolling” might be included as part of the Bypass. The need and feasibility for tolls will be evaluated if appropriate during Tier 2. The travel demand impacts due to tolling and the size and location of tolling facilities is unknown at this time.

- **Improvements needed to meet OHP access management standards.**
  Improvements needed to meet OHP access management standards will be constructed, including road realignments and private driveway consolidations or relocations.

- **A typical operating speed of 55 miles per hour.**
  The Bypass will have a typical operating speed of 55 miles per hour, except for Alternative 3I, which operates at a lower speed around two proposed at-grade intersections in Newberg.

The Southern Build Alternatives share a common alignment in southern and eastern Newberg. They differ as to whether an interchange or an overpass is built at Oregon 219 where the interchange at the western terminus of the project is located. Key components of the Build Alternatives are presented in Table E-1. The following is a description of each Build Alternative as included in the LFEIS.

**Alternative 3C**

This alternative includes three interchanges and extends for about 11 miles along the south sides of Newberg and Dundee. At the west end, the existing intersection between Oregon 99W and Oregon 18 is closed. Oregon 18 continues as a four-lane road oriented northeast along the railroad tracks for approximately 2.2 miles to a new interchange between the Bypass and existing Oregon 99W. The number
of lanes on Oregon 99W remains unchanged. Between Newberg and Dundee, the Bypass borders the east boundary of Dundee to Oregon 99W, where another interchange is located, and is oriented east-west to Newberg. Alternative 3C crosses Oregon 219 rather than providing an interchange. An interchange located east of Newberg offers full-directional movements, both east and west along Oregon 99W.

**Alternative 3D**

This alternative also includes three interchanges and extends for about 11 miles along the south sides of Newberg and Dundee. However, the interchange at the west end of the project is located close to Dayton, near the existing intersection between Oregon 99W and Oregon 18. This interchange is directional, in that it does not provide for movements from eastbound Oregon 18 to westbound Oregon 99W or from eastbound Oregon 99W to westbound Oregon 18. Like Alternative 3C, the Bypass borders the east boundary of Dundee to Oregon 99W, where another interchange is located, and is oriented east-west to Newberg. Alternative 3D crosses Oregon 219 rather than providing an interchange. The interchange located east of Newberg offers full-directional movements, both east and west along Oregon 99W.

**Alternative 3G**

Alternative 3G has four interchanges and extends for about 11 miles. It resembles Alternative 3C from the west end until approaching Oregon 219 in Newberg, where an interchange is constructed instead of an overcrossing. The interchange east of Newberg does not offer full-directional movements and therefore is a smaller footprint than Alternatives 3C and 3D.

**Alternative 3H**

Alternative 3H has four interchanges and extends for about 11 miles. Its features are the same as those in Alternative 3G, except it has an interchange closer to Dayton than to Dundee.

**Alternative 3I**

Alternative 3I has four interchanges and the same physical characteristics as Alternative 3G, except that, to decrease the speed of the facility, two at-grade intersections are provided in Newberg. One is between Oregon 99W and Oregon 219, and the other is west of Oregon 219 in a location feasible for riverfront access. Between the easternmost interchange on Oregon 99W and just west of Oregon 219, the speed is 45 mph. From west of Oregon 219 to the western city limits of Newberg, the speed is lowered to 35 mph. West of that point, the planned speed is 55 mph. The two at-grade intersections have traffic signals to accommodate safe and efficient crossings for motorists, pedestrians, and bicyclists.

**Alternative 3J**

Alternative 3J has four interchanges and the same physical characteristics as Alternative 3G except for the area between Dundee and Newberg. It extends for about 10 miles. The alignment avoids rural residential housing impacts by crossing agricultural property. An interchange is provided between Newberg and Dundee, connecting to an arterial that links with Oregon 99W. No access is provided from the arterial to abutting properties. However, connections to city streets are allowed. A structure is provided over the railroad tracks and over Oregon 99W.

**Alternative 3K**

Alternative 3K includes both a Bypass and the widening of segments of Oregon 99W. While the Bypass facility is similar to Alternative 3J, this alternative includes interchanges only at its east and west ends. The interchange east of Newberg provides full-directional movements, both east and west along Oregon 99W. The west interchange is near Dayton. Alternative 3K widens Oregon 99W through Dundee to two lanes in each direction plus a continuous center left turn lane (five lanes total), shoulders, bike lanes and
sidewalks. Along Oregon 99W from Dundee to the Dayton interchange, two-lane segments are widened to four lanes, with a median, shoulders, and bike lanes.

**Alternative 4C**

Alternative 4C includes three interchanges and extends for about 12 miles. The existing intersection between Oregon 99W and Oregon 18 is closed. Oregon 18 continues as a four-lane road oriented northeast along the railroad tracks for approximately 2.2 miles to a new interchange (South Dundee Interchange) between the Bypass and existing Oregon 99W. The number of lanes on Oregon 99W remains unchanged. The route turns north along the eastern side of Dundee, and then skirts around the north side of Newberg before reconnecting with Oregon 99W.

The Bypass crosses under Oregon 219 near the north edge of Newberg. Due to the hills along the north side of Newberg, potential cut and fill slopes are more extensive than with the Southern Bypass Alternatives. Consequently a portion of Alternative 4C has a corridor width of 410 feet (125 meters) to accommodate the necessary cut and fill.

**Table E-1 Components of Bypass Build Alternatives**

<table>
<thead>
<tr>
<th>Alternative</th>
<th>West End Terminus at Oregon 18 MP 51.84</th>
<th>Between Dayton &amp; Dundee</th>
<th>Between Newberg &amp; Dundee</th>
<th>Crossing of Oregon 219</th>
<th>East End Terminus at Oregon 99W MP 20.08</th>
<th>Other Features</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southern Options</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3C</td>
<td>No interchange; street connection to Oregon 18</td>
<td>South Dundee Interchange</td>
<td>East Dundee Interchange</td>
<td>Overpass</td>
<td>East Newberg Interchange (Full-movement)</td>
<td></td>
</tr>
<tr>
<td>3D</td>
<td>Dayton Interchange (Directional)</td>
<td>No interchange</td>
<td>East Dundee Interchange</td>
<td>Overpass</td>
<td>East Newberg Interchange (Full-movement)</td>
<td></td>
</tr>
<tr>
<td>3G</td>
<td>No interchange; street connection to Oregon 18</td>
<td>South Dundee Interchange</td>
<td>East Dundee Interchange</td>
<td>Interchange</td>
<td>East Newberg Interchange (Directional)</td>
<td></td>
</tr>
<tr>
<td>3H</td>
<td>Dayton Interchange (Directional)</td>
<td>No interchange</td>
<td>East Dundee Interchange</td>
<td>Interchange</td>
<td>East Newberg Interchange (Directional)</td>
<td></td>
</tr>
<tr>
<td>3I</td>
<td>Dayton Interchange (Directional)</td>
<td>No interchange</td>
<td>East Dundee Interchange</td>
<td>Interchange</td>
<td>East Newberg Interchange (Directional)</td>
<td>Lower speed and two intersections in Newberg</td>
</tr>
</tbody>
</table>
PREFERRED ALTERNATIVE / MODIFIED 3J

The Preferred Alternative, Modified 3J, is a combination of Alternative 3J and elements from other Build Alternatives analyzed in the LDEIS under Alternatives 3D, 3H, 3K, and 3J. Modified 3J is based on Alternative 3J, and was proposed in response to direction from the POST, agency stakeholders, and the public to further minimize impacts to resources in the Alternative 3J corridor including: avoiding EFU (agricultural) land and operations at the East Newberg Interchange; aligning the Bypass in south Newberg to avoid low income, Hispanic, and minority housing; and prohibiting access along the East Dundee Interchange connector road between the interchange with Oregon 99W and the Bypass. The process and reasoning used to select Alternative 3J and modify it resulting in Modified 3J as the Preferred Alternative is included in Chapter 2 of the LFEIS.

Modified 3J is a Bypass corridor located along the south sides of Newberg and Dundee. The corridor is at least 330 feet wide, and at some parts reaches or exceeds 400 feet in width. The actual Bypass facility would probably require approximately 60 percent of the corridor width or between 180 and 250 feet. The width allows for flexibility during the Tier 2 evaluation. Interchange footprints on the corridor also allow additional corridor space to account for variations in interchange design. Modified 3J extends for approximately 11 miles from its eastern terminus east of Newberg in the Rex Hill area at milepost 20.08, to its western terminus where Oregon 99W intersects with Oregon 18 (McDougal Corner) west of Dundee at Oregon 18 milepost 51.84. Figure E-1B illustrates the location of the Modified 3J.

---

3 See LFEIS, Chapter 2, for Preferred Alternative discussion.
Figure E-1B. Preferred Alternative Modified Alternative 3J

- Alternative Footprint
- Urban Growth Boundary
Modified 3J includes the following interchanges:

- **Dayton Interchange** – The Dayton Interchange is located at the junction of Oregon 99W and Oregon 18 and represents the western terminus of the Bypass. This interchange is a directional interchange providing free flow connections westbound onto Oregon 99W and Oregon 18 and eastbound from those highways onto the Bypass. However, the interchange would not provide movements between eastbound Oregon 18 to westbound Oregon 99W, nor from eastbound Oregon 99W to westbound Oregon 18. The interchange replaces the existing Oregon 18/Oregon 99W intersection at McDougal Corner. This represents the western terminus of the Bypass, and replaces the South Dundee Interchange shown in Alternative 3J. The Dayton Interchange was analyzed in the LDEIS as part of Alternatives 3D, 3H, and 3K.

- **East Dundee Interchange** – The East Dundee Interchange is located between Dundee and Newberg and will offer full turning movements. A connector road links the Bypass interchange and Oregon 99W. The connector road will not have any intermediate access points between the Bypass and its intersection with Oregon 99W. The connector road intersection with Oregon 99W includes a grade separation across both Oregon 99W and the parallel railroad tracks. The East Dundee Interchange was analyzed in the LDEIS as part of Alternative 3J.

- **Oregon 219 Interchange** – The Oregon 219 Interchange is located in south Newberg along Oregon 219. This interchange is located inside Newberg's UGB and offers full turning movements. The Oregon 219 Interchange was analyzed in the LDEIS as part of Alternatives 3H, 3I, and 3J.

- **East Newberg Interchange** – The East Newberg Interchange is located southwest of Rex Hill and represents the eastern terminus of the Bypass. Like the Dayton Interchange, the East Newberg Interchange is a directional interchange, providing free flow connections from the Bypass onto Oregon 99W eastbound and from Oregon 99W westbound onto the Bypass. The interchange does not provide movements between eastbound Oregon 99W to the westbound Bypass, nor from the eastbound Bypass to westbound Oregon 99W. The East Newberg Interchange represents the eastern terminus of the Bypass. This Interchange was analyzed in the LDEIS as part of Alternatives 3G, 3H, 3I, and 3J.

Modified 3J also includes the following features:

- **A four-lane bypass “Expressway.”**
  Expressways\(^4\) as defined in the 1999 Oregon Highway Plan (OHP) provide for high-speed, high-volume travel between cities with minimal interruptions. A secondary function is to provide for long-distance, intra-urban travel in metropolitan areas. In urban areas expressway speeds are moderate to high. In rural areas, expressway speeds are high. This facility would also serve as a statewide freight highway.

- **A median.**
  A landscaped median or median barrier will be located between the travel lanes, as well as shoulders on both sides of the travel lanes.

- **Bicycle access.**
  Bicycles are permitted to travel on the shoulders of highway facilities in Oregon. In addition, enhanced bicycle facilities may be provided either as part of the roadway cross-section or as a separate, parallel facility. This issue will be addressed as part of the Tier 2 study and other associated multimodal studies.

Access to the Bypass restricted to interchanges.
Access to the Bypass is restricted to Interchanges. No direct access to the Bypass will be permitted from private properties. The Bypass will be grade-separated. Major county and city roads will be rerouted under or over the Bypass. Other local streets, crossed by the Bypass, will be rerouted around or away from the Bypass or stopped at the Bypass.

Bridges crossing larger fish-bearing streams.
Bridges will be used to cross larger fish-bearing streams. Smaller drainages might be crossed using fish-passable culverts.

Toll Roads.
“Tolling” might be included as part of the Bypass. The need and feasibility for tolls will be evaluated if appropriate during Tier 2. The travel demand impacts due to tolling and the size and location of tolling facilities is unknown at this time.

Improvements needed to meet OHP access management standards.
Improvements needed to meet OHP access management standards will be constructed, including road realignments and private driveway consolidations or relocations.

A typical operating speed of 55 miles per hour.
The Bypass will have a typical operating speed of 55 miles per hour.

In addition, Modified 3J includes possible improvements to Oregon 99W and the local street system. The proposed improvements implemented during Bypass construction, regardless of the alternative selected, are as follows:

Improvements to Oregon 99W

- Consider the addition of left and/or right turning lanes at key Oregon 99W intersections throughout the project area and a northbound through lane at the Springbrook Road/Oregon 99W intersection.
- Manage access to Oregon 99W by consolidating and/or relocating private driveways and by providing local street connections where feasible.
- Integrate the Bypass with the local street system to maintain connectivity within and among communities.
- Investigate interim improvements to Oregon 99W in Dundee to relieve congestion.
- Investigate the possibility of providing appropriate Intelligent Transportation System (ITS) measures on Oregon 99W.

Improvements to Local Street System

- Investigate alternatives for connectivity throughout the local street system. Options could include improving, building and/or interconnecting existing local or collector roadways within and between Newberg and Dundee to provide options to Oregon 99W for local trips.

5 ITS is defined as the application of advanced communications, information processing, control and electronics technology to improve the safety and operation of the existing transportation system. ITS is intended to work in conjunction with the existing transportation system to improve its performance for both key operating agencies, such as state, city, and county departments of transportation, as well as for system users, including commuters, transit users, tourists, freight concerns, and others.
- Provide pedestrian and bicycle facilities including bicycle and pedestrian links to park-and-ride lots and adequate pedestrian and bicycle crossings along the Bypass. Employ traffic calming measures as appropriate.

The Bypass facility may result in the need for other improvements to the surrounding transportation network. These improvements will be complementary to the Bypass and will be addressed in the Tier 2 analysis.

**POTENTIALLY AFFECTED SECTION 4(F) RESOURCES**

Potentially affected Section 4(f) resources located within Modified 3J and/or the other Build Alternatives include two parks, and archaeological, cultural, and historic properties (as stated earlier there are no wildlife or waterfowl refuges located in the vicinity of the Bypass Alternatives). This section describes potentially affected Section 4(f) resources within or near the APE.

**Recreational Resources**

Recreational Section 4(f) resources include the following: Spring Meadow Park and Scott Leavitt Park. The park resources are located within the CPRD, which encompasses 68 square miles of park land in the communities of Newberg and Dundee. The following section provides a description of the affected recreational resources.

**Spring Meadow Park**

Spring Meadow Park is a 3.6 acre neighborhood park located near Oregon 99W, Vittoria Way, and Leo Lane in Newberg. Located at the northeast edge of Newberg, the park’s eastern edge is adjacent to the Newberg Urban Growth Boundary (UGB). This location is near the proposed East Newberg Interchange. The park facilities include a basketball court, water fountain, restroom, paved walking path, picnic table and children’s play equipment. A variety of landscaping surrounds a grassy area and the walking path that cuts through a wooded area. Private homes are immediately adjacent to the park. The park includes both active and passive recreation areas. The active recreation areas are located in the middle of the park and closest to Vittoria Way. The passive areas, including the walking path, are located toward the edges. The park does not have night lighting. See Figure E-2 for the location of the Spring Meadow Park.

The Land and Water Conservation Fund (LWCF) Act provides legal protection to grant-assisted recreation sites. If a project uses recreation land developed with these funds, the project sponsors are responsible to do an evaluation of the impact on the site. If project use of the site is unavoidable, the sponsors must replace the property taken with property of equal value and use.

The Oregon Parks and Recreation Department has verified that Spring Meadow Park did not utilize the Land and Water Conservation Fund (LWCF) for park development. Therefore, the property is not subject to the Fund’s 6(f) evaluation.
Scott Leavitt Park

Scott Leavitt Park is a 1.2-acre neighborhood park with a basketball court, and a play area with structures. The park facilities also include a water fountain, park benches, and a dedication plaque. There is no night lighting.

Scott Leavitt Park is located between 10th and 11th streets to the north and south, and between Pacific and Columbia streets to the east and west, respectively. The park is surrounded by private homes across 10th Street, 11th Street, Pacific Street, and Columbia Street, on the north, south, east, and west sides, and in the vicinity of the SP Newsprint Co. across 11th Street, to the south. The Newberg Rotary Club dedicated the park to Scott Leavitt - an educator, officer in the Spanish-American war, conservationist with the U.S. Forest Service, and member of Congress. He was also the district governor of the Rotary International Club and chairman of the Newberg Park Board. See Figure E-3 for the location of the Scott Leavitt Park.

The Oregon Parks and Recreation Department verified that Scott Leavitt Park did not utilize LWCF monies for park development. Therefore, the property is not subject to the Fund’s 6(f) evaluation.

Cultural Resources

Archaeological Resources

No known prehistoric archaeological sites in the project area or elsewhere in the Newberg-Dundee-Dayton vicinity were found in a search of the SHPO archaeological resource records. The Southern Build Alternatives, including Preferred Alternative Modified 3J, cross a high terrace above the Willamette River and may contain localized topographic characteristics that were favored by Native Americans for use. Foundations, other remains of early buildings, or other facilities from historical homesteads or farms may be present within Modified 3J and any of the other Build Alternatives. Therefore, all Build Alternatives should be considered to have a high potential for historical archaeological sites (building foundations, etc.). However, an informal field reconnaissance of 16 existing road margins crossing parts of the alternatives did not identify any prehistoric or historic archaeological resources or sites.

The setting of the Northern Build Alternative (4C) differs from the Southern Build Alternatives primarily because part of this alternative passes along the lower slopes of the foothills bounding the main valley floor. The valley plain area crossed by this alternative is slightly farther away from the Willamette River, and the general slope of this part of the valley floor is somewhat greater. While farther from major waterways, this route is still near a number of creeks. One documented archaeological site is located nearby in a hill slope setting, and another (unconfirmed site) is located at the eastern end of this alternative.
Properties Listed or Potentially Eligible for the National Register of Historic Places

A historic resource specialist searched the SHPO historic properties files and other pertinent data sources for recorded resources. Using this information in combination with a field reconnaissance, it was determined 6 properties in or near Modified 3J are associated with structures that are listed or are potentially eligible for listing on the National Register of Historic Places (NRHP). One site is within the proposed East Newberg Interchange area near Rex Hill, north of Oregon 99W in Newberg. The other site is in Dundee on Oregon 99W. Table E-2 summarizes the number of NHRP properties and those potentially eligible for inclusion in the NHRP that could be impacted by the Modified 3J and the other Build Alternatives. These properties all include standing structures.

Table E-2 Listed and Potentially Eligible Historic Properties That May Be Affected by the Proposed Bypass

<table>
<thead>
<tr>
<th>No Build</th>
<th>3C</th>
<th>3D</th>
<th>3G</th>
<th>3H</th>
<th>3I</th>
<th>3J</th>
<th>Modified 3J</th>
<th>3K</th>
<th>4C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Properties</td>
<td>0</td>
<td>8</td>
<td>9</td>
<td>7</td>
<td>9</td>
<td>7</td>
<td>6</td>
<td>6</td>
<td>17</td>
</tr>
</tbody>
</table>

Figure E-1 shows the locations with the listed or potentially eligible structures. The NRHP eligibility of these properties has yet to be determined. To further identify, evaluate and assess protection options for these properties potentially subject to National Historic Preservation Act (NHPA) Section 106 and Section 4(f) provisions, complete cultural resource surveys will be conducted of the selected corridor prior to preparing alternatives for Tier 2 NEPA clearance. The corridors should be wide enough to avoid direct uses to these properties. As needed, NHPA Section 106 clearance will be achieved during the NEPA process and will be considered in the Tier 2 EIS and Section 4(f) Evaluation.

SECTION 4(F) RESOURCES NOT AFFECTED

Chehalem Park and Recreation District Golf Course

Since completion of the LDEIS in September of 2002, the Chehalem Park and Recreation District has acquired and received land donation for a future 27-hole public golf course and driving range in the City of Newberg adjacent to Modified 3J and all of the other Southern Build Alternatives. CPRD has completed construction of the first nine holes on the eastern edge of Newberg, north of Fernwood Road. Plans for an 18-hole course (as part of the total 27-hole golf course) to be built in the future include a clubhouse and a driving range. The site for this future 18-hole course is generally south of the nine-hole course and between Fernwood Road to the north and Wilsonville Road to the south. See Figure E-4 for the location of the 9 and 18-hole golf courses owned by CPRD in relation to the all of the Southern Build Alternatives and Modified 3J.

CPRD states that the golf course property has significance for three major uses: golfing, walking, and wildlife passage. None of the CPRD golf course property shown on Figure E-4 is exclusively designated for wildlife refuge and the protection of species.

Modified 3J and all of the other Southern Build Alternatives are adjacent to, but do not intersect the property designated and designed for the golf course. Modified 3J, as shown in Figure E-3, has been incorporated into an update of the Newberg Transportation System Plan. Further, ODOT has agreed with the Providence Health Systems hospital to keep the Bypass roadway as close as possible to the eastern edge of the Modified 3J corridor consistent with ODOT Highway Design Manual standards.

The 1.59 and 0.68 acre parcels south of Fernwood Rd. shown within the Modified 3J corridor in Figure E-3 are owned by the CPRD but are not subject to Section 4(f) under regulation 771.135(p)(5)(v). These parcels fall under regulation 771.135(p)(5)(v) because they were concurrently planned by the CPRD to
avoid recreational use within the bypass corridor. Consequently, these two parcels are not currently
developed, nor will they be developed in the future for recreational uses. This concurrent planning is
documented in Attachment A (CPRD letter dated December 8, 2004, paragraph 3, page 3). This
concurrent planning is further documented in the NDTIP project files as follows:

- A preliminary plan for the 18-hole golf course south of Fernwood Rd. showing that the two
  parcels within the Modified 3J corridor were specifically avoided for development as part of the
  proposed golf course in order to accommodate the proposed Bypass.

- A current revised plan, to be adopted by the CPRD Board of Directors at its May, 2005 meeting,
  showing that the two parcels within the Modified 3J corridor will not be developed as part of the
  proposed golf course.

- A letter signed by W. Don Clements, Superintendent, Chehalem Parks and Recreation District,
  describing the concurrent planning and confirming that the two plans listed above indicated the
  CPRD’s intention to avoid conflicts with the NDTIP Bypass corridor.

Dundee Elementary School Playground

The Dundee Elementary School Playground was included as protected under Section 4(f) in the LDEIS. It
was described in the LDEIS as follows “The school property border that abuts Ore. 99W is grassy with
some small plantings and a chain-link fence. The area between the school and the road is landscaped with
approximately ten young trees and a couple of large shrubs. A play area for younger children is located
immediately in front of the school, facing the highway. The play area is approximately 4 meters (13 feet)
from the edge of the Build Alternative. It includes a slide structure and a jungle-gym. The play area,
which is directly in front of the school, could be affected by Alternative 3K. Up to 0.1 hectares (0.3 acres)
of school property could be impacted.”

Further research performed during the LFEIS discovered that the fenced play area described above
adjacent to Oregon 99W is used exclusively by Yamhill County Educational Service District (ESD)
preschool. The preschool is occupying a classroom inside the Dundee Elementary School. The play area
is used only by Yamhill County ESD preschool students during school recess hours. At all other times the
fenced play area is locked and not available to the public. The Yamhill County ESD preschool will be
relocating to a new facility at the end of the school year, July 2005. The play area facilities will also be
relocated to the new site. This information was discovered in a conversation with the Dundee Elementary
School principal to check on the exact location of the play area. The play area adjacent to Oregon 99W is
not a Section 4F resource.

The principal also confirmed that CPRD has an agreement with Newberg School District to use school
properties for recreational purposes after hours. The playground behind the school (shown on figure E-5)
is included in properties used by CPRD for recreational purposes after school hours and would be a
section 4(F) Resource. The edge of the playground is over 70 feet from the edge of Alternative 3K. There
are no direct or constructive use impacts to the playground by Alternative 3K

Other Section 4(f) Recreational Resources in the Project Vicinity

Other Section 4(f) resources located in the vicinity of the project are shown on Figure E-1 and listed
below. None of these resources are impacted by any of the Build Alternatives, including the Preferred
Alternative, Modified 3J.

- Bellich Dundee Park
- Ewing Young Historic Park
- Oak Knoll Park
- Antonia Crater Elementary School / Chehalem Valley Middle School Playing Field
- Dundee River Park
- Friends Park
- Glayds Park
Figure E-5. Dundee Elementary
Alternative 3K Footprint
School Playground

Print Date: 5/12/05

Newberg-Dundee
TRANSPORTATION IMPROVEMENT PROJECT
POTENTIAL USE OF SECTION 4(F) RESOURCES

The following analysis assumes that the previously described Section 4(f) resources, within Modified 3J or any of the other Build Alternatives could potentially be directly impacted by construction of the Bypass. However, ODOT will make an effort during Tier 2 preliminary engineering, to completely avoid Section 4(f) resources. If this is not feasible and prudent, ODOT will minimize the use of Section 4(f) resources.

Specific changes to Alternative 3J that led to Modified 3J and relate to Section 4(f) resources are included in the following discussion.

Recreational Resources

Spring Meadow Park

Spring Meadow Park is a 3.6 acre neighborhood park located near Oregon 99W, Vittoria Way, and Leo Lane in Newberg. The park facilities include a basketball court, water fountain, restroom, paved walking path, picnic table and children’s play equipment. A variety of landscaping surrounds a grassy area and the walking path that cuts through a wooded area. Private homes are immediately adjacent to the park. The park includes both active and passive recreation areas. The active recreation areas are located in the middle of the park and closest to Vittoria Way. The passive areas, including the walking path, are located toward the edges. The park does not have night lighting. See Figure E-2 for the location of the park.

Alternative 4C would affect up to 0.2 acres of the park, or approximately 5 percent of the total park area. This is part of the passive recreation area. Alternative 4C could also limit access to the park from the north. Modified 3J or any of the other Southern Build Alternatives could affect, up to 0.03 acres of the park, or approximately 1 percent of the total park area. This is also part of the passive recreation area. Modified 3J or any of the other Southern Build Alternatives do not impact any of the play structures.

There may be opportunities to avoid or minimize impacts to Section 4(f) resources depending on where the roadway is placed within the corridor and what other mitigation measures are employed. For example, moving the alignment within the larger corridor area may reduce the amount of direct impact (i.e., property take) on a Section 4(f) property, and other measures to minimize impacts may include constructing walls or earth berms or lowering the road profile to reduce noise, and use of landscaping or decorative walls (or noise walls) to minimize visual impacts. ODOT will address these issues during Tier 2 preliminary engineering.

Scott Leavitt Park

Scott Leavitt Park is a 1.2-acre neighborhood park with a basketball court, and a play area with structures. The park facilities also include a water fountain, park benches, and a dedication plaque. There is no night lighting. The park is located between 10th and 11th streets to the north and south, and between Pacific and Columbia streets to the east and west, respectively. The park is surrounded by private homes across 10th Street, Pacific Street, and Columbia Street, on the north, east, and west sides, and faces the SP Newsprint Co. across 11th Street, to the south. See Figure E-4 for the location of the park.

All of the Southern Build Alternatives could potentially displace up to 0.2 acres of the park, including an area with picnic tables and a basketball court. The area potentially displaced is approximately 17 percent of the total park area. However, ODOT shifted the Alternative 3J corridor so that the northern edge of the corridor lies completely south of the park and would not result in any displacement. Thus, the resulting Modified 3J corridor no impacts any part of Scott Leavitt Park, and would not result in a use of the property.
Historic, Cultural, and Archaeological Resources

The Build Alternatives could affect between 6 and 17 properties that are listed on the NHRP or potentially eligible for listing in the NRHP. Modified 3J could affect six properties. The Northern Build Alternative, 4C could affect a total of seven properties. Alternative 4C is also located closer to a concentration of historic properties along Chehalem Drive in Newberg. These properties would not be affected by Modified 3J and all of the other Southern Build Alternatives.

Alternative 3K, which includes widening of Oregon 99W in Dundee, could result in additional impacts to historic resources in Dundee. As shown in Figure E-1 one listed historic resource (the Dundee Women’s Club Hall) and several potentially eligible historic resources front Oregon 99W in Dundee. These properties are on both the north and south side of the roadway. According to a survey conducted as part of the Statewide Planning Goals exception process, widening Oregon 99W to the southeast side of the highway in Dundee would avoid impacts to the Dundee Women’s Club Hall, a listed historic resource, but might impact two potentially eligible historic resources that are located along Oregon 99W in Dundee. These potentially eligible resources are Argyle Winery, located at 291 Oregon 99W and a residence/auto repair business located at 691 Oregon 99W.

In a review to determine architectural distinction, ODOT found that other parcels that are potentially eligible for the NRHP are lacking in distinction. Therefore the properties do not appear be NRHP eligible based on Criterion C (important example of period architecture, landscape, or engineering). However, ODOT will conduct a more detailed NHPA Section 106 historic resources survey and assessment if required during the Tier 2 NEPA process. This assessment will include research on the association of these structures with historic events or people.

Modified 3J and all of the other Build Alternatives could affect archaeological sites. However, as part of the Tier 2 preliminary engineering, ODOT will conduct an archaeological survey prior to the development of alternative alignments within the Modified 3J or other Build Alternative corridors.

CONSTRUCTIVE USE OF THE SECTION 4(F) RESOURCES

According to 23 CFR Section 771.135(p)(2), the constructive use of a Section 4(f) property can be compromised even though…

“...the transportation project does not incorporate land from a Section 4(f) resource, but the project’s proximity impacts are so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired. Substantial impairment occurs only when the protected activities, features, or attributes of the resource are substantially diminished.”

For example, impacts on the constructive use of a Section 4(f) resource could result from noise disturbance. Noise generated by the Bypass at a noise sensitive resource such as a park could substantially interfere with the use of that park if quiet conditions are necessary to maintain that park’s purposes (U.S. DOT, FHWA, Office of Planning, FHWA Section 4(f) Policy Paper, March 1, 2005 at pp. 10-11). In addition to noise, other types of impacts on constructive use include disturbance caused by vibration and changes in visual quality.

Noise/Vibration

Given the width of the Modified 3J corridor, there will be further opportunities to avoid or minimize impacts to Section 4(f) recreational resources from noise and vibration depending on where the roadway is placed within the corridor. If Modified 3J is selected, Scott Leavitt Park, and the CRPD Golf Course would be affected by noise and will be the subject of a determination of whether these noise impacts would substantially impair the recreational resources during Tier 2. Avoidance of this resource will be the
first priority, to be followed by mitigation strategies such as noise walls, earth berms, or changes in vertical alignment of the roadway to minimize noise and vibration.

Further analysis will also be required during Tier 2 to determine if roadway noise and vibration would substantially impair the historic integrity of a historic property.

**Visual Resources**

In determining which properties may be affected by changes in visual quality caused by the Bypass Alternatives, ODOT assumed that potential Section 4(f) historic properties that are either within a Build Alternative corridor or within 160 feet (50 meters,) of the corridor could potentially be subject to visual impacts. Since the project roadway alignment has yet to be determined, the actual impacts are unknown. There may be opportunities to avoid or minimize impacts to Section 4(f) resources depending on the roadway placement within the corridor. Mitigation strategies such as changes in vertical alignment of the roadway, landscaping, and decorative (or noise) walls may be used to minimize visual impacts. This will be addressed during Tier 2 preliminary engineering.

Modified 3J and all of the other Build Alternatives could have visual impacts on historic sites because of the proximity of the Bypass corridors to these sites. Further analysis will be required during Tier 2 to determine if the horizontal and vertical placement of the roadway would substantially impair the visual/aesthetic integrity of an historic site.

**MEASURES TO MITIGATE HARM**

ODOT first must use every reasonable means to avoid harm to a resource. Then, if unavoidable impacts persist, they must minimize the potential impact, and as a final step, mitigate for the impact. The purpose of mitigation measures with respect to resources is to reduce harm caused by the construction and/or operation of alternatives. At the location level of analysis, it is useful to explore possible mitigation measures that might be required to meet federal, state, and local regulations. If the mitigation measures required by the federal, state or local authorities are implemented, potential impacts associated with the project could be reduced substantially. These measures could be considered individually or in combination with other measures, depending upon the identified impacts, which will be analyzed in greater detail during Tier 2.

**Recreational Resources**

Potential impacts to recreational resources will be avoided to the degree possible through alignment shifts as the project moves into Tier 2 preliminary engineering. It is reasonable to assume that with alignment shifts within the existing corridors of Modified 3J or any of the other Build Alternatives, direct displacement impacts to recreational properties could be completely avoided. Additional steps should be taken to avoid visual and noise and other indirect impacts to these properties, potentially including incorporating changes to project design and screening with landscaping. Minimization should occur when avoidance is not possible.

**Historic Buildings and Structures**

In Tier 2, ODOT will conduct a survey to determine the presence of historic properties within an appropriately identified APE associated with the proposed alignment. Once the project moves to Tier 2, ODOT will collaborate with SHPO to review data and determine which properties are NRHP eligible. Potential impacts to historic properties will be avoided to the degree possible through alignment shifts as the project moves into design. Additional steps should be taken to avoid or minimize impacts to these properties, such as incorporating changes to project design and screening with landscaping.
Archeological Resources

During Tier 2, an archeological survey will be conducted to determine the presence of archeological sites within an appropriately identified APE associated with the proposed project. Subsurface probing and testing may be used to determine the presence or absence of archeological resources and/or the NRHP eligibility of any archeological sites that are discovered. Eligible sites will be avoided to the extent feasible. If a site can’t be avoided, then a professional archaeologist and SHPO staff will be called in to document and record the site and determine measures for mitigating disturbance to the site.

RECORD OF COORDINATION

Documentation of ODOT’s coordination with the CPRD is included in Attachment A. Further coordination and Agency and Tribal Consultations will take place during Tier 2.

SECTION 4(F) DETERMINATION

The Preferred Alternative Modified 3J was partially developed in response to the need to avoid or minimize impacts on Section 4(f) resources. FHWA has preliminarily determined that, compared to the other Build Alternatives, Modified 3J would best accomplish this requirement. The corridor width allows for a reasonable range of opportunities during the design phase to avoid and/or minimize harm to Section 4(f) resources through refinement of horizontal and vertical alignments and other mitigation measures. FHWA has determined that, in locating a corridor for Modified 3J, the agency’s obligations to protect Section 4(f) resources under 23 CFR 771.135(o) have been fulfilled.

The other Build Alternatives would result in greater potential Section 4(f) impacts. For example, the Northern 4C Alternative potentially impacts a property on the NRHP and a portion of Spring Meadow Park. In addition, Alternative 3K potentially impacts the Dundee Women’s Club (a historic resource). Further, there are also potentially eligible historic buildings that should be avoided near the southeast side of Oregon 99W if Oregon 99W is widened under Alternative 3K.

Next Steps

As indicated in the foregoing discussion, additional field work, analysis, and evaluation with respect to Section 4(f) resources will be conducted during Tier 2. More refined data regarding the location and character of affected Section 4(f) resources will inform the development process for creating preliminary engineering alternatives, which will be developed and evaluated in accordance with NEPA requirements. Additionally, a draft and final Tier 2 Section 4(f) Evaluation will be prepared in conjunction with the NEPA documentation for Tier 2.
December 8, 2004

Chehalem Park and Recreation District
125 S. Elliott Road, Newberg, Oregon 97132
(503) 537-2909 • (503) 538-9669 Fax

Alan J. Fox
NDTIP Project Leader
Department of Transportation
Region 2
885 Airport Road, SE
Salem, Oregon 97301

Re: Newberg-Dundee Transportation Improvement Project

Dear Mr. Fox:

What follows are my official responses to your inquiries of me concerning the above project in your letter dated November 24, 2004. I will answer your questions in the order that you presented them in your letter.

1) What is the property ownership status of the properties listed in attached Exhibit A?

   The Chehalem Park and Recreation District owns outright and in fee simple the 3.86 acre parcel, the 1.59 acre parcel and the .68 acre parcel. The Park District has no ownership interest in the 5.2 acre parcel. The three parcels previously indicated which the Park District owns would be affected by the project. The three parcels consisting of 3.86 acres, 1.95 acres and .68 acres are all portions of much larger tracts which were conveyed to the Park District by warranty deeds.

   a) Please confirm or clarify that each of the subject parcels are under public ownership.

   If requested, original deeds showing that these properties are vested in the Park District in fee simple title can be provided.

   b) Please indicate if there was any involvement (particularly funding) from any of the following federal programs in the acquisition or development of the subject property(s)/resources.

   i) Federal-aid in Fish Restoration and the Federal-Aid in Wildlife Restoration Acts

   ii) Recreation Demonstration Project Act
iii) Federal Property and administrative Service (Surplus Property) Act

iv) TEA-21 (Transportation Efficiency Act funding)

v) Any other federal source.

As of the date of this letter I do not believe that any of the above enumerated programs were involved in the acquisition of the three previously enumerated parcels.

d) Please confirm the official(s) having jurisdiction (or planning to have jurisdiction) over the subject properties. This is typically the official of the agency owning or administering the land.

W. Don Clements, Superintendent, Chehalem Park and Recreation District.

e) We understand that CPRD may be involved in negotiations regarding transfer(s)/swap(s) of currently privately and publicly owned lands (e.g., a proposing driving range (5.02 acre fragment identified in Fig. B5) and/or other park land). If correct, please describe the status of these negotiations, conditions of transfer(s)/swaps(s) such as physical and situational limitations on use (e.g., a clause that might recognize prominance of transportation uses over recreational uses should the need arise), and date when agreements will be effected. Please attached copies of relevant documents and agreements.

The Park District had been in discussions with the Werth Family, LLC concerning a long term lease of the 5.02 acre parcel to be used as a driving range. The lease was never consummated and the whole concept of leasing the 5.02 acres is now on hold for reasons that I will discuss later. The leasing of this property was intended to be subject to the construction of the above described project. There was never any intention of the lease being Section 4(f) property. An unsigned preliminary draft of this lease is included with this letter to advise you of the terms being considered.

While discussions of the lease were underway, the Park District was in the process of rezoning through Yamhill County that portion of the Park District’s property lying South of Fernwood Road into an 18-hole golf course. The zone change, although approved at the County level, was appealed to LUBA by 1000 Friends of Oregon. A tentative settlement has been reached with 1000 Friends of Oregon to remove their objection to the rezoning of 100 acres South of Fernwood Road. This rezoning would allow the Park District to construct another 9-holes to be used in conjunction with the 9-holes already constructed North of Fernwood Road, and to also provide adequate room to construct a driving range on the Park District’s own property. Because it appears there is going to be
a favorable outcome on the zoning issue, the Park District is not likely to finalize any lease of property from Werth Family, LLC.

2) Is the property(ies) subject to prior Section 4(f) Section 6(f), OCOGP, and OLGGP compliance? Please indicate if the subject property(ies)/resources are subject to requirements stemming from prior compliance with these regulations. If there has been prior involvement, please provide pertinent materials that would help ensure consistency between these past and our current efforts.

To the best of my knowledge, the three parcels in question have not been subject to Section 4(f), Section 6(f), OCOGP or OLGGP compliance.

3) What is the major purpose or function of the resources and how are the resources identified? For each subject property under your jurisdiction, please provide information about the following items:

a) Identify the existing or formally planned major purpose(s) and/or function(s) of the property/resource; please indicate if the major purpose(s) or function(s) is for park, recreation, or wildlife/waterfowl refuge. (Factors to consider might include, but are not necessarily limited to, adopted governmental plans such as Park Master/Development Plans or Conditional Use Permits, property purchase or other proprietary interest agreements, etc.). Existing, designated, or planned trails/paths may be park or recreation purposes. Please attach copies of pertinent documents.

With respect to the .68 acre parcel and the 1.59 acre parcel, the Park District tentatively does not have plans to utilize these two parcels as a park, wildlife/waterfowl refuge or recreation and has stated publicly that the Park District does not intend that these two parcels should be considered 4(f) property which the project is to avoid. The Park District fully expects and consents for these two parcels to be taken in the construction of the project. The 3.86 acres, however, is a different matter. For many years, the Park District, as part of its mission to provide diverse recreational opportunities to the general public, has been planning to develop a 27-hole golf course. The properties lying South of Fernwood Road were purchased in 1996 for this purpose. Beginning in 2002, discussions ensued between the Park District and the Werth Family, LLC when the Werth Family, LLC indicated its willingness to donate a portion of its property lying North of Fernwood Road sufficient to construct a 9-hole golf course which could be used in conjunction with the property lying South of Fernwood Road as a 27-hole golf course.

The negotiations with the Werth Family, LLC, conducted primarily through Mike Googler, the Werth Family, LLC’s project manager, took a number of different turns and twists culminating in the property finally being deeded to the Park District on July 12,
2004. Initially the direction of the negotiations were that the Werth Family, LLC would donate the bare land to the Park District and the Park District would itself construct the golf course. The Park District contracted with William Robertson, a nationally known golf course designer, to design a 9-hole course on the Werth property for the initial purpose of demonstrating to the Werth Family, LLC the design and quality of course the Park District was intending to construct when the land was donated. At this time, the Park District had been advised by ODOT and the City of Newberg the bypass corridor was Alternative 3J lying further to the West than the placement now being considered.

In the early spring of 2004, the Werth Family, LLC commenced construction of the golf course on its own following the Bill Robertson design. On July 12, 2004, when the 9-hole golf course was approximately 50% completed, the Park District and the Werth Family, LLC entered into an agreement whereby the Werth Family, LLC would donate the partially constructed 9-hole course, provided the Park District would take over the construction of the golf course then underway. The agreement also required the Park District to utilize their general contractor, Bernhardt Industries, Inc., and pay all costs of the construction of the course.

The donation represented about a $9,000,000 gift to the Park District. The Park District issued $2,750,000 in general revenue bonds to finance the construction of the course. When the Park District accepted the gift, it was still unaware of the fact that the bypass corridor had shifted and the new design conflicted with the golf course.

The 9-hole course was completed in October of 2004 and it will be ready to play in the spring of 2005. The 3.86 acre parcel comprises the portion of the second fairway and all of the second hole green. The 9-hole golf course abuts up to a conservation easement which follows a stream bed through the property. By the terms of the conservation easement, the stream corridor is to be preserved and maintained by the Park District in a manner as to not impair or interfere with wildlife habitat and the natural ecosystem of the area. Further, the Park District’s deed to the golf course contains a condition that the property can be only used for “public uses and purposes”.

The 9-hole golf course will be open to the general public under the management, rules and administration of the Park District. In addition, the golf course will provide walking trails for passive recreation in and around the conservation easement. The golf course in conjunction with the conservation easement will provide a wildlife corridor through the area.

b) With respect to wildlife/waterfowl refuge, Section 4(f) provisions may apply to a publicly owned wildlife management area that is not a wildlife refuge but performs some of the same functions as a refuge. If there is a formal designation, or if your agency identifies or manages an area primarily to function as a sanctuary or refuge for the protection of species, Section 4(f) would apply.
The 3.86 acre parcel is not exclusively designated for wildlife or wildlife refuge, however, the 3.86 acres is part of the larger golf course design which, in connection with the conservation easement area it abuts, provides a wildlife corridor and is an important function of the overall golf course design. Certain parts of the golf course will be posted as sensitive wildlife areas.

c) Identify if there are any known historic or archaeological sites on the subject property/resource.

No historic or archaeological sites have been identified on the property.

d) Identify any publicly recorded right agreements, such as leases or easements that overlie the subject property and affect the primary use.

See attached page from preliminary title report and deed of conservation easement.

4) How are potential properties characterized?

a) Indicate the primary activity(ies), feature(s), or attribute(s) that are important contributing elements in determining the values associated with the major purposes(s) and/or function(s) of the property/resource.

The primary activities or features of the property:

- A 9-hole golf course exists and will be open for play in the spring of 2005
- Passive recreation on hiking trails will soon be operational
- A conservation wildlife passage area is being maintained

Contributing factors are:

- Proximity of the City of Newberg
- Natural topography and vegetation
- Availability of irrigation water
- Have already spent $2,500,000 on the design and development of the golf course
- The golf course property represented a $9,000,000 gift to the Park District
b) Identify other incidental, secondary, occasional, or dispersed recreational activities that occur on or near the subject property/resource.

There is a neighborhood park and a community garden within the isolated part of the golf course near holes number 7 and 8 surrounded by housing development.

c) Define the function and values of activities on the property.

Public golf play, walking paths, and possibly fishing will be available and these represent a very valuable public asset to the Newberg Community.

d) Identify the significance of the property/resource.

The 3.86 acres is a significant portion of the 9-hole golf course. The entire 9-hole golf course has significance for the three major uses defined, namely: recreational golfing available to the general public, walking through open spaces and designated trails, and wildlife passage. This is the only 9-hole public golf course (to be expanded to 27 holes in the near future) in the City of Newberg, serving the 68 square mile geographic political boundaries of Chehalem Park and Recreation District. In Yamhill County there is a 9-hole privately owned course called Riverwood near the City of Dayton and a 9-hole privately owned course called Bayou near the City of McMinnville. There is a significant need for another 9-hole publicly owned course in Yamhill County to meet the County’s rapidly increasing population base and the popularity of golf. Meeting this need fulfills an important objective of the Park District’s mission of providing diverse recreational facilities for the public.

e) Please indicate whether or not the entire public is permitted visitation at any time to the publicly owned park and/or recreation area(s) which are significant.

Yes, the entire public is permitted.

f) Please consider how the major purpose, and the primary activity(ies), feature(s), or attribute(s) that are important contributing elements to significance of the property would be affected by the project.

The most serious impact the project may have on the golf course is that the bypass corridor, as presently being designed, intersects with the second fairway and the second green in the area identified as the 3.86 acres. If the project is completed as designed, the golf course could not function as constructed. It is not known at this time as to whether the golf course could be redesigned to accommodate the bypass corridor as presently considered in the project, but if so, it would represent a substantial dollar loss and waste of the initial construction expense, and any reconfigured golf course would not be the optimum design originally produced by William Robertson. In addition to the obvious
intrusion of the bypass corridor into the golf course fairway, the close proximity of the
golf course and the bypass corridor would bring to bear greater noise, greater negative
aesthetic and greater negative ecological impacts associated with high speed traffic. The
projects design may be able to avoid or mitigate some of these adverse impacts.

\[ g \] Provide plans used in managing or planning uses on the property (maps and
other exhibits).

See attached.

\[ h \] Size and location of the property.

The 9-hole golf course consists of approximately 83.24 acres situated South of Highway
99W. See attached map.

Very truly yours,

CHEHALM PARK AND RECREATION DISTRICT

W. Don Clements, Superintendent

WDC:dlm