

## Jamie Donaldson

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**From:** EMEASTERLY@COMCAST.NET  
**Sent:** Monday, March 28, 2022 10:33 AM  
**To:** Jamie Donaldson  
**Subject:** Salem City Council Appeal Hearing Case No. CPC-ZC21-06  
**Attachments:** Lot 900 metes and bounds not in lot 400 description.pdf; Challenge 2100 DF NCMU extraction proposal.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Ms. Donaldson,

Good morning.

Attached please find written testimony I am submitting to the Salem City Council challenging the Planning Commission's approval of CPC-ZC21-06.

In addition to the two documents, I request that the record submitted to Council include the following:

- a) The original documents approved by Council creating the NCMU zone on the Titan Hill property.
- b) That the complete record of this case as defined by the requirements of a LUBA appeal submission be included in the materials submitted to the City Council.

Respectfully,

E.M. Easterly  
503-363-6221

To: Salem City Council  
 From: E.M. Easterly  
 Date: March 28, 2021  
 Re: Appeal of Case No. CPC - ZC21 - 06 Hearing

**Tax Lot 7.3.17.000900**

The legal description offered by the applicant to the right is not equivalent to the survey graphic below it. The required land use burden of proof has not been met by the applicant.

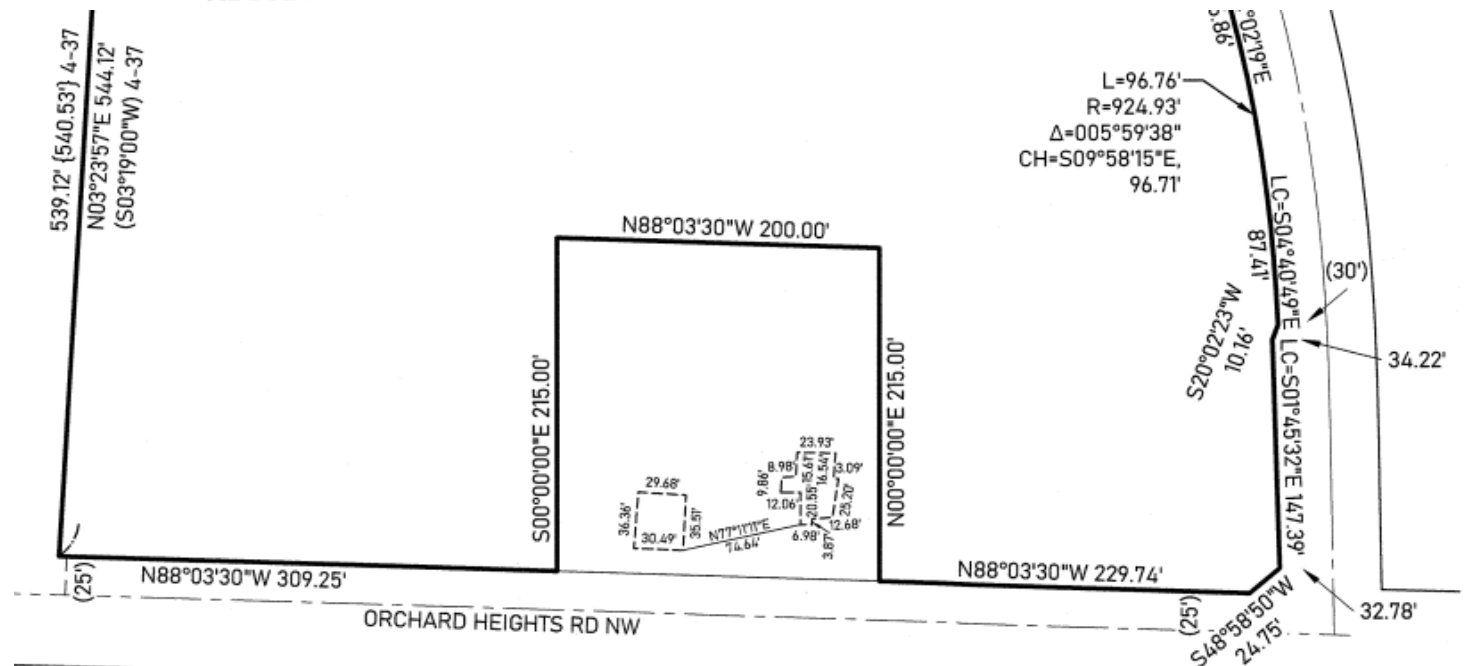
Therefore, I recommend that the proposed rezone request be termination and that the applicant be invited to resubmit a new and more accurate application. eme

**PARCEL II:**

**BEGINNING AT A 3/4 INCH IRON PIPE ON THE CENTER LINE OF COUNTY ROAD (ORCHARD HEIGHTS ROAD) WHICH IS 294.5 FEET NORTH 88° WEST OF THE SOUTHEAST CORNER OF THE PROPERTY DESCRIBED IN VOLUME 123, PAGE 0599, POLK COUNTY DEED RECORDS IN SECTION 17, TOWNSHIP 7 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, CITY OF WEST SALEM, POLK COUNTY, OREGON;**

**THENCE NORTH 2° EAST 215 FEET;  
 THENCE NORTH 88° WEST 200 FEET;  
 THENCE SOUTH 2° WEST 215 FEET;  
 THENCE SOUTH 88° EAST 200 FEET TO THE POINT OF BEGINNING.**

**SAVE AND EXCEPT THAT PORTION ALONG AND ADJACENT TO THE SOUTH LINE OF THE ABOVE DESCRIBED PROPERTY WHICH IS USED FOR PUBLIC ROADWAY PURPOSES.**



The survey segment reproduced on the prior page was submitted in conjunction with CASE NO.: VUL21-04 and by extension to CPC-ZC21-06 does not reflect the legally adopted metes and bounds of either TL 400 or TL 900.

The surveyors did not accurately follow the original Polk County Vol 123 Page 599 deed angles as reduced in 1959 by the public acquisition of a portion of the original approximate one-acre site described in Volume 171 Page 62.

The original Tax Lot 900 approximate acre is a parallelogram with sides of 215 and 200 feet measured from the center line of Orchard Heights Road. The actual area of the current TL 900 is shown below as 0.872 acres.

Thus, all calculations offered by the applicant regarding modification of the NCMU zone are inaccurate and must be resubmitted.

	ft	ft	sq.ft	part of acre
Original metes & bounds	200	215	43,000	0.987
		Acre =	43,560	
Public R-O-W adjustment	200	190	38,000	0.872

43,000 square feet.

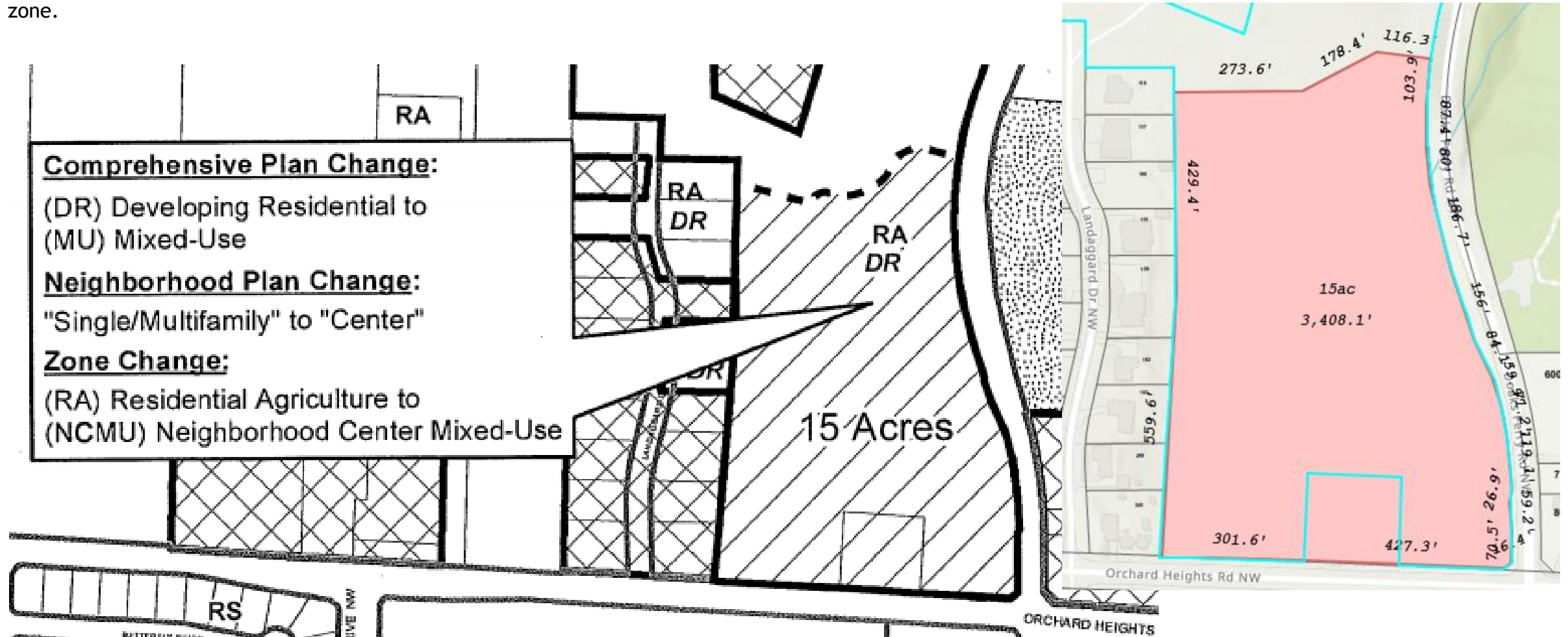
The pink rectangle overlaying the 2021 Multi-Tec survey and its inaccurate angles reproduced on the prior page reflects the original metes and bounds of TL 900.

As shown in the chart above TL 900 was reduced from 43,000 sq. ft. to 38,000 sq. ft. Therefore, the staff report submitted to the Planning Commission on February 8<sup>th</sup> is inaccurate as is the graphic submitted to the Salem City Council.



**Testimony challenging the approval of CI-CPC-NPC-ZC11** by E.M. Easterly

The graphic below was extracted from the original 2012 Case No. CI-CPC-NPC-ZC11-12 adopted by the Salem City Council. The adopting document zoned 15-acres extended northward from Orchard Heights Road NW as NCMU. There was or is no legal description defining the boundary between the RA and NCMU zones beyond the 15-acre declaration and the graphic representation below. The 15-acre measurement to the right from the Polk County ESRI site is a reasonable representation of the NCMU area. However, modifications or reduction in the NCMU area only makes sense if and when a Neighborhood Master Plan different from the plan outlined in the adopted findings is proposed and adopted. Without such a plan there is no logical basis to determine the defined core area or even the 50 single-family town houses included in the original proposal. Therefore, no legal basis has been established to extract an area from the NCMU zone and convert it to a multi-family zone.





June 27, 2012

***Si necesita ayuda para comprender esta informacion, por favor llame  
503-588-6173***

**NOTICE OF FINAL DECISION Council Order No. 2012-03 CPC/NPC/ZC  
Comprehensive Plan Change/Neighborhood Plan  
Change/Zone Change Case No. CPC-NPC-ZC11-12  
for property located in the northwest corner of the  
intersection of Glenn Creek Road NW and Doaks  
Ferry Road NW**

YOU ARE HEREBY NOTIFIED that the City Council of the City of Salem adopted Ordinance No. 2012-03 CPC/NPC/ZC at their February 27, 2012 session. A copy of the order is attached.

Any person with standing may appeal the City Council's decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals **not later than 21 days after June 27, 2012**. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

If you have any further questions, you may contact the City of Salem Planning Division at 503-588-6173.

Glenn W. Gross  
Urban Planning Administrator

cc: See Attached List

G:\CD\Planning\Case Application Files 2011 - on \CPC-ZC ... \2011 \ 3 - Case Processing Documents \ CPC-NPC-ZC11-12 ... \ CPC-NPC-ZC11-12 Transmittal Letter of COUNCIL ORDER.doc

COMMUNITY DEVELOPMENT

Planning Division ● 555 Liberty St. SE / Room 305 ● Salem, OR 97301-3503 ● (503) 588-6173 FAX (503) 588-6005

**COMP PLAN/NEIGHBORHOOD PLAN/  
ZONE CHANGE NO. CPC-NPC-ZC11-12  
NW CORNER OF ORCHARD Hts & DOAKS  
FERRY Rds NW  
COUNCIL ORDER**

**VIA EMAIL**

HEATHER SWANSON, CO-CHAIR  
WEST SALEM NBRHD  
1656 ONYX ST NW  
SALEM, OR 97304

**VIA EMAIL**

STATESMAN-JOURNAL NEWSPAPER  
ATTN: Michelle Maxwell &  
Timm Collins

John & Judy Mistkawi  
1761 Cumulus Ct NW  
Salem OR 97304

Kerry Topel  
270 24<sup>th</sup> St NE  
Salem OR 97301

Ed Bender  
2090 Landaggard Dr NW  
Salem OR 97304

**VIA EMAIL**

ANNIE BATTEÉ, NED WSNA  
&  
LYLE MISBACH PW  
WEST SALEM LIAISON

JOSH POLLOCK, LAND USE CHAIR  
WEST SALEM NBRHD ASSOC.  
3161 ELLIOTT ST NW  
SALEM, OR 97304

**VIA EMAIL**

GLEN-GIBSON WATERSHED CNCL  
ATTN: Aida Arik  
1320 Edgewater St NW  
Salem OR 97304

Christine L. Hart, Trust Etal  
2281 Pecan Vista Dr S  
Green Valley ZC 85614

Linda Bierly  
2308 Ptarmigan St NW  
Salem OR 97304

Carolyn J. Greenwade  
2000 Landaggard Dr NW  
Salem OR 97304

DON HOMUTH, CO-CHAIR  
WEST SALEM NBRHD  
978 KINGWOOD DR NW  
SALEM, OR 97304

**VIA EMAIL**

DORALD STOLTZ  
GLEN-GIBSON WATERSHED CNCL  
1168 WILLOW CREEK DR NW  
SALEM OR 97304

Saalfeld Griggs Attorneys  
ATTN: Mark Shipman  
250 Church St SE  
Salem OR 97302

Ted Campbell  
Polk Co. Americans for Prosperity  
1058 34<sup>th</sup> Ave NW  
Salem OR 97304

Organic Enterprises of Oregon, Inc.  
ATTN: David Simmons  
3486 Belvedere St NW  
Salem OR 97304

Alex & Virginia Bourdeau  
1850 Landaggard Dr NW  
Salem OR 97304-1703

**BEFORE THE CITY COUNCIL OF THE CITY OF SALEM**

**IN THE MATTER OF APPROVING                    ) ORDER NO. 2012-03 CPC/NPC/ZC**  
**THE COMPREHENSIVE PLAN                    )**  
**CHANGE, NEIGHBORHOOD PLAN                ) Case No. CI-CPC-NPC-ZC11-12**  
**CHANGE, ZONE CHANGE FOR                 )**  
**PROPERTY LOCATED AT THE NW                )**  
**CORNER OF ORCHARD HEIGHTS                )**  
**AND DOAKS FERRY ROAD, NW                 )**

This matter coming before the City Council at its February 27, 2012 meeting, and the Council, having received evidence and heard testimony makes the following findings and adopts the following order approving the Comprehensive Plan Change, Neighborhood Plan Change, Zone Change, for property located at the NW corner of Orchard Heights Rd, NW and Doaks Ferry Rd, NW.

**(I) PROCEDURAL FINDINGS:**

- (a) On November 15, 2011, the Salem Planning Commission adopted Resolution No. 11-07 to initiate the proposed changes to the Salem Area Comprehensive Plan, Zoning District, and West Salem Neighborhood Plan designations for the property.
- (b) On January 3, 2012, the Salem Planning Commission held a public hearing, considered evidence and testimony and voted to recommend approval of the proposal to the City Council.
- (c) On February 27, 2012, the Salem City Council held a public hearing, considered evidence, and testimony and voted to approve the proposal.

**(II) SUBSTANTIVE FINDINGS:**

- (a) The Staff Report, dated February 27, 2012, including its attachments, attached hereto as "Exhibit 1," is hereby adopted as findings in support of this decision, and by this reference incorporated hereto.

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF SALEM, OREGON:**

**Section 1.** Case No. CI-CPC-NPC-ZC11-12, a city-initiated proposal to change the Salem Area Comprehensive Plan Map designation from "Developing Residential" to "Mixed Use," amend the West Salem Neighborhood Plan designation from "Single/Multi-Family" to "Center," and change the Zone District designation from Residential Agriculture to Neighborhood Center Mixed-Use for the property located at the northwest corner of Orchard Heights Rd NW and Doaks Ferry Rd NW is hereby approved, subject to the following condition:

Construct a 150-foot westbound right-turn lane on Glen Creek Road NW at Doaks Ferry Road NW to mitigate the transportation impacts and to satisfy the Transportation Planning Rule. This improvement shall not be required until the development exceeds 2,100 daily trips.

**Section 2.** This order constitutes the final land use decision and any appeal must be filed with the Oregon Land Use Board of Appeals within 21 days of the date that notice of this decision is mailed to persons with standing to appeal.

ADOPTED by the City Council this 27<sup>th</sup> day of February, 2012.

ATTEST:



City Recorder

Checked by: L. Anderson-Ogilvie

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FOR COUNCIL MEETING OF: February 27, 2012  
 AGENDA ITEM NO. : 4 (b)

TO: MAYOR AND CITY COUNCIL  
 THROUGH: *Linda Norris*  
 LINDA NORRIS, CITY MANAGER  
 FROM: VICKIE HARDIN WOODS, DIRECTOR *VHW*  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 SUBJECT: CITY-INITIATED COMPREHENSIVE PLAN CHANGE/NEIGHBORHOOD PLAN  
 CHANGE/ZONE CHANGE (CASE NO. CI-CPC-NPC-ZC11-12) FOR THE  
 NORTHWEST CORNER OF ORCHARD HEIGHTS AND DOAKS FERRY  
 ROADS NW (BONE ESTATE)

**ISSUE**

Should the City Council adopt the Order #2012-03 CPC/NPC/ZC to change the Salem Area Comprehensive Plan (SACP) Map designation from "Developing Residential" to "Mixed Use," amend the West Salem Neighborhood Plan from "Single/Multi-Family" to "Center," and change the zone district from RA (Residential Agriculture) to NCMU (Neighborhood Center Mixed-Use) for a fifteen (15) acre site generally located at the northwest corner of the intersection of Orchard Heights Road NW and Doaks Ferry Road NW (hereafter referred to as the "Bone Estate")?

**RECOMMENDATION**

Planning Commission recommends that the City Council adopt the Order #2012-03 CPC/NPC/ZC for the Bone Estate to:

1. Change the Salem Area Comprehensive Plan (SACP) Map designation from "Developing Residential" to "Mixed Use"
2. Amend the West Salem Neighborhood Plan Generalized Land Use Map designation from "Single/Multi-Family" to "Center" and
3. Change the zone district from RA (Residential Agriculture) to NCMU (Neighborhood Center Mixed-Use), subject to the following condition:

Condition 1: Construct a 150-foot westbound right-turn lane on Glen Creek Road NW at Doaks Ferry Road NW to mitigate the transportation impacts and to satisfy the Transportation Planning Rule. This improvement shall not be required until the development exceeds 2,100 daily trips.

## **BACKGROUND**

In the spring of 2008, the City of Salem initiated a planning project to implement the adopted West Salem Neighborhood Plan recommendation for a Neighborhood Center Mixed-Use (NCMU) district for a site located at the northwest corner of the intersection of Doaks Ferry Road NW and Orchard Heights Road NW, the "Bone Estate" property. In 2009-10, the Zone Code amendments to establish the NCMU district and the NCMU Map Amendments for the SACP, the West Salem Neighborhood Plan, and the Zoning map were being reviewed concurrently by the Planning Commission. The consideration of the NCMU zoning code amendments was separately forwarded to Council. On September 26, 2011, the City Council adopted Ordinance Bill No. 20-11 to amend the Zone Code to add Chapter 532 (NCMU- Neighborhood Center Mixed Use Zone) and Chapter 215 (Neighborhood Center Master Plan). The effective date of these code amendments was October 26, 2011. On November 15, 2011, the Planning Commission adopted Resolution No. 11-07 to again initiate the changes to the SACP, Neighborhood Plan and Zoning maps to apply the NCMU district to the Bone Estate property.

The purpose of the Planning Commission hearing was to receive testimony on the application and to forward a recommendation to the City Council. The final public hearing, February 27, 2012, will be held before the City Council. The purpose of the final public hearing is to receive additional evidence and testimony and the recommendations of the Planning Commission and staff and to make a final decision on the application. The decision of the City Council, by Order, is the final decision and the review of the Order #2012-03 CPC/NPC/ZC would be scheduled at the following Council meeting, March 12, 2012. Appeals of this type of decision are to the Oregon Land Use Board of Appeals.

## **FACTS AND FINDINGS**

1. The Bone Estate property is located in West Salem directly north of West Salem High School on the northwestern corner of the intersection of Orchard Heights Road NW and Doaks Ferry Road NW. The Polk County Assessor map and taxlot numbers are 073W17 00400 and 073W17D 00900. The site is 37.5 acres total, but only 15 acres of the site are proposed for re-designation and re-zoning as NCMU (Attachment A).
2. Principles of Mixed Use neighborhood centers that are identified in the West Salem Neighborhood Plan and integrated into the NCMU zoning district include: a sense of place, compact urban form, neighborhood vitality, innovative design, pedestrian orientation, and transit accessibility. The NCMU zoning districts (SRC Chapter 532 and Chapter 215) are written to apply to sites city-wide, subject to location and site size criteria.
3. The Planning Commission hearing for the City-Initiated Comprehensive Plan Change/Neighborhood Plan Change/Zone Change Case #11-12 was held on January 3, 2012. The Planning Commission considered the entire record of the hearing and adopted findings and recommended City Council grant approval (Attachment B).

4. The findings and conclusions of the Planning Commission's recommendation addressed the code-required review criteria and the testimony received (Attachment B). Copies of written comments received by the Commission are included as Attachment C.



Glenn W. Gross, Urban Planning Administrator

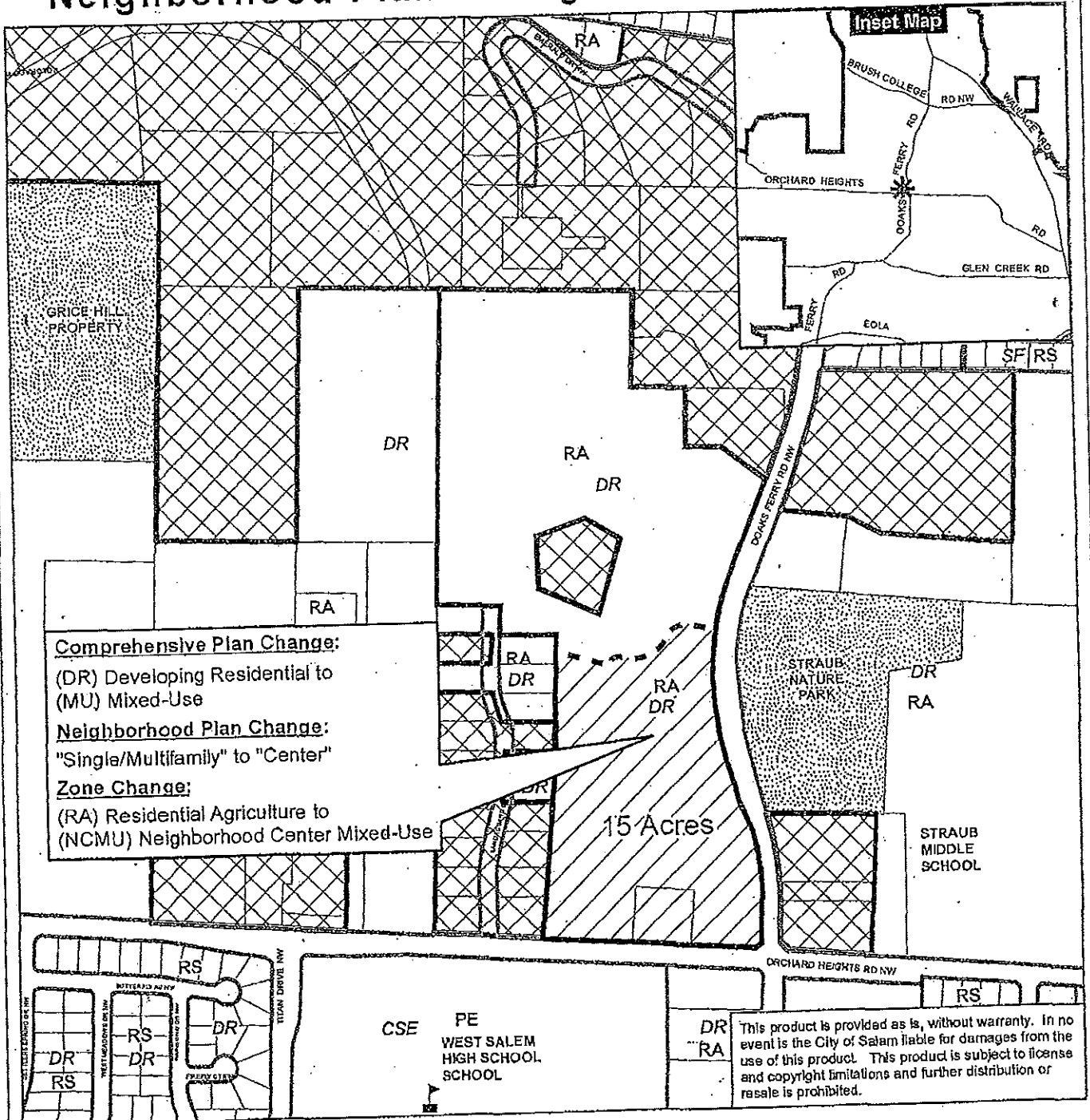
- Attachments:
- A. Vicinity Map showing the Bone Estate property
  - B. Planning Commission Recommendation, including Findings and Conclusions and supporting documents
  - C. Written comments received

Prepared by Cecilia Urbani, Planner II

g:\cd\planning\case application files 2011-\cpc-zc comp plan change-zone change\2011\1-staff reports\cl-cpc-npc-zc11-12 bone estate ncmu cc 2-27-12rev.docx

# Vicinity Map

## City-Initiated Comprehensive Plan Change/ Neighborhood Plan Change/ Zone Change 11-12



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**Legend**

- Outside Salem City Limits
- Urban Growth Boundary
- Taxlots
- Subject Property
- Schools
- Parks
- Area affected by CPC/NPC/ZC11-12
- Zoning District
- Comp Plan Designation



0 100 200 400 Feet

*CITY OF Salem*  
AT YOUR SERVICE  
Community Development Dept.

# NOTICE OF RECOMMENDATION

PLANNING DIVISION  
555 LIBERTY ST. SE, RM 305  
SALEM, OREGON 97301  
PHONE: 503-588-6173  
FAX: 503-588-6005



*Si necesita ayuda para comprender esta información, por favor llame  
503-588-6173*

CASE NO. CIPC-NPC-ZC11-12  
(AMANDA #11-116934-ZO)

WHEREAS, the City-initiated Comprehensive Plan Change/Neighborhood Plan Change/Zone Change was: (1) to change the Salem Area Comprehensive Plan (SACP) Map designation from "Developing Residential" to "Mixed-Use", (2) to change the West Salem Neighborhood Plan map designation from "Single/Multi-family" to "Center"; AND (3) to change the zone district from RA (Residential Agriculture) to NCMU (Neighborhood Center Mixed-Use) for property 15 acres in size and located at the northwest corner of the intersection of Orchard Heights and Doaks Ferry Roads NW. The Polk County Assessor's map and tax lot numbers are 073W17B 00400 and 073W17D 00900. The property is owned by John and Judy Mistkawi and Christine L. Hart; and

WHEREAS, after due notice, a public hearing on the proposed changes was held before the Planning Commission on January 3, 2012, at which time witnesses were heard and evidence received; and

WHEREAS, the Planning Commission having carefully considered the entire record of this proceeding including the testimony presented at the hearing, after due deliberation and being fully advised; NOW THEREFORE

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SALEM, OREGON:

Section 1. FINDINGS:

The Planning Commission hereby adopts as its findings of fact the staff report on this matter dated January 3, 2012 subject to the language modifications recommended by the West Salem Neighborhood Association, herewith attached and by this reference incorporated herein.

Section 2. ORDER:

Based upon the foregoing findings and conclusions, the Planning Commission RECOMMENDS to City Council that it takes the following actions:

- (1) change the SACP designation to "Mixed-Use"
- (2) change the West Salem Neighborhood Plan designation to "Center"
- (3) change the zoning designation to NCMU, with the following condition of approval:

**Condition 1:** Construct a 150-foot westbound right-turn lane on Glen Creek Road NW at Doaks Ferry Road NW to mitigate the transportation impacts and to satisfy the Transportation Planning Rule. This improvement shall not be required until development within the subject property exceeds 2,100 daily trips.

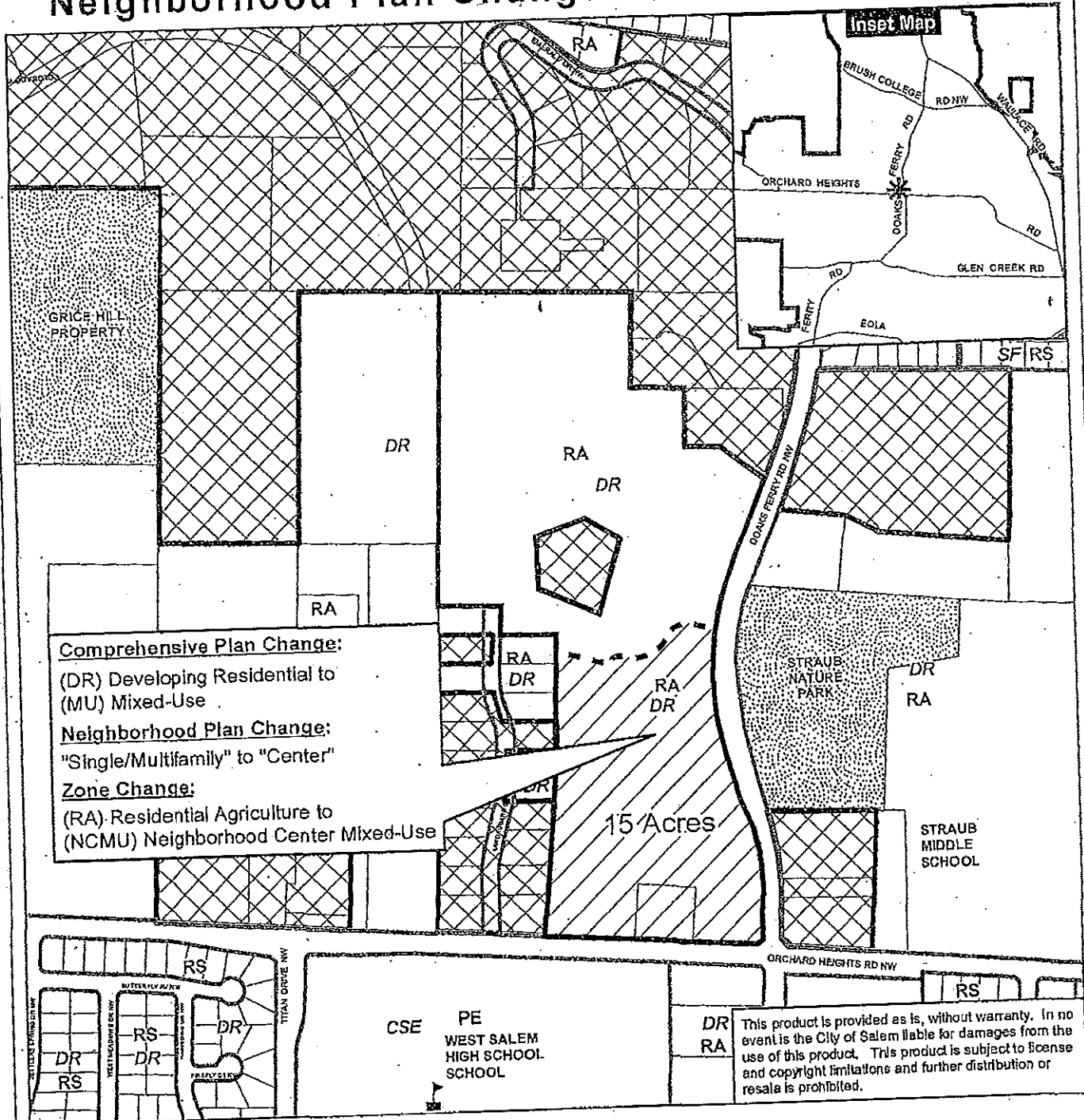
**PLANNING COMMISSION VOTE**  
YES 4 NO 0 ABSENT 3 (Fry, Goss, Schmidtke)

The Salem City Council will hold a public hearing to receive additional evidence and testimony, and this recommendation of the Planning Commission and staff. After due deliberation, the City Council will make a final decision on the application. The appeal of the Council decision would be to the Oregon Land Use Board of Appeals. The appeal period is 21 days from the decision mailing date.

The case file and copies of the staff report are available upon request at Room 305, Civic Center, during City business hours, 8:00 a.m. to 5:00 p.m. Contact Cecilia Urbani, Case Manager, at 503-588-6173, Ext 7508 or [curbani@cityofsalem.net](mailto:curbani@cityofsalem.net) to review the case file.

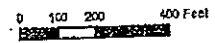
# Vicinity Map

## City-Initiated Comprehensive Plan Change/ Neighborhood Plan Change/ Zone Change 11-12



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- Legend**
- Outside Salem City Limits
  - Subject Property
  - RA Zoning District
  - DR Comp Plan Designation
  - Urban Growth Boundary
  - Schools
  - Parks
  - Taxlots
  - Area affected by CPC/NPC/ZC11-12



**CITY OF Salem**  
 AT YOUR SERVICE  
 Community Development Dept.

TO: Planning Commission

FROM: Glenn W. Gross, Urban Planning Administrator

STAFF: Cecilia DeSantis Urbani, Planner II

HEARING DATE: January 3, 2012

APPLICATION: City-Initiated Comprehensive Plan Change/Neighborhood Plan Change/Zone Change Case No. CI-CPC-NPC-ZC11-12

LOCATION: A fifteen (15) acre site generally located at the northwest corner of the intersection of Orchard Heights Road NW and Doaks Ferry Road NW. The Polk County Assessor Map and Tax Lot Numbers are 073W17B 00400 (portion) and 073W17D 00900. Hereafter referred to as the "Bone Estate."

SIZE: 15 acres

REQUEST: To change the Salem Area Comprehensive Plan (SACP) Map designation from "Developing Residential" to "Mixed Use", change the zone district from RA (Residential Agriculture) to NCMU (Neighborhood Center Mixed-Use), and amend the West Salem Neighborhood Plan Generalized Land Use Map designation from "Single/Multi-Family" to "Center."

APPLICANT: City of Salem

OWNERS: John and Judy Mistkawi and Christine L. Hart

APPROVAL CRITERIA: Comprehensive Plan Map Amendment/Neighborhood Plan Change: Salem Revised Code, Chapter 64  
Zone Map Amendment: Salem Revised Code, Chapter 113 and Chapter 532

RECOMMENDATION: That Planning Commission recommend to City Council approval of the following for the Bone Estate property:

1. Change the Salem Area Comprehensive Plan (SACP) Map designation from "Developing Residential" to "Mixed Use",
2. Amend the West Salem Neighborhood Plan Generalized Land Use Map designation from "Single/Multi-Family" to "Center", and
3. Change the zone district from RA (Residential Agriculture) to NCMU (Neighborhood Center Mixed-Use), subject to the following condition:

**Condition 1:** Construct a 150-foot westbound right-turn lane on Glen Creek Road NW at Doaks Ferry Road NW to mitigate the transportation impacts and to satisfy the Transportation Planning Rule. This improvement shall not be required until the development exceeds 2,100 daily trips.

## APPLICATION PROCESSING

In the spring of 2008, the City of Salem initiated a planning project to implement the adopted West Salem Neighborhood Plan recommendation for a Neighborhood Center Mixed-Use (NCMU) district for a site located at the northwest corner of the intersection of Doaks Ferry Road NW and Orchard Heights Road NW, in the vicinity of West Salem High School, the Bone Estate property. In 2009-10, the Zoning Code amendments to establish the NCMU district and the NCMU Map Amendments for the SACP, the West Salem Neighborhood Plan, the Zoning, and a Transportation System Plan (TSP) Amendment were being reviewed concurrently by the Planning Commission. After work sessions and public hearing, the considerations of the NCMU code amendments were forwarded onto the City Council, but the Map Amendments for the Bone Estate property in West Salem were put "on hold" by the Planning Commission until the code amendments were completed. On September 26, 2011, the City Council adopted Ordinance no. 20-11 to amend the Zoning Code to add Chapter 532 (NCMU- Neighborhood-Center Mixed Use Zone) and Chapter 215 (Neighborhood Center Master Plan). The effective date of these code amendments was October 26, 2011.

On November 15, 2011, the Planning Commission adopted Resolution #11-07 to again initiate the changes to the SACP, Neighborhood Plan and Zoning and the TSP to continue the review process and implement the NCMU district for the Bone Estate property.

The public hearing for the City-Initiated Comprehensive Plan Change/Neighborhood Plan Change/Zone Change Case #11-12 is scheduled for January 3, 2012 Planning Commission meeting. The separate public hearing for the TSP Amendment is also scheduled for the same Commission meeting.

The purpose of initial public hearing is for the Planning Commission to receive evidence and testimony on the application and to forward a recommendation to the City Council. A final public hearing shall be held before the City Council. The purpose of the final public hearing is to receive additional evidence and testimony and the recommendations of the Planning Commission and staff and to make a final decision on the application. The decision of the City Council is the final decision. Appeals of this type of decision are to the Oregon Land Use Board of Appeals.

### Public Notice

1. On December 14, 2011, notice was mailed to property owners within 250 feet of the subject property and persons who had previously participated in the review process in 2009-10 (Attachment 1).
2. The property was posted in accordance with the posting provision outlined in SRC 300.720.
3. State law (ORS 197.610) and SRC 300.720(b)(1) requires the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 45-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City sent notice of this proposal to DLCD on November 17, 2011.



## BACKGROUND INFORMATION

1. The newly adopted NCMU district is intended to encourage the development of appropriately scaled and pedestrian-friendly neighborhood center developments. The NCMU district supports existing and future residential development by allowing a variety of neighborhood-scaled retail, service, office, civic or recreational uses.

The NCMU zoning district and the NCMU Master Plan review process were the result of staff working with the community and representatives of the Bone Estate to implement the vision of the West Salem Neighborhood Plan. The NCMU district was formulated from initial code concepts based on key elements of mixed-use centers as envisioned in the adopted *West Salem Neighborhood Plan*, community input and technical input received from the Project Management Team, comprised of City staff and representatives of the Bone Estate, Salem-Keizer Transit District, Salem-Keizer Public School District, and the West Salem Neighborhood Association, that had been serving as advisor to the project.

During 2008-09, a series of public meetings were conducted by staff and Angelo Planning Group consultants including stakeholder interviews and two Community Forums and Joint Work Session with the City Council and the Planning Commission. Planning staff and the consultant attended several West Salem Neighborhood Association meetings, Grant Neighborhood Association meeting, Gibson/Glen Creek Watershed Council meeting, and a Land Use Network meeting. Additional resources were provided to gather community input such as a code concept booklet and NCMU website which allowed the user to submit comments. News articles were published in the Statesman Journal, West Side News and the October 2009 edition of the Salem Community Connections newsletter.

2. The Bone Estate property is located in West Salem directly north of West Salem High School on the northwestern corner of the intersection of Orchard Heights Road NW and Doaks Ferry Road NW. The Polk County Assessor map and taxlot numbers are 073W17 00400 and 073W17D 00900. The site is 37.5 acres total, but only 15 acres of the site are proposed for re-designation and re-zoning as NCMU.
3. Principles of Mixed Use neighborhood centers that are identified in the West Salem Neighborhood Plan and integrated into the NCMU district include a sense of place, compact urban form, neighborhood vitality, innovative design, pedestrian orientation, and transit accessibility. The NCMU district is written to apply to sites city-wide, subject to location and site size criteria.
4. The West Salem Neighborhood Plan, Support Neighborhood Businesses Policy # 1.9 states that "Encourage the long-term (10-30 years) development of neighborhood centers that support existing and future residential development at or near the following intersections: a) Eola Drive and Doaks Ferry Road; b) Orchard Heights Road and Doaks Ferry Road, in the vicinity of West Salem High School; and c) Brush College Road and Wallace Road" The Bone Estate property is located at the intersection of Orchard Heights Road NW and Doaks Ferry Road NW, in the vicinity of West Salem High School. Even though this Policy #1.9 supports a neighborhood center at the Bone Estate property, the map for the Neighborhood Plan does not include show a "Center" designation for this property.
5. The transportation consulting firm DKS Associates and planning, engineering, and architecture firm Harper Houf Peterson Righellis conducted preliminary studies evaluating the Bone Estate site. Study reports were prepared for the Project Management Team for the West Salem Neighborhood Plan: Proposed Mixed Use Neighborhood Center Implementation Project. The Transportation Opportunities and Constraints Memorandum by DKS Associates and dated August 13, 2008 and the Environmental Opportunities and Constraints Memorandum by Harper Houf Peterson Righellis and dated August 19, 2008 are included as Attachments 2 and 3.

6. In 2009-10, the Zone Code amendments to establish the NCMU district and these NCMU Map Amendments for the SACP, the West Salem Neighborhood Plan, the Zoning, and a Transportation System Plan (TSP) Amendment were being reviewed concurrently by the Planning Commission. After work sessions and public hearing, the Planning Commission decided to separate the two amendment issues to avoid confusion. The Commission first forwarded the NCMU code amendments to the City Council. Now that the NCMU code amendments are adopted, the NCMU Map Amendments for the Bone Estate property are re-scheduled for the public hearing review process.

### Summary of Requested Action

The Planning Commission initiated the change to the Salem Area Comprehensive Plan (SACP) Map designation from "Developing Residential" to "Mixed Use", change the zone district from RA (Residential Agriculture) to NCMU (Neighborhood Center Mixed-Use), and amend the West Salem Neighborhood Plan Generalized Land Use Map designation from "Single/Multi-Family" to "Center" on property 15 acres in size for the Bone Estate property.

The Planning Commission also initiated a related amendment to the Salem TSP to modify the project description and associated modifications for the extension of Colorado Drive NW in the vicinity of the Bone Estate property.

The review of these amendments are scheduled for two separate public hearings to be held on January 3, 2012.

### Neighborhood Association Comments

SRC 300.720(b)(2)(A)(ii) requires public notice be sent to "any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property." The subject property is within the West Salem Neighborhood Association. The notice has been sent to the West Salem Neighborhood Association.

The December 5, 2011 meeting agenda of the West Salem Neighborhood Association included these proposed changes as an information presentation. At the time of writing this staff report, no formal comments have been received from the West Salem Neighborhood Association.

### Public Comments

At the time of writing this staff report, no comments have been received from adjoining property owners.

### City Department Comments

**Public Works (Development Services and City Traffic Engineer)** – The Public Works Department's comments are included here as Attachment 5.

**Salem Police and Fire Departments** – Reviewed the proposal and indicated they have no comments.

### Public Agency and Private Service Provider Comments

**Salem-Keizer Transit (SKT) District** – Reviewed the proposal and has the following comments:

This location has half hour transit service between 6:30-9:00 am and between 2:00-9:00 pm. At all other times bus service runs once each hour. At this time SKT has no plans to provide increased service to this area.

**Salem-Keizer Public School District** – Reviewed the proposal and indicated that “sufficient school capacity exists at the assigned schools to serve the estimated development impact” (Attachment 6). A map showing the public schools in the West Salem area and the subject property is included here as Attachment 7.

**Department of Land Conservation and Development (DLCD)** – DLCD was notified of the proposal and did not provide comments.

**Salem Electric** – Salem Electric reviewed the proposal and submitted comments, stating:

Salem Electric will provide electrical service according to the rates and policies in effect at the time of construction.

**Northwest Natural Gas** – NW Natural reviewed the proposal and indicated they have no conflict with this proposal.

**Century Link** – Century Link reviewed the proposal and has no comment.

#### **FINDINGS FOR A COMPREHENSIVE PLAN AMENDMENT and WEST SALEM NEIGHBORHOOD PLAN AMENDMENT**

Salem Revised Code Section 64.090(b) establishes the approval criteria for Comprehensive Plan Map amendments. In order to approve a quasi-judicial Plan Map amendment, the decision-making authority shall make findings based on evidence that demonstrates satisfaction of all of the applicable criteria. The applicable criteria are shown below in bold print. Following each criterion is a response and/or finding relative to the amendment requested.

**Criterion 1:** Lack of appropriately designated suitable alternative sites within the vicinity for a proposed use. Factors in determining the suitability of the alternative sites are limited to one or both of the following:

- (A) **Size:** Suitability of the size of the alternative sites to accommodate the proposed use; or
- (B) **Location:** Suitability of the location of the alternative sites to permit the proposed use; or

**Criterion 2:** A major change in circumstances affecting a significant number of properties within the vicinity. Such change is defined to include and be limited to one or both of the following:

- (A) The construction of a major capital improvement (e.g., an arterial or major collector, a regional shopping center, etc.) which was unanticipated when the Salem Area Comprehensive Plan or elements of the Comprehensive Plan were adopted or last amended; or
- (B) Previously approved plan amendments for properties in an area that have changed the character of the area to the extent that the existing designations for other properties in the area are no longer appropriate.

The construction of two schools was an unanticipated major capital improvement in the vicinity of the Bone Estate property. In 2011, Straub Middle School and Kalapuya Elementary School were constructed north of Orchard Heights Road and east of Doaks Ferry Road. At the time of the last amendment to the SACP, it was not anticipated that schools would be built at this location.

Additionally the land that was designated as "Center" on the West Salem Neighborhood Plan, have been subdivided for single family residential lots and are no longer available to be developed for a mixed-use center. Properties have been annexed into the city limits and are available for future development. All of these major changes in circumstances have affected a significant number of properties within the vicinity of the Bone Estate property.

Because of these various improvements which changed the character of the area, the existing designations are no longer appropriate. This proposal satisfies the Criterion 2A and 2B.

**Criterion 3: The proposed plan change considers and accommodates as much as possible all applicable statewide planning goals;**

The proposed application of the Mixed-Use SACP land use designation to the Bone Estate property and amendment of the West Salem Neighborhood Plan and Land Use Map is consistent with applicable statewide planning goals in the following ways:

- a. **Goal 1 - Citizen Involvement:** *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The City, through the Salem Revised Code has created proper procedures to ensure citizens the opportunity to have input in any proposed SACP map amendment and amendment of the neighborhood plans. Opportunities for public input will be available in the hearings process prior to action on this proposal. Notification of this proposal and hearing is detailed in Page 2 of this report.

The City has therefore met its obligation of providing for Citizen Involvement under Statewide Planning Goal 1, as defined through the City's adopted procedures.

- b. **Goal 2 - Land Use Planning:** *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The City has established a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The Salem Area Comprehensive Plan was adopted by the City and acknowledged by the Land Conservation and Development Commission (LCDC) as being in compliance with the statewide goals, state statutes and state administrative rules, in October 1992. The West Salem Neighborhood Plan and Land Use Map were found to be in compliance with the City's Comprehensive Plan and were adopted in October 2003.

The proposed map amendment consists of amending the Comprehensive Plan land use designation of the Bone Estate site from Residential to Mixed Use and the West Salem Land Use Map from Single-Family/Multi-Family Residential to Center. The change in Comprehensive Plan designation still allows for and promotes residential development, while also allowing supporting uses - parks and schools, for example - and commercial services. The change to the West Salem Generalized Land Use Map is consistent with Plan Support Neighborhood Businesses Policy 1.9, which calls for a neighborhood center around the intersection of Doaks Ferry Road NW and Orchard Heights Road NW.

The other three corners are designated as Centers in the West Salem Neighborhood Plan Land Use Map, but have not yet been developed as centers. In this way, the amendment of the site's designation is consistent with the surrounding designations, but would not compete with them as currently developed. The new designation will

allow for mixed use on the site and efficient use of existing and planned extensions of public facilities and services for the site, including transportation, sewer, and water.

The Bone Estate property is located on the northwest corner of the intersection of Doaks Ferry Road NW and Orchard Heights Road NW. According to the City's Transportation System Plan (TSP), last updated in 2007, both of these roads are arterials: Doaks Ferry Road NW is a major arterial and Orchard Heights Road NW is a minor arterial. A Mixed-Use designation, with good internal site circulation, is appropriate for the intersection of roads with this high-level functional classification.

In these ways, the proposed application of the Mixed-Use and Center designation and amendment of the West Salem Neighborhood Plan are consistent with existing City plan policies and are consistent with Statewide Planning Goal 2.

c. **Goal 3 - Agricultural Lands:** *To conserve and maintain agricultural lands.*

The proposed application of the Mixed-Use land use designation to the Bone Estate property and amendment of the West Salem Neighborhood Plan do not impact any land designated as agricultural in the Comprehensive Plan. Goal 3 is, therefore, not applicable to this proposal.

d. **Goal 4 - Forest Lands:** *To conserve forest lands.*

The proposed application of the Mixed Use Comprehensive Plan land use designation to the Bone Estate property and amendment of the West Salem Neighborhood Plan and Land Use Map do not impact any designated forest lands. Goal 4 is, therefore, not applicable to this proposal.

e. **Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources:** *To conserve open space and protect natural and scenic resources.*

Applicability of Goal 5 to post-acknowledgment plan amendments is governed by OAR 660-023-0250. The proposed application of the Mixed-Use land use designation to the Bone Estate property and amendment of the West Salem Neighborhood Plan does not amend an acknowledged Goal 5 resource list, or that portion of the SACP adopted to protect a significant Goal 5 resource, or a policy that addresses specific requirements of Goal 5. The proposed amendment does not allow uses that would conflict with a particular Goal 5 resource site on an acknowledged resource list.

Application of the Mixed-Use land use designation to the Bone Estate property and amendment of the West Salem Neighborhood Plan will not eliminate the requirement for future development to meet the conditions of SRC 68 Preservation of Trees and Vegetation, SRC 126 Wetlands, SRC 132 Landscaping, SRC 140 Floodplain Overlay Zones, and SRC 141 Willamette Greenway. Oregon Department of State Lands (DSL) and US Army Corps of Engineers (ACE) regulate jurisdictional wetlands and Clean Water Act (CWA) Section 404, waters of the state and the country respectively.

The Environmental Opportunities and Constraints Memorandum prepared by Harper Houf Peterson Righellis and dated August 18, 2008 (**Attachment 2**) identifies potential tree preservation, stream channel, wetland areas and landslide hazard areas on the Bone Estate site.

Chapter 69 of the Salem Revised Code addresses Landslide Hazard. A qualified Engineering Geologist and/or Geotechnical Engineer should be consulted to determine extent and significance of any site-specific landslide hazard conditions that may exist on site. In general, low and moderate risk areas are mapped on the east side of the site near Wilark Brook. Low areas occur near Landaggard Drive. Moderately high and moderately low hazard potential exists along northwest corner of the Bone estate property which is located outside the 15-acre area to be zoned NCMU.

The intention of the Mixed-Use designation is to allow a mix of residential, institutional, commercial, compatible light industrial, and open space that makes efficient use of land and public facilities and services, and is responsive to market changes and development innovations, protects natural resources, and supports the use of transportation options. Designation of the site as Mixed-Use enables the adoption and application of NCMU zoning, discussed in the next section of this staff report. The NCMU district requires that at least 20% of the gross area of the site be reserved for open space. The zoning district also encourages further protection for open space by offering a residential density bonus for preserving additional riparian areas or an additional 10% of the site's gross area as open space.

Application of the Mixed-Use land use designation to the Bone Estate site and amendment of the West Salem Neighborhood Plan, and the actions they support, are therefore consistent with Statewide Planning Goal 5.

f. **Goal 6 - Air, Water and Land Resources Quality:** *To maintain and improve the air, water and land resources of the state.*

The proposed application of the Mixed-Use land use designation to the Bone Estate property and amendment of the West Salem Neighborhood Plan do not affect policies associated with Goal Six established by the SACP or West Salem Neighborhood Plan. As reported in the previous findings for Goal 5, the Mixed-Use land use designation allows for the adoption of the NCMU zoning designation, which requires a minimum amount of open space on the site and otherwise supports natural resource protection and environmental quality.

Approval of the Mixed-Use and Center land use designations and amendment of the West Salem Neighborhood Plan will not eliminate the requirement for future development to meet the conditions of SRC 69 Landslide Hazards and SRC 140 Floodplain Overlay Zones. Oregon Department of Environmental Quality (DEQ) regulates air, water and land with CWA Section 401 Water Quality, Water Quality Certificate, State 303(d) listed waters, Hazardous Wastes, Clean Air Act (CAA), and Section 402 NPDES Construction and Stormwater Permits. DSL and ACE regulate jurisdictional wetlands and CWA Section 404 water of the state and the country respectively.

Application of the Mixed-Use land use designation to the Bone Estate property and amendment of the West Salem Neighborhood Plan are, therefore, consistent with Statewide Planning Goal 6.

g. **Goal 7 - Areas Subject to Natural Disasters and Hazards:** *To protect life and property from natural disasters and hazards.*

The proposed application of the Mixed-Use land use designation to the Bone Estate site and amendment of the West Salem Neighborhood Plan do not affect policies associated with Goal 7 established by the SACP or West Salem Neighborhood Plan.

Approval of the Mixed-Use land use designation will not eliminate the requirement for future development to meet the conditions of SRC Chapter 69 Landslide Hazards, and SRC Chapter 140 Flood Plain Overlay Zones.

The Mixed-Use land use designation enables application of the NCMU district, which has minimum open space requirements and offers residential density bonuses for preservation of additional open space and riparian areas beyond what is required by local, state, and federal regulations. Thus, application of the Mixed Use land use designation could potentially provide increased protection to people and property from flooding impacts.

Chapter 69 of the Salem Revised Code addresses Landslide Hazard. A qualified Engineering Geologist and/or Geotechnical Engineer should be consulted to determine extent and significance of any site-specific landslide hazard conditions that may exist onsite. In general, low and moderate risk areas are mapped on the east side of the site near Wilark Brook. Low areas occur near Landaggard Drive. Moderately high and moderately low hazard potential exists along the northwest corner of the Bone estate property, which is located outside the 15-acre area to be zoned NCMU.

The proposed map amendments are, therefore, consistent with Statewide Planning Goal 7.

- h. **Goal 8 - Recreational Needs:** *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

The *Comprehensive Parks System Master Plan* was adopted February 17, 1999. The West Salem High School Park, Chapman Hill School Park and the Straub Nature Park are located in close proximity to the Bone Estate. Additional park facilities are not planned for or adjacent to the Bone Estate site and application of the Mixed-Use land use designation to the site does not preclude the siting of any facilities identified in the existing *Comprehensive Parks System Master Plan*. However, the plan is in the process of being updated, and future master planning and development of the Bone Estate site will need to coordinate with any changes to the parks plan that impact the Bone Estate site.

The Mixed-Use land use designation, as implemented by the Neighborhood Center Mixed-Use zoning district, would require a minimum amount of open space on the site. Further, Master Plan standards for the zoning district and its Core Area require pedestrian amenities in the district such as plazas and seating areas.

The proposed application of the Mixed-Use land use designation to the Bone Estate site and amendment of the West Salem Neighborhood Plan therefore are consistent with Statewide Planning Goal 8.

- i. **Goal 9 - Economic Development:** *To provide adequate opportunities through the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

The intersection of Orchard Heights Road NW and Doaks Ferry Road NW, where the Bone Estate site is located, is one of three areas identified in the West Salem Neighborhood Plan as a neighborhood center. Yet the existing designation of the site in the City's Comprehensive Plan Map and the West Salem Generalized Land Use

Map is residential, which does not allow for the mix of uses, including commercial service and employment that are features of a neighborhood center.

Amending its residential designation to a Mixed-Use designation on the Comprehensive Plan Map and Center designation on the West Salem Neighborhood Plan Map will enable the re-zoning of the site to NCMU, which specifically permits retail sales and services and office uses that are not currently permitted. This in turn supports economic development where there would otherwise be none, while providing for neighborhood and pedestrian-oriented development by requiring pedestrian and human-scale amenities, requiring building detailing and design appropriate for neighborhoods, and limiting the floor area of buildings.

The proposed application of the Mixed-Use land use designation to the Bone Estate site and amendment of the West Salem Neighborhood Plan, therefore, are consistent with Statewide Planning Goal 9.

\*  
j. **Goal 10 - Housing:** *To provide for the housing needs of citizens of the state.*

As stated in the City's Comprehensive Plan:

*The Mixed-Use designation encompasses the opportunity for a variety of housing opportunities, including but not limited to, single-family detached, single-family attached, garden apartments, apartments, communal living, and row houses.*

The NCMU district that would implement the Mixed-Use designation would permit residential uses including detached and attached single-family dwelling units, duplexes, and residential facilities in the zoning district outside of its Core Area and then multi-family dwelling units above non-residential ground floor uses in the Core Area, according to a Neighborhood Center Master Plan. Without a master plan, single-family detached housing would be permitted pursuant to Residential Development in Lieu of Neighborhood Center.

The range of housing types permitted with master plan provisions in particular will allow for a range of housing prices and provide for a range of housing needs. The mixed uses that Mixed Use and Center designations will allow also improve access to services and employment that can be seen as comprehensively responding to the housing and associated needs of residents.

Given this, the proposed Mixed-Use and Center designations and West Salem Neighborhood Plan amendment are consistent with Statewide Planning Goal 10.

k. **Goal 11 - Public Facilities and Services:** *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

The City of Salem has adopted public facility master plans including the *City of Salem Water Master Plan* (adopted April 25, 1994, and amended September 23, 1996 and October 25, 1999) and the *Salem Wastewater Management Master Plan* (adopted on December 16, 1996, and amended by the *Willow Lake Wastewater Treatment Plant Facilities Plan* as adopted September 23, 2002). Both documents were adopted and amended as Detailed Plans in accordance with SRC 64.230(i) and as policy guides to the Comprehensive Plan. However, the project lists, descriptions, and maps included in the plans are not part of the Comprehensive Plan (SRC 64.235). Goal 12 findings below describe the consistency of the proposed application of the Mixed-Use and



Center land use designations to the Bone Estate property with the existing and planned transportation facilities identified in the Salem TSP.

Existing development surrounding the Bone Estate site is already or will be served with roads and public facilities upon the development of the Bone Estate property. The Bone Estate property is within the Urban Service Area (USA); however, adequate facilities are not available. The applicant may be required to file an Urban Growth Area (UGA) Development Permit prior to development for the purpose of determining the necessary facilities and services required to serve the subject project.

No amendments to the public facilities master plans are necessary to change the land use designation to Mixed-Use or to amend the West Salem Neighborhood Plan as proposed.

1. **Goal 12 - Transportation:** *To provide and encourage a safe, convenient and economic transportation system.*

Oregon Statewide Planning Goal 12 is implemented by OAR 66-012-0060(1), which states:

*"Amendments to functional plan, acknowledged comprehensive plans and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified functions, capacity and performance standards (i.e. level of service, volume to capacity ratio, etc) of the facility."*

OAR Section 660-012-0060(2) states that to determine if a proposed use significantly affects a transportation facility the following must be found:

*"(a) Changes the functional classification of an existing or planned transportation facility;*

*(b) Changes standards implementing a functional classification system;*

*(c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or*

*(d) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP."*

The City has an adopted TSP that designates streets in terms of their intended capacities, functions, and layout. The Bone Estate property is located on the northwest corner of the intersection of Doaks Ferry Road NW and Orchard Heights Road NW. Both of these roads are designated as arterials; Doaks Ferry Road NW is a major arterial and Orchard Heights Road NW is a minor arterial.

Major Arterials are intended to serve as high-capacity roadways that serve regional and intra-city travel, carrying between 15,000 and 50,000 vehicle trips per day (ADT). The cross-section for a Major Arterial includes multiple travel lanes, depending on expected traffic volumes, within a 96-foot-wide public right-of-way. Doaks Ferry Road NW, adjacent to the Bone Estate site, is part of the only direct north-south arterial connecting to Wallace Road. It is a two-lane road with limited bike lanes and no sidewalks, and its ADT in April 2006 was approximately 4,500 vehicles.

Minor Arterials, the next functional class down, are intended to serve intra-city and inter-neighborhood travel, carrying between 7,000 and 20,000 ADT. The cross-section includes at least two travel lanes with left-turn pockets, a raised center

median, or a center turn lane where appropriate, bicycle lanes and sidewalks, within 72 feet of public right-of-way. Orchard Heights Road NW connects Wallace Road and residential areas to the west. It is a three-lane road with bike lanes and sidewalks and its ADT in April 2006 was 4,200 vehicles.

The Salem TSP identifies a future collector street connection in the vicinity of the Bone Estate property providing a connection between Orchard Heights Road NW and Colorado Drive NW.

Additional transportation impact analysis is required for amendments to a functional plan, an acknowledged comprehensive plan, or a land use regulation in order to ensure that land uses after the amendment either are consistent with existing and planned transportation facilities or can be made consistent with mitigation measures. Because the NCMU is a zone change that could generate more trips than existing zoning, additional transportation analysis was performed. The analysis, assuming the reasonably likely worst case impacts from the zone change, found the proposed zone change to be consistent with existing and planned transportation facilities given mitigation measures specified in the impact analysis report (Attachment 4). The following mitigation satisfies the requirements of the TPR and is recommended as a condition of approval:

Construct a 150-foot westbound right-turn lane on Glen Creek Road NW at Doaks Ferry Road NW to mitigate the transportation impacts and to satisfy the Transportation Planning Rule. This improvement shall not be required until the development exceeds 2,100 daily trips.

Staff has reviewed the TPR analysis and agrees with the findings and the recommended condition of approval.

With the proposed mitigation measures, the proposed application of the Mixed-Use and Center land use designations and amendment of the West Salem Neighborhood Plan will not significantly affect the transportation facilities; therefore, the proposal conforms to the Transportation Planning Rule provisions of Goal 12.

m. **Goal 13 - Energy Conservation:** *To conserve energy.*

The proposed application of the Mixed-Use and Center land use designation to the Bone Estate property and amendment of the West Salem Neighborhood Plan do not necessarily affect policies associated with Goal 13 established by the SACP. However, the proposed amendments do support Goal 13 policies in enabling the adoption and application of the NCMU district, which allows for more compact and mixed uses on the site than are allowed by current zoning. The NCMU master plan provisions require pedestrian-oriented amenities and building detailing and scale in addition to making connections within the site and to surrounding development for all modes:

In these ways, the proposed amendments support shorter trips and trips by modes other than driving alone, particularly by walking and bicycling, and thus the conservation of energy. Therefore, the proposed application of the Mixed-Use and Center land use designations and the amendment of the West Salem Neighborhood Plan are consistent with Statewide Planning Goal 13.

n. **Goal 14 - Urbanization:** *To provide for an orderly and efficient transition from rural to urban land use.*

The subject site is within the Urban Growth Boundary (UGB), and Goal 14 does not apply to the proposed amendments applying to the site in this sense. It does bear indicating that the site is surrounded by existing development and public facilities and thus can efficiently make use of existing facilities and services. Land to the north, east, and south of the Bone Estate site is inside the UGB and city limits and is zoned for single-family residential uses. There is also land to the west, north, and south that is in the UGB and the city limits that is zoned for residential and public/private education uses. The proposed amendments also allow for mixed use and clustering of development that support more urban and efficient land use.

Application of the Mixed-Use and Center land use designations to the Bone Estate property and amendment of the West Salem Neighborhood Plan are therefore consistent with Statewide Planning Goal 14.

o. **Goals 15 through 19 - Willamette River Greenway, Estuarine Resources, Coastal Shorelines, Beaches and Dunes, and Ocean Resources**

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

*To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and To protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.*

*To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics.*

*To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and To reduce the hazard to human life and property from natural or man-induced actions associated with these areas.*

*To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.*

The proposed amendments do not involve land or resources designated as part of the Willamette Greenway nor as coastal resources as addressed in policies in the SACP associated with Goals 15 through 19. The proposed application of the Mixed-Use and Center land use designations to the Bone Estate property and amendment of the West Salem Neighborhood Plan do not affect policies that may be associated with Goals 15 through 19 and, therefore, the Statewide Planning Goals 15 through 19 do not apply.

Based on A) through O) above, the proposed SACP map amendment, and amendment of the West Salem Neighborhood Plan, comply with all applicable Statewide Planning Goals.

**Criterion 4:** The proposed change is logical and harmonious with the land use pattern for the greater area as shown on the plan map.

The proposed change in the land use designation is appropriate for the site and the location considering the land use pattern for the greater area. A neighborhood center at this location reduces the need to travel outside the neighborhood; and reduces traffic and congestion in other

parts of the city's transportation system, such as Wallace Road NW, and increases pedestrian and bicycle access to these future services. Allowing a mixture and concentration of uses also makes efficient use of existing and planned extensions of public facilities and services. This criterion is met.

**Criterion 5: The proposed change conforms to all criteria imposed by applicable goals and policies of the Comprehensive Plan in light of its intent statements**

The following elements of the SACP are applicable to this application:

- a. **Plan Map Designations - Mixed Use:** *The purpose of this designation is to:*
1. Allow a mixture of complementary land uses that may include housing of all types, retail, offices, commercial services, and civic uses to create economic and social vitality and the ability to meet multiple needs in compact areas;
  2. Develop mixed-use areas that are safe, comfortable and attractive to pedestrians;
  3. Provide flexibility in the siting and design of new development and redevelopment to optimize the use of natural resources, energy alternatives, improvements in development tools and techniques, and changes in the marketplace;
  4. Recognize streets as public places that encourage pedestrian, bicycle, and transit use;
  5. Facilitate efficient use of land by encouraging compact, high-density development and minimizing the amount of land that is needed for surface parking; and
  6. Encourage and facilitate development that supports public transit and the utilization of alternative modes of transportation.

The proposed zoning map amendment consists of changing the zoning of the Bone Estate property from RA to the new NCMU district. The zoning district allows for a range of urban neighborhood-scale uses including residential uses, retail and service uses, office uses, institutional uses, parks and open space, and public utilities in its master plan provisions, including various types of residential uses. The master plan requirements do not set minimum lot sizes or maximum coverage but rather set density limits on a site basis, allowing for great flexibility in site design and building siting.

In addition to internal pedestrian, bicycle, transit, and motor vehicle circulation plans that are required as part of the Neighborhood Center Master Plan, the two roads adjacent to the site – Doaks Ferry Road NW and Orchard Heights Road NW are both transit routes and Orchard Heights Road NW has both sidewalks and bike lanes according to the Salem TSP, last updated in 2007. The TSP also shows that bike lanes are planned for Doaks Ferry Road NW and does not designate the site vicinity as a "pedestrian facility deficiency area."

Finally, in terms of natural resources, the NCMU district allows for increased residential density for development proposals that include even more open space on the site, improving the protection of natural resources and the access of residents to natural areas while increasing the density, clustering of development, and efficient use of land for residential uses.

In these ways, the proposed change to Mixed Use will conform to the purpose of the SACP Mixed-Use land use designation.

**Criterion 6: The proposed change benefits the public.**

The proposed application of the Mixed-Use land use designation to the Bone Estate property and amendment of the West Salem Neighborhood Plan and Land Use Map promotes the best interest of the public health, safety, and welfare of the citizens of Salem by adding opportunities for employment, commercial and institutional services, and significant open space to an area that was

previously designated for residential uses only. Offering small-scale services and open space in the neighborhood also reduces the need to travel outside the neighborhood, reducing traffic and congestion in other parts of the city's transportation system. This also makes walking and bicycling in order to access these resources easier, thereby reducing motor vehicle-related pollution and improving public health. Allowing a mixture and concentration of uses also makes efficient use of existing and planned extensions of public facilities and services.

Based on the reasons and factors that have been presented, the proposal satisfies the criteria for a Comprehensive Plan Change and the Neighborhood Plan Change.

### FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR ZONING MAP AMENDMENT

The following analysis addresses the re-zoning of the Bone Estate property from RA (Residential Agriculture) to NCMU (Neighborhood Center Mixed Use).

The applicable criteria are stated below in bold print. Following the criterion is a response and/or Finding relative to the amendment requested.

**Criterion (a):** The applicant for any quasi-judicial zone change . . . has the burden of proving justification for the change. The greater the impact of the proposed zone change on the area, the greater the burden of proving the justification on the proponent.

**Criterion (b):** The proposal must be supported by proof that the proposed zone change is consistent with goals and policies of the Comprehensive Plan in light of their intent statements; those portions of adopted neighborhood plans that are part of the Comprehensive Plan; and any standards imposed by state land use law. . . .

- 1: The existence of [a] mistake in the compilation of any map, or in the application of a land use designation to the property;
- 2: A change in the social, economic, or demographic patterns of the neighborhood or the community;
- 3: A change of conditions in the character of the neighborhood;
- 4: The effect of the proposal on the neighborhood;
- 5: The physical characteristics of the subject property, and public facilities and services; and
- 6: Any other factor that relates to the public health, safety, and general welfare that the Review Authority identifies as relevant to the proposed change;

The applicable policies of the SACP and Findings are listed below. The Findings that address the review criterion are included within this analysis. In summary, there was no mistake in the preparation of the zone map; and there are various changes in the patterns and the character of the neighborhood. The following is an analysis of the proposed changes for the Bone Estate property.

- a. ***General Development Policy No. 1: Opportunities for broad-based citizen involvement in the development, revision, monitoring and implementation of the Salem Area Comprehensive Plan shall be provided by the City of Salem and Marion and Polk Counties. Where neighborhood groups have been officially recognized by the governing body, they shall be included in the planning process. To help assure citizen participation and information, public hearing shall be held prior to adoption of all land use ordinances.***

Opportunities for public input will be available in the hearings process prior to action on this zoning map amendment. Notification of this proposal and hearing is detailed in this staff report, including notification to all officially-recognized neighborhood

associations. The City has, therefore, met its obligation of providing for broad-based Citizen Involvement under SACP General Development Policy No. 1.

- b. **General Development Policy No. 3:** *Economic growth which improves and strengthens the economic base of the Salem urban area should be encouraged.*

SRC 532.020 of the NCMU district identifies permitted uses. Permitted retail sale and service uses, office uses, and institutional uses can be developed in accordance with an approved Master Plan and support employment and strengthening of the City's economy. Pursuant to a master plan, a Core Area of one to five acres would be required.

The proposed change of zoning for the Bone Estate site from RA to NCMU represents growth of employment and commerce – albeit at a neighborhood scale – where such uses were not previously permitted. The zone prohibits uses, such as heavy manufacturing and large format retail that, would detract from or conflict with adjacent uses and the pedestrian-oriented, Mixed-Use nature of the zoning district. In these ways, the proposed amendment complies with General Development Policy No. 3.

- c. **General Development Policy No. 7:** *Structures and their siting in all residential, commercial, and industrial developments shall optimize the use of land. The cumulative effect of all new residential development in the Salem urban area should average 6.5 dwelling units per gross acre of residential development. Development should minimize adverse alteration of the natural terrain and water courses, the potential for erosion and adverse effects upon the existing topography and soil conditions.*

The NCMU district, in accordance with an approved Master Plan, promotes a combination of urban uses while requiring a minimum amount of a site to be reserved for open space (20%). Master Plan requirements allow for flexibility in siting development so as to avoid or minimize impacts to existing natural resources and hazard areas. The maximum allowable density in the NCMU zoning district is 6 dwelling units per gross acre of the entire site, which includes uses other than residential. However, additional density is permitted – up to 8 units per gross acre – if additional riparian protection, tree conservation, or public open space is provided. An additional 10% of the site must be designated for open space in order to receive the density bonus. Therefore, the change to NCMU zoning is consistent with the provisions of General Development Policy No. 7.

- d. **General Development Policy No. 12:** *Land use regulations which govern the siting of any development shall encourage development to reduce its impact on adjacent properties by screening, landscaping, setback, height, and mass regulations.*

The proposed NCMU district includes provisions, either stated in the proposed zoning district's text or citing existing chapters and sections of the SRC, that minimize impacts to adjacent properties. For example, in master plan provisions, the denser Core Area cannot be more than five acres in size. Otherwise, minimum building setbacks from adjacent land designated Single Family Residential (RS) or Residential Agriculture (RA) are 30 feet from the lot line unless otherwise approved in the master plan. Maximum building height is 35 feet outside the Core Area and adjacent to other properties.

The Bone Estate site is currently surrounded by Residential Agriculture (RA) and Public-Private Education zoning as well as unincorporated land without City zoning. The site will be subject to the setback provisions above where it is adjacent to land zoned RA.

The proposed change to NCMU zoning to the site conforms to General Development Policy No. 12.

- e. **General Development Policy No. 13:** Land use regulations shall encourage public spaces, both natural and manmade for either active or passive enjoyment, including natural areas, open plazas, pedestrian malls, and play areas.

Master plan provisions support public space both in terms of open space and pedestrian amenities incorporated into proposed development. At least 20% of a site zoned NCMU and being developed according to an approved master plan must be reserved for open space. Density beyond the maximum allowed for standard development is permitted if the site's Master Plan provides additional open space equal to at least 10% of the site.

- f. **Urban Growth Policy No. 4:** Development of land with existing urban services shall be encouraged before the conversion of urbanizable lands to urban uses; and

**Growth Management Policy No. 9:** New development shall be encouraged to locate in areas where facilities are already available and in areas which require the least public costs to provide needed facilities and services.

By facilitating development of the vacant Bone Estate site, the change to NCMU zoning represents an opportunity to intensify urban uses on a site that is surrounded by existing development that is provided with public facilities and services.

- g. **Residential Development Policy No. 9:** Residential Development Patterns Subdivision and zoning regulations shall provide opportunities for increased housing densities, alternative housing patterns, and reduced development costs. Development regulations shall promote residential development patterns that encourage: a. The use of all modes of transportation; b. Reduction in vehicle miles traveled and length of auto trips; and c. Efficiency in providing public services.

The NCMU district allows a range of urban uses, including residential, retail, office, institutional, and parks and open space. This mix of uses will reduce the distance needed to travel for work, services, and recreation as well as making other modes of transportation such as walking and bicycling more viable. The mix of uses on a site will also make efficient use of public services made available to the site.

Other ways that the proposed zoning district supports all modes of transportation is in requiring circulation plans for pedestrian, bicycling, and motor vehicle travel, maximum block lengths, demonstration of how connections to transit stops off-site will be made, and incorporation of facilities and improvements for transit service planned for on-site.

Development plans for the site could include a mix of uses such as townhomes, housing above retail uses in the Core Area, retail and office uses in the Core Area, and open space. A master plan would be required to include all the provisions for transportation options indicated above. In these ways, application of the NCMU district complies with Residential Development Policy No. 9.

- h. **Residential Development Policy No. 10:** *Requests for rezonings to higher density residential uses to meet identified housing needs will be deemed appropriate provided: a. The site is so designated on the comprehensive plan map; b. Adequate public services are planned to serve the site; c. The site's physical characteristics support higher density development; and d. Residential Development Policy 7 is met.*

The criterion for zoning land NCMU, per SRC 532.010, is that the site be within 1/8 mile of a major intersection (Parkways, Major and Minor Arterials, and Collectors). This proximity to major roadways is an indication of proximity to urban-level public facilities and services. Secondly, the sites to be designated NCMU must be between three (3) and fifteen (15) acres. This site size allows for multiple uses and various configurations of density. The last code criterion requires that new Districts be separated by a street ROW. The Bone Estate property complies with all 3 of the criterion for newly zoned NCMU land.

The Bone Estate property is adjacent to a Minor Arterial (Orchard Heights Road NW) and a Major Arterial (Doaks Ferry Road NW) according to the City's TSP functional classification, which satisfies the criteria regarding proximity to major transportation facilities. In terms of siting flexibility, there are potential natural constraints – wooded areas, stream channel, buffer and wetland – on the site as identified by the preliminary analysis in Attachment 2. However, there is significant developable area in addition to this constrained land and the constrained land can serve open space requirements. On-site circulation systems and connections to surrounding, existing development will be required as part of a proposed master plan as described above.

In these ways, the change to NCMU zoning is consistent with Residential Development Policy No. 10.

- i. **Mixed-use Development Policy No. 1:** *Encourage efficient use of land by facilitating compact, high-density development and minimizing the amount of land that is needed to accommodate automobile parking.*

NCMU district support a range of uses, requiring that at least one acre be dedicated to residential uses, at least one to five acres to employment uses, and at least 20% of the site's gross acreage to open space. Residential uses include single-family detached units, single-family detached units, duplexes, and residential facilities outside the Core Area and multi-family units within the Core Area. Employment uses include combination of retail and service, office, and/or institutional. Residential density can be increased by one-third (from 6 units/gross acre to 8 units/gross acre) for providing additional open space equal to at least 10% of the site's gross area.

In these ways the proposed application is consistent with Mixed-Use Development Policy No. 1.

- j. **Mixed-use Development Policy No. 2:** *Encourage development that preserves open space.*

NCMU district requires that at least 20% of the gross area of a site designated NCMU be dedicated to open space. Further, the zone increases allowable residential density that provides additional open space that is at least 10% of the site's gross area. Therefore, the proposed change to NCMU zoning complies with Mixed-use Development Policy No. 2.



- k. **Mixed-use Development Policy No. 3:** *Facilitate development (land use mix, density, connectivity, design, and orientation) that reduces the need for, and frequency of, SOV trips and supports public transit, where applicable.*

Master plan provisions in the NCMU district provides for a range of urban uses, open space, and flexibility in the configuration of development, calculating density on site basis. Land designated NCMU must include at least one acre for residential uses, at least one to five acres for employment uses, and at least 20% of the site's gross acreage for open space. Residential uses include single-family detached units, single-family detached units, duplexes, and residential facilities outside the Core Area and multi-family units within the Core Area. Employment uses include combination of retail and service, office, and/or institutional. Residential density can be increased by one-third (from 6 units/gross acre to 8 units/gross acre) for providing additional open space that is at least 10% of the site's gross area. This density and mix of uses will allow more of resident's needs to be made within the district, reducing travel to other neighborhoods and parts of the city and shortening trips so that they are more viable for making by walking or bicycling.

Master plan standards require adequate circulation within the site for pedestrians, bicyclists, and motorists with an emphasis on convenient and strong pedestrian connections.

Therefore, the proposed application of the NCMU district to the Bone Estate site complies with Mixed-use Development Policy No. 3.

- l. **Mixed-use Development Policy No. 5:** *Provide roadway and pedestrian connections to residential areas.*

The NCMU district requires roadway and pedestrian connections within the site for pedestrians, bicyclists, and motorists with an emphasis on convenient and strong pedestrian connections to surrounding areas. A proposed master plan for the Bone Estate site, if zoned NCMU, will be required to meet these standards. The Salem TSP shows the extension of a future collector street in the vicinity of the Bone Estate property, connecting Colorado Drive NW to Orchard Heights Road NW. Therefore, changing to the NCMU district conforms to Mixed-use Development Policy No. 5.

- m. **Mixed-use Development Policy No. 7:** *Provide flexibility in the siting and design of new developments, facilities, and redevelopment to respond to changes in the marketplace and infrastructure systems.*

Master plan provisions will flexibility in siting and design. Allowed uses include residential, retail and service, office, institutional, public utilities, and open space.

There is no minimum lot size or maximum coverage regulations in the proposed NCMU district. Master plans for the Bone Estate site will be required to comply with these provisions in that the site is bordered by land that is zoned RA.

In the ways described above, changing the zoning on the Bone Estate site to NCMU site is consistent with Mixed-use Development Policy No. 7.

- n. **Mixed-use Development Policy No. 8:** *Provide appropriate transitions between mixed-use areas and adjacent single-use neighborhoods.*

Master plan provisions provide for transitions between the NCMU district and surrounding residential neighborhoods. Setbacks from surrounding land zoned Residential Agricultural (RA) and Residential Suburban (RS) are set at 30 feet for the NCMU district in general and at 50 feet for NCMU Core Areas. Maximum height in the NCMU district outside of the Core Area is 35 feet. Maximum size of the Core Area is five acres.

The application of the NCMU district is, therefore, consistent with Mixed-use Development Policy No. 8.

- o. **Commercial Development Policy No. 1:** *The central business district shall be maintained and developed as a regional retail and employment center for the Salem urban area.*

The NCMU district is designed to provide small-scale everyday services so that residents do not have to travel outside of their neighborhood for these services, reducing travel and congestion on roads outside the neighborhood, making walking and bicycling more viable transportation options, and providing connections to transit. Non-residential uses in the NCMU district are limited to 30,000 square feet in ground floor area per use. Given their smaller scale, these commercial and institutional uses are not expected to compete with the regional scale of uses in the central business district, but rather to complement them.

Therefore, the proposed change of zoning to NCMU conforms to Commercial Development Policy No. 1.

- p. **Commercial Development Policy No. 5:** *Unless the existing development pattern along arterials and collectors commits an area to strip development, new commercial development shall be clustered and located to provide convenience goods and services for neighborhood residents or a wide variety of goods and services for a market area of several neighborhoods.*

The NCMU district's purpose is to provide commercial goods, services, and employment on a neighborhood level. Site plan review will help prevent strip development as will master plan standards. Development on the Bone Estate site will be required to meet these standards and the proposed application of the NCMU district, therefore, conforms to the Commercial Development Policy No. 5.

- q. **Commercial Development Policy No. 6:** *Commercial office uses shall have convenient access to collector and arterial streets.*

Criteria for the proposed NCMU district require that land to be zoned NCMU be within 1/8-mile of a major intersection defined as the intersection of a Parkway, Major Arterial, or Minor Arterial with a Parkway, Major Arterial, Minor Arterial, or Collector. The Bone Estate site is adjacent to two arterials and, therefore, the proposed application of the NCMU district to the site complies with Commercial Development Policy No. 6.

- r. **Economic Development Policy No. 2:** *Increase labor intensive employment opportunities and encourage the hiring of unemployed local residents.*

A wide range of uses is permitted by the NCMU district including more labor intensive types of development such as retail and office. The application of the NCMU district therefore is consistent with Economic Development Policy No. 2.

- s. **Open Space, Parks and Recreation Policy No. 5:** *The preservation and connection of identified natural open space areas shall be protected through public acquisition and/or land use regulation.*

The NCMU district protects open space through its zoning provisions, i.e. land use regulation. At least 20% of the gross area of a site proposed for NCMU zoning must be reserved for open space. Providing additional open space is encouraged as well by allowing greater residential density if another 10% of the gross area of the site is reserved for open space.

As identified by HHPR in a preliminary environmental analysis, there are potential natural resources and hazards on the Bone Estate property that will likely be protected through a combination of federal regulations, City regulations regarding tree protection and stream buffers, and the open space requirements of the proposed NCMU district. In these ways, application of the NCMU district will conform to the Open Space, Parks and Recreation Policy No. 5.

- t. **Scenic and Historical Areas, Natural Resources and Hazards Policy No. 11:** *Salem urban area wetlands shall be identified, inventoried, and documented as to their significance as a resource. Such activities shall be coordinated among the jurisdictions. Appropriate comprehensive plan policies and development regulations shall be adopted by the next periodic review. In the interim development in areas identified as wetlands shall be permitted only to the extent granted by State and Federal regulatory agencies (emphasis added).*

The NCMU district does not eliminate the requirement for future development to meet the conditions of SRC 68 (Preservation of Trees and Vegetation), SRC 128 (Wetlands), SRC 132 (Landscaping), SRC 140 (Floodplain Overlay Zones), and SRC 141 (Willamette Greenway). The Oregon Department of State Lands (DSL) and US Army Corps of Engineers (ACE) regulate jurisdictional wetlands and Clean Water Act (CWA) Section 404 waters of the state and the country respectively.

In addition to requiring that 20% of a site proposed for NCMU zoning and master planning be protected for open space, greater protection of open space and riparian areas is encouraged by allowing additional residential density for their protection.

As indicated in the previous finding, HHPR identified potential natural resources and hazards on the Bone Estate site in a preliminary environmental analysis. Those natural resources and hazards that are confirmed and delineated will be protected through a combination of federal regulations, City regulations regarding tree protection and stream buffers, and the open space requirements of the proposed NCMU district. In these ways, changing the zoning from RA to NCMU will conform to the Scenic and Historical Area, Natural Resources and Hazards Policy No. 11.

Based on (a) through (t) above, the proposed zoning map amendment to change the Zoning of the Bone Estate site from RA to NCMU is compatible and consistent with the intent, goals, and policies of the Salem Area Comprehensive Plan.

**FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA  
FOR NEIGHBORHOOD CENTER MIXED USE (NCMU) ZONE**

The requirements for the application of the NCMU Zone are outlined in SRC 532.010. Proposals to zone land NCMU shall meet the following criteria:

- (a) A district shall have an area that contains a minimum of three acres and a maximum of fifteen acres;
- (b) Districts that are separated by public street right-of-way shall not be considered contiguous; and
- (c) A district shall be located within one-eighth of a mile of a major intersection, as measured from the center of the intersection to the point in the district that is nearest to the intersection.

#### Findings:

The NCMU district allows for a maximum of 15 acres to be designated with NCMU zoning and requires a minimum of three acres. The Bone Estate property owner has requested the maximum of 15 acres as shown in the vicinity map. This would allow for development of a Core Area of between one and five acres, and the remainder of the site could be developed in residential and open space uses.

The second criterion is met because the Bone Estate property of 15 acres is not separated by any public right-of-way.

The third criterion for zoning land NCMU is that the site be within 1/8 mile of a major intersection (Parkways, Major and Minor Arterials, and Collectors). This proximity to major roadways is an indication of proximity to urban-level public facilities and services. The Bone Estate property is adjacent to a Minor Arterial (Orchard Heights Road NW) and a Major Arterial (Doaks Ferry Road NW) according to the City's TSP functional classification, which satisfies the criteria regarding proximity to major transportation facilities.

The Bone Estate property complies with all 3 of the criterion for newly zoned NCMU land.

#### CONCLUSION

The rezoning of the Bone Estate site from RA to NCMU must be consistent with the Salem Area Comprehensive Plan (SACP). The West Salem Neighborhood Plan is a Neighborhood Plan of the SACP, and as such, the proposed zoning map amendment must be consistent with it. The West Salem Neighborhood Plan designates the intersection of Orchard Heights Road NW and Doaks Ferry Road NW as a potential location for a neighborhood center. The proposed map amendments are consistent with this designation.

The rezoning of the Bone Estate site to NCMU must be consistent with the Salem Area Comprehensive Plan (SACP). The Salem Transportation System Plan (TSP) is a Detailed Plan of the SACP, and as such, must be considered in reviewing the proposed zoning map amendment. Based on the analysis under the TSP, the proposed amendment is consistent with the Salem TSP with respect to the functional classification of streets in the vicinity of the proposed amendment.

Statewide Planning Goal 12, Transportation, is implemented by the Transportation Planning Rule (TPR), Oregon Administrative Rule (OAR) 660-012. The relevant section of the TPR is OAR 660-012-0060, Plan and Land Use Regulation Amendments. This section requires that amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility assure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility (emphasis added). The rezoning of the Bone Estate site from RA to NCMU constitutes an

amendment to the Salem zoning map. TPR findings above analyzed both the SACP land use redesignation and rezone of the Bone Estate site; therefore, consistency with Statewide Planning Goal 12 is established. This is more fully discussed in the attached Transportation Impact Study (Attachment 4).

Staff concludes that all applicable criteria for Commission-Initiated Comprehensive Plan Amendment/Neighborhood Plan Amendment/Zone Change 11-12 are satisfied.

### RECOMMENDATION

Staff recommends that the Planning Commission adopt the facts and findings of the staff report and RECOMMEND to City Council that it take the following actions:

- (1) change the SACP designation to Mixed-Use;
- (2) change the West Salem Neighborhood Plan designation to "Center";
- (3) change the zoning designation to NCMU, with the following condition of approval:

"Construct a 150-foot westbound right-turn lane on Glen Creek Road NW at Doaks Ferry Road NW to mitigate the transportation impacts and to satisfy the Transportation Planning Rule. This improvement shall not be required until development within the subject property exceeds 2,100 daily trips."

- Attachments:
1. Public Hearing Notice and Map
  2. *Environmental Opportunities and Constraints Memorandum*, Harper Houf Peterson Righellis, August, 2008
  3. *Transportation Opportunities and Constraints Memorandum*, DKS Associates, August, 2008
  4. *Transportation Impact Study*, DKS Associates, September 2008
  5. Public Works Department Memorandum
  6. Salem Keizer Public School District Memorandum
  7. Vicinity Map showing Surrounding Schools

Prepared by: Cecilia DeSantis Urbani, Planner II  
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# HEARING NOTICE

## LAND USE REQUEST AFFECTING THIS AREA

*Si necesita ayuda para comprender esta información, por favor llame 503-588-6173*

<b>CASE NUMBER:</b>	City-Initiated Comprehensive Plan Change/Neighborhood Plan Change/Zone Change Case No. CICPC/NPC/ZC11-12
<b>AMANDA APPLICATION NO:</b>	11-116934-ZO
<b>HEARING INFORMATION:</b>	Salem Planning Commission, Tuesday, January 3, 2012, 5:30 p.m., Council Chambers, Room 240, Civic Center
<b>PROPERTY LOCATION:</b>	Northwest Corner of the intersection of Orchard Heights and Doaks Ferry Rds NW / 97304
<b>PROPERTY OWNER:</b>	John & Judith Mistkawi and Christine L. Hart
<b>APPLICANT:</b>	City of Salem
<b>DESCRIPTION OF REQUEST:</b>	City-initiated amendment (1) to change the Salem Area Comprehensive Plan Map designation from "Developing Residential" to "Mixed-Use"; (2) to change the West Salem Neighborhood Plan map designation from "Single/Multi-Family" to "Center"; AND (3) to change the zone district from RA (Residential Agriculture) to NCMU (Neighborhood Center Mixed-Use) for property 15 acres in size and located at the northwest corner of the intersection of Orchard Heights and Doaks Ferry Roads NW. The Polk County Assessor maps and tax lot numbers are 073W17B 00400 and 073W17D 00900.
<b>CRITERIA TO BE CONSIDERED:</b>	<p>❖ <b>Comprehensive Plan Change / Neighborhood Plan Change</b></p> <p>Pursuant to SRC 64.090, the testimony and evidence for the COMPREHENSIVE PLAN CHANGE must be directed toward the following criteria:</p> <ol style="list-style-type: none"><li>1. A lack of appropriately designated suitable alternative sites within the vicinity for a proposed use in regard to (a) size, or (b) location; or</li><li>2. A major change in circumstances affecting a significant number of properties within the vicinity such as: (a) the construction of a major capital improvement, or (b) previously approved plan amendments for properties in the area; and</li><li>3. The proposed plan change considers and accommodates as much as possible all applicable statewide planning goals; and</li><li>4. The proposed change is logical and harmonious with the land use pattern for the greater area as shown on the detailed and general plan maps; and</li><li>5. The proposed change conforms to all criteria imposed by applicable goals and policies of the comprehensive plan in light of its intent statements; and</li><li>6. The proposed change benefits the public.</li></ol> <p>❖ <b>Zone Change</b></p> <p>Pursuant to SRC 113.160(b), the testimony and evidence for the ZONE CHANGE must be directed to the following criteria:</p> <ol style="list-style-type: none"><li>1. The existence of a mistake in the compilation of any map, or in the application of a land use designation to the property;</li><li>2. A change in the social, economic, or demographic patterns of the neighborhood or the community;</li><li>3. A change of conditions in the character of the neighborhood;</li><li>4. The effect of the proposal on the neighborhood;</li><li>5. The physical characteristics of the subject property, and public facilities and services; and</li><li>6. Any other factor that relates to the public health, safety, and general welfare that the Review Authority identifies as relevant to the proposed change.</li></ol> <p>❖ <b>Neighborhood Center Mixed Use Zone</b></p> <p>In addition to all other applicable criteria, proposals to zone land NCMU shall meet the following criteria: (a) A district shall have an area that contains a minimum of three acres and a maximum of fifteen acres; (b) Districts that are separated by public street right-of-way shall not be considered contiguous; and (c) A district shall be located within one-eighth of a mile of a major intersection, as measured from the center of the intersection to the point in the district that is nearest to the intersection.</p>

**HOW TO PROVIDE TESTIMONY:**

Any person wishing to speak either for or against the proposed request may do so in person or by representative at the Public Hearing. Written comments may also be submitted at the Public Hearing. Include case number with the written comments. Prior to the Public Hearing, written comments may be filed with the Salem Planning Division, Community Development Department, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Only those participating at the hearing, in person or by submission of written testimony, have the right to appeal the decision.

**HEARING PROCEDURE:**

The hearing will be conducted with the staff presentation first, followed by the applicant's case, neighborhood organization comments, testimony of persons in favor or opposition, and rebuttal by the applicant, if necessary. The applicant has the burden of proof to show that the approval criteria can be satisfied by the facts. Opponents may rebut the applicant's testimony by showing alternative facts or by showing that the evidence submitted does not satisfy the approval criteria. Any participant may request an opportunity to present additional evidence or testimony regarding the application. A ruling will then be made to either continue the Public Hearing to another date or leave the record open to receive additional written testimony. Following the close of the public hearing, the Planning Commission will forward a recommendation to the City Council whether to adopt the proposed zoning designations.

Failure to raise an issue in person or by letter prior to the close of the Public Hearing with sufficient specificity to provide the opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) on this issue. A similar failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

*cdw*

**CASE MANAGER:**

Cecilia Urbani, Planner II, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-588-6173 ext. 7508; E-mail: [curbani@cityofsalem.net](mailto:curbani@cityofsalem.net)

**NEIGHBORHOOD ORGANIZATION:**

West Salem Neighborhood Association, Janet Noakes, Land Use Chair; Phone: (503) 391-7563; Email: [janetnoakes@yahoo.com](mailto:janetnoakes@yahoo.com)

**DOCUMENTATION AND STAFF REPORT:**

Copies of the application, all documents and evidence submitted by the applicant are available for inspection at no cost at the Planning Division office, City Hall, 555 Liberty Street SE, Room 305, during regular business hours. Copies can be obtained at a reasonable cost. The Staff Report will be available seven (7) days prior to the hearing, and will thereafter be posted on the Community Development website: [www.cityofsalem.net/Departments/CommunityDevelopment/Planning/PlanningCommission/Pages/default.aspx](http://www.cityofsalem.net/Departments/CommunityDevelopment/Planning/PlanningCommission/Pages/default.aspx)

**ACCESS:**

The Americans with Disabilities Act (ADA) accommodations will be provided on request.

**NOTICE MAILING DATE:**

December 14, 2011

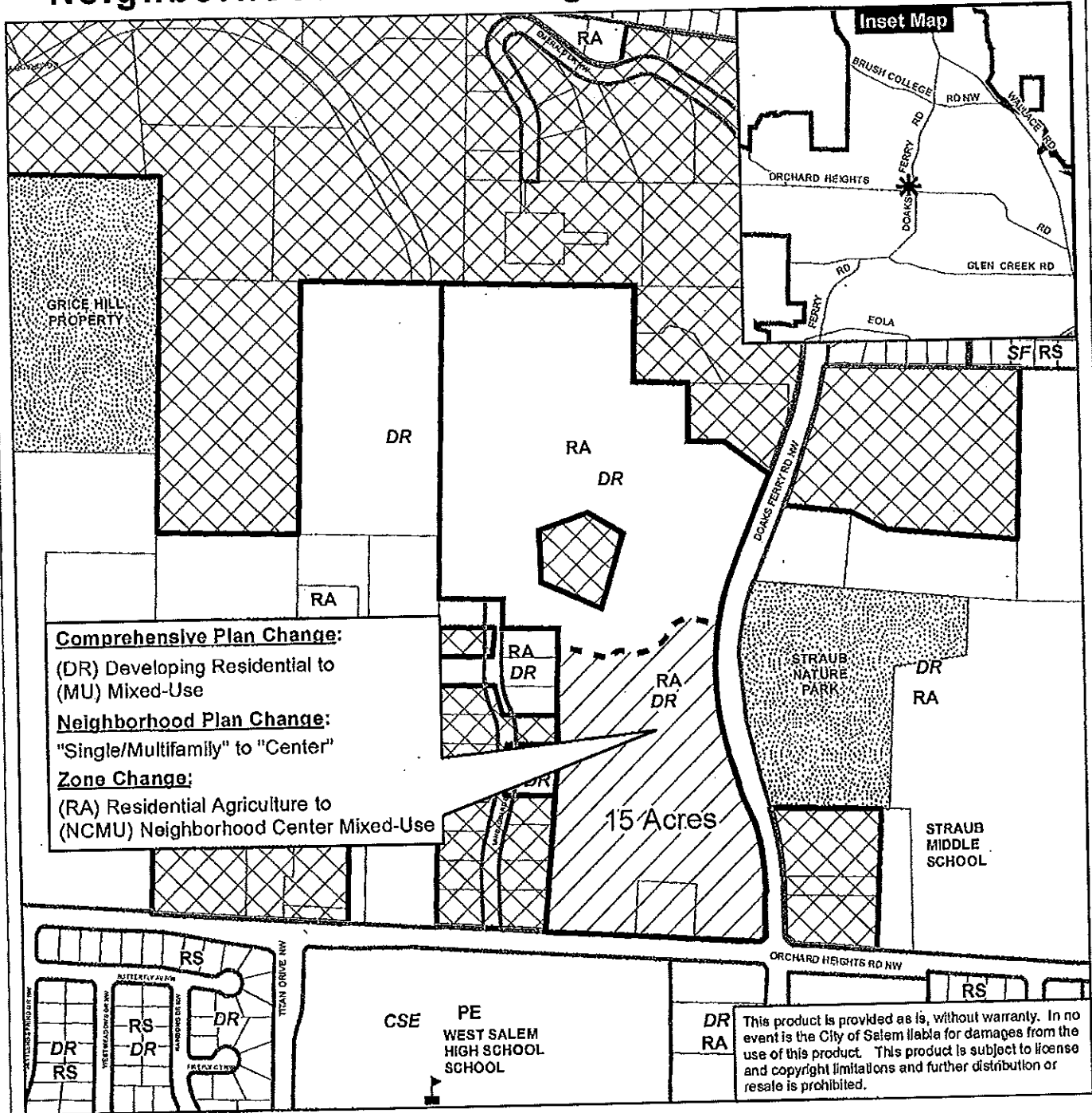
**PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE.**

*It is the City of Salem's policy to assure that no person shall be discriminated on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, as provided by Salem Revised Code Chapter 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964, and related statutes and regulations, in all programs and activities.*

Individuals needing special accommodations such as sign or other language interpreters to participate in the meeting, must request such services at least two working days (48 hours) in advance by calling the Community Development Department at 503-588-6173. Equipment for the hearing impaired is available upon request.

# Vicinity Map

## City-Initiated Comprehensive Plan Change/ Neighborhood Plan Change/ Zone Change 11-12



**Legend**

Outside Salem City Limits	Subject Property	Zoning District
Urban Growth Boundary	Schools	Comp Plan Designation
Taxlots	Parks	
	Area affected by CPC/NPC/ZC11-12	

CITY OF Salem  
 AT YOUR SERVICE  
 Community Development Dept.



AEA-04

August 19, 2008



**Harper  
Houf Peterson  
Righellis Inc.**

**ENGINEERS • PLANNERS  
LANDSCAPE ARCHITECTS • SURVEYORS**

**Project Management Team for the West Salem Neighborhood Plan:  
Proposed Mixed-Use Neighborhood Center Implementation Project**

**RE: Task 3.4 Environmental Opportunities and Constraints Memorandums**

Please find following a discussion of environmental regulations and conditions that may have an affect on the site planning efforts developed by the team. The information contained in this memorandum and associated figures was developed by reviewing aerial photographs, City of Salem regulations and website, Polk County floodplain data, National Resource Conservation Service (NRCS) web based soils mapping, US Fish and Wildlife (FWS) web based wetland mapping, Oregon Department of State Lands (DSL) local wetland inventory; US Geological Survey National Map, and TerraServer topographic mapping. A "windshield survey" was conducted to observe the site conditions without accessing the property.

The current site conditions are best reflected in Figure 4 - USGS / National Map, Wetlands Inventory. It is an aerial photograph of the property under consideration for the West Salem Neighborhood Implementation Plan (WSNPI). The surround vicinity is a mix of land uses, including the West Salem High School on the south side of Orchard heights Road, residential immediately to the west along Orchards Heights Road, and agricultural, or non-developed land to the north, northwest, and east.

Polk county floodplain mapping did not reflect a 100 Year Floodplain per Federal Emergency Management Agency (FEMA) standards. The TerraServer/USGS topographic map and USGS/National Map both reflect a historic stream channel, Willark Brook, beginning south of Orchard Heights Road and traversing through the pond and site, to a culvert under Doaks Ferry Road. It would appear that Willark Brook is too small to have been studied for regulatory or insurance purposes.

Willark Brook is difficult to discern from Orchard Heights Road to the pond; on aerial photographs and from the windshield survey. The channel south of Orchard Heights was apparently filled during the West Salem high School construction. It was noted during an interview with members of the Glen and Gibson Creeks Watershed Council, that there are still active springs on the high school site that are managed with stormwater and wet weather flows. They believe that the runoff contribution to Willark Brook from the site is approximately 2/3 of its historical amount. Should there be any portion of the channel remaining onsite upstream of the pond, it will likely be jurisdictional to the US Army Corps of Engineers (COE) and DSL. Additionally, the City of Salem will require 50 feet buffers from top of bank on the channel. Refer to Environmental Opportunities and Constraints Map. The pond is almost certainly jurisdictional to both the COE and DSL, due to its connectivity to the active channel below the pond. Any development impact to the stream or pond will require a Joint Permit Application and associated Mitigation Plans in accordance with Section 404 of the Clean Water Act, and DSL Fill/Removal requirements. The stream below the

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FAX 503.221.1171

pond was flowing on July 25, 2008, after approximately 25 days without measurable precipitation. It therefore would be considered a perennial and not intermittent stream. A bridge would likely not be necessary for a crossing from a regulatory standpoint. A concrete box culvert or arch pipe would suffice.

Chapter 68 of the City of Salem, Community Development Standards addresses the Preservation of Trees and Vegetation. As mentioned previously, they will require a 50 feet buffer on both sides of the channel from the top of bank [68.020 (p)]. The terms "Grove", "Heritage Trees" and "Significant Tree" also carry significance [68.020 (e), (g), and (q)]. These tree types contain limitations on impact and removal [68.040 thru 68.070]. A Tree Removal Permit will be required to remove trees from the riparian corridors. Native Oregon white oaks 24" diameter and greater are protected and considered Significant Trees. The ordinance does not allow for the removal of Heritage or Significant Trees, unless there is no practicable alternative, and if they meet the requirements of Sections 68.080 and 68.090. Tree removal will require a Tree Conservation Plan [68.100]. A Tree Conservation Plan will require a 1: 1 ratio for replacement, and a minimum tree size of 1" caliper. Removal of non-native, nuisance, and hazard trees is allowed. Refer to Angelo Planning Group memorandum Natural Resource Protection section.

Chapter 69 of the City of Salem, community Development Standards addresses Landslide Hazards; refer to Figure 5 for excerpts from the Landslide Hazards map. A qualified Engineering Geologist and/or Geotechnical Engineer should be consulted to determine extent and significance of any site specific landslide hazard conditions that may exist onsite. In general, Low to moderate risk areas are mapped on the east side of the site near Willard Brook. Low hazard areas occur near Landaggard Drive. Moderately high and moderately low hazard potential exists along the northwest corner of the site.

Please do not hesitate to provide comments or note errors or omissions.

Sincerely,

HARPER HOUF PETERSON RIGHELLIS INC.



Scott W. Banker, RLA, CPESC, CESCL  
Environmental Landscape Architect



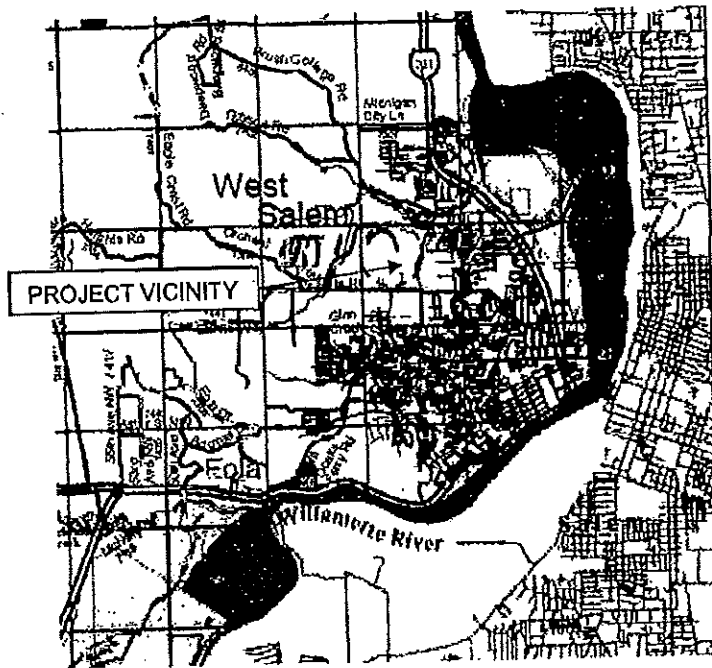


Figure 1 – Excerpt from Polk County Flood Map.

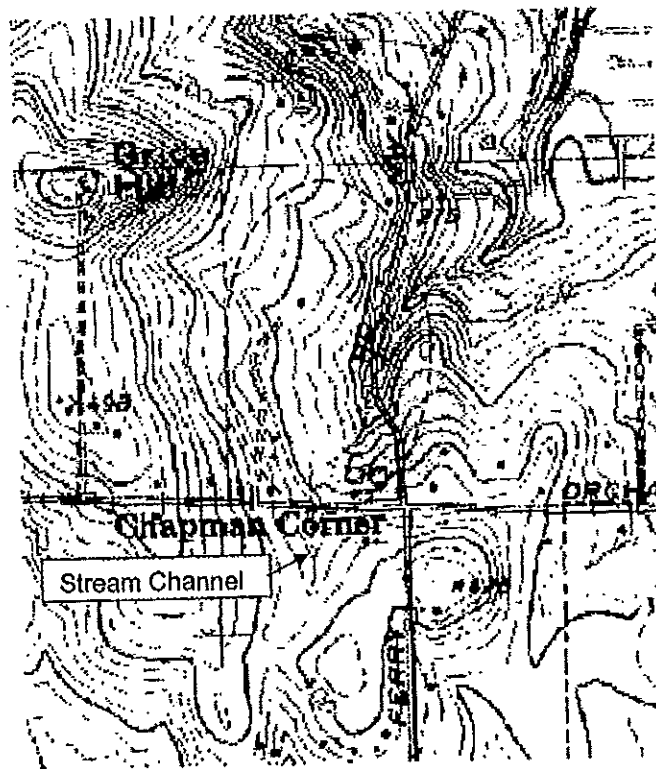


Figure 2 – TerraServer USGS topographic mapping reflecting historic stream channel beginning south of Orchard Heights road and traversing in a north, northeasterly direction toward Doaks Ferry Road

Hydric Rating by Map Unit—Polk County, Oregon  
(NRCS Hydric Soils Map)

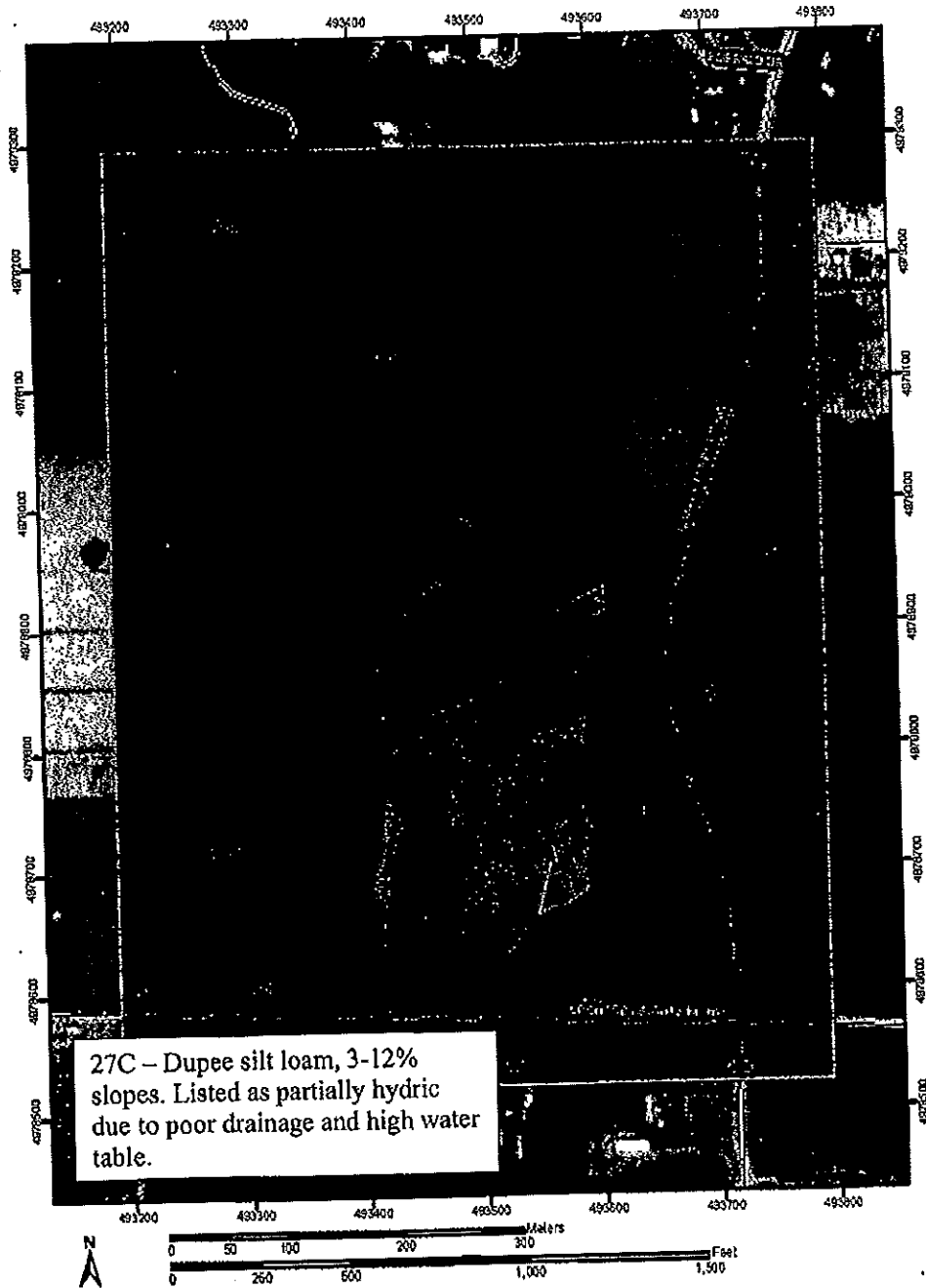


Figure 3 – NRCS Hydric Soils Map

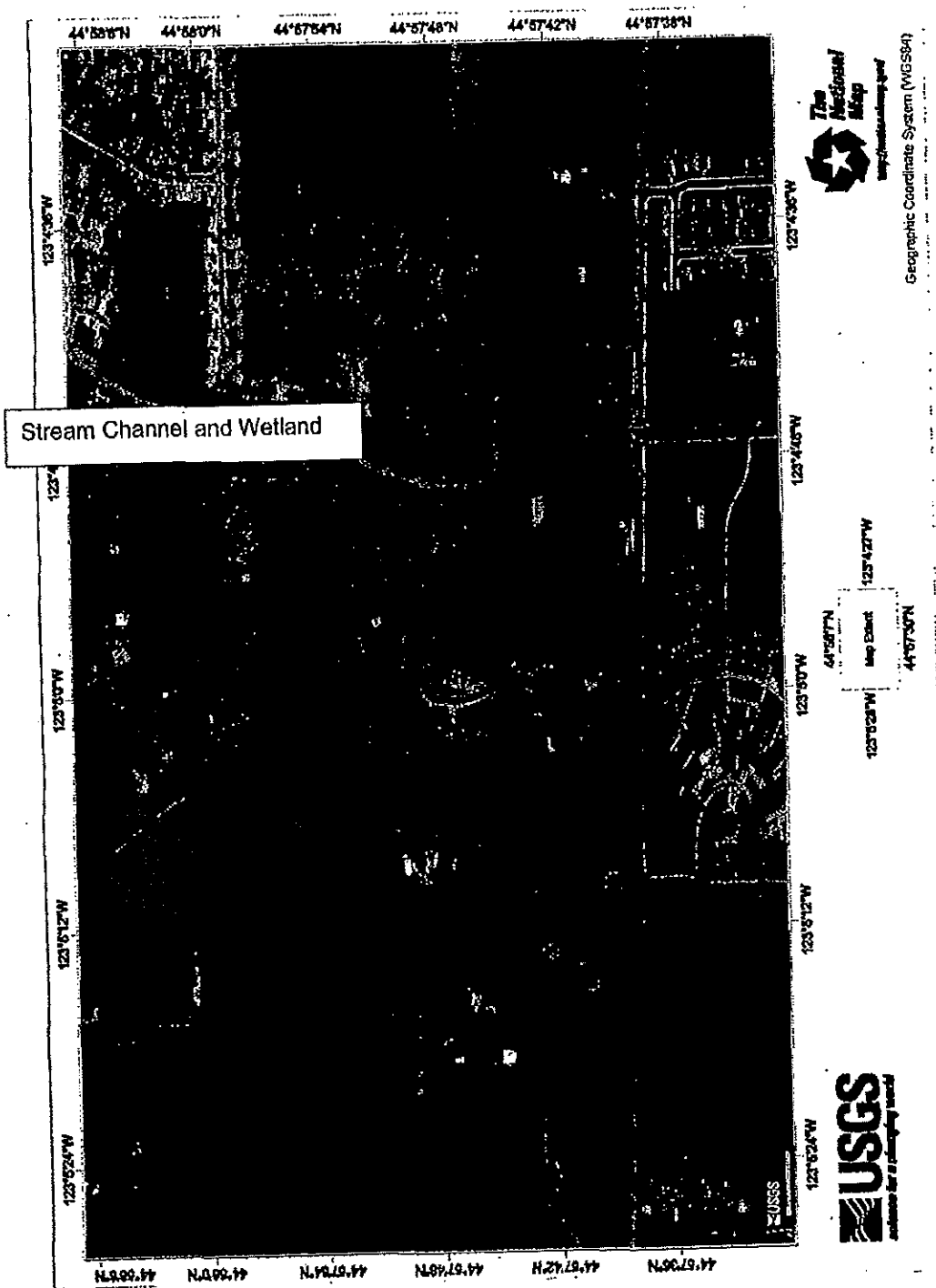


Figure 4 - USGS / National Map, Wetlands Inventory

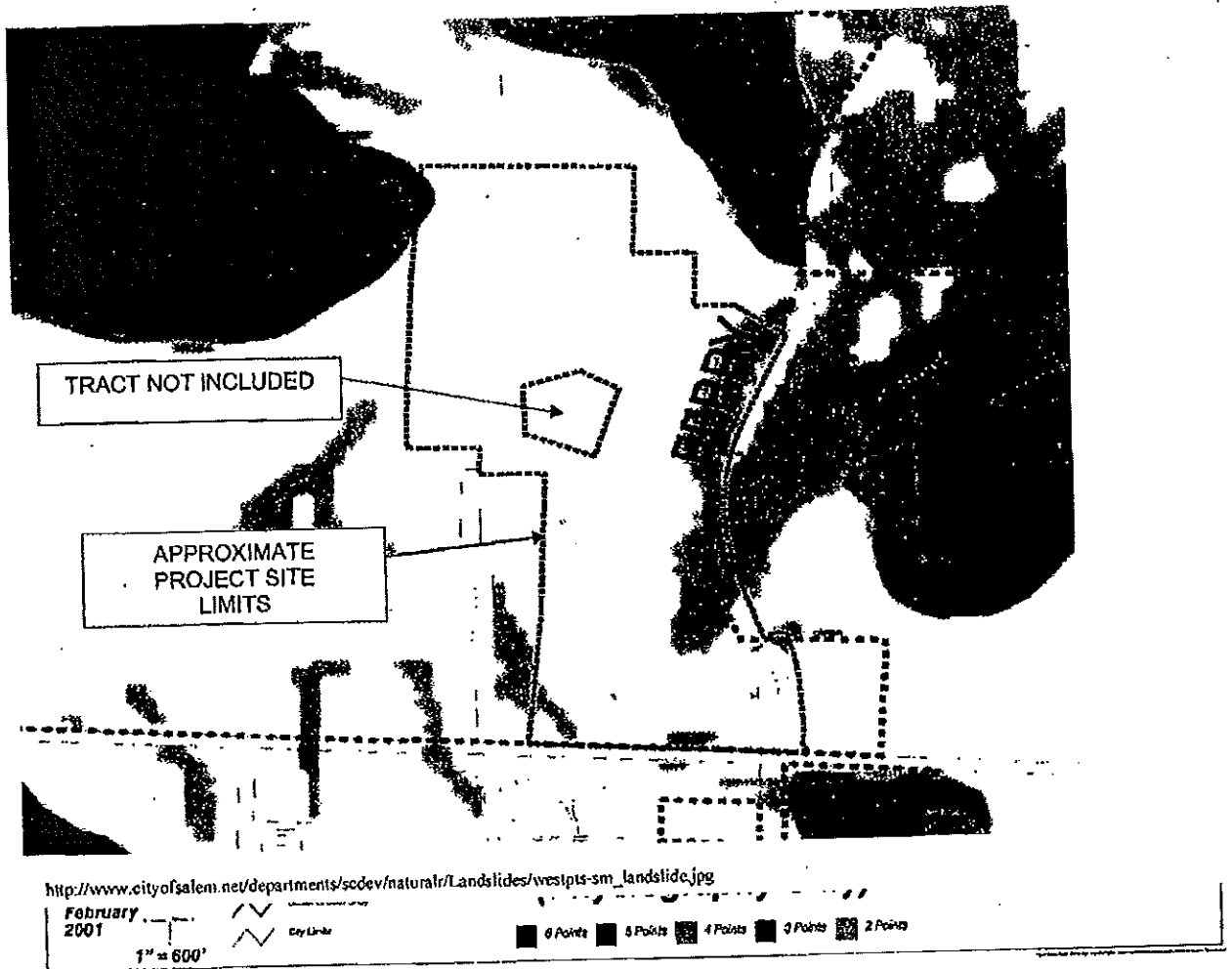
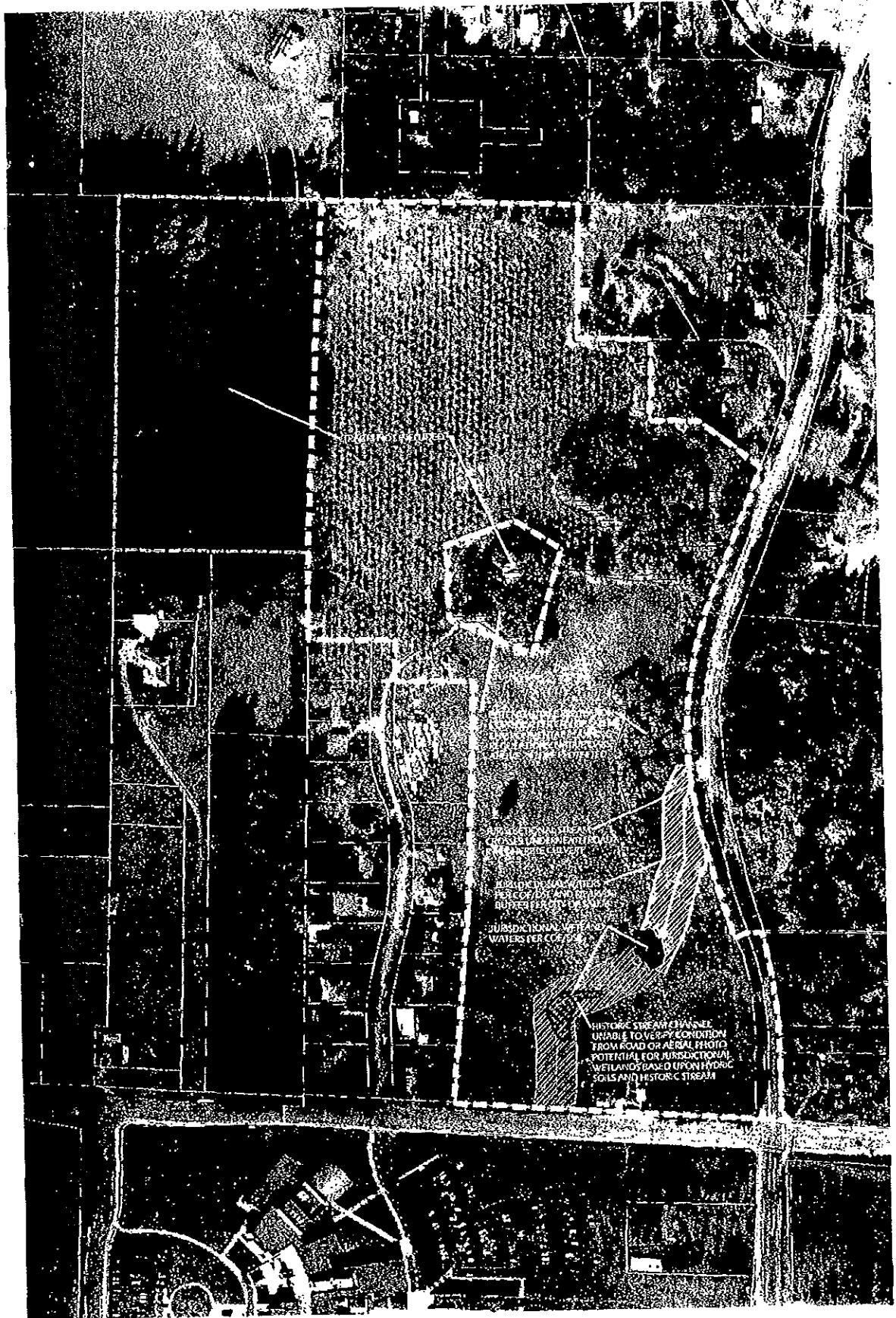
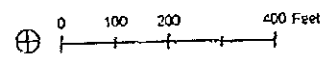


Figure 5 – Site Excerpt from City of Salem, Landslide Hazard Map. Chartreuse areas (2 Points) on the map reflect low hazard potential, while the red areas (6 Points) reflect a high hazard potential. Low to moderate risk areas are mapped on the east side of the site near Willark Brook. Low hazard areas occur near Landaggard Drive. Moderately high and moderately low hazard potential exists along the northwest.



**West Salem Neighborhood Plan**  
 ENVIRONMENTAL OPPORTUNITIES AND CONSTRAINTS



## Technical Memorandum

**DATE:** August 13, 2008

**TO:** Project Management Team for the West Salem Neighborhood Plan: Proposed Mixed-Use Neighborhood Center Implementation Project

**FROM:** Scott Mansur, PE, PTOE, DKS Associates

**SUBJECT:** Task 3.4 Transportation Opportunities and Constraints Memorandum  
P08161-000-000

This technical memorandum summarizes the transportation system opportunities and constraints related to the West Salem Neighborhood Plan (WSNP) project area. The WSNP project area is generally defined as the property bounded by Orchard Heights Road to the south, Doaks Ferry Road and Landaggard Drive to the east and west respectively. From a regional perspective, the site is located within the urban growth boundary and is situated adjacent to two arterial roadways and to West Salem High School.

### Transportation System Evaluation

The following transportation aspects have been discussed in the following sections: key project area roadways, site access, roadway design, pedestrian facilities, bike facilities, and transit facilities. It should be noted that since no transportation analysis has been done to date and historical analysis is not available, existing transportation capacity and operational issues are not known at this time.

It should be noted that there are plans to include a neighborhood commercial element to this development in the vicinity of the Doaks Ferry/Orchard Heights intersection, which would attract vehicle trips that would have normally been destined for retail uses on Wallace Road. This additional retail would decrease traffic volumes at Wallace Road, which would improve the function of Wallace Road.

### Key Project Area Roadways

The study site is currently served by a significant network of arterial and collector streets. In the WSNP project site's vicinity, there are three main off-site roadways:

**Orchard Heights Road** is currently classified in the City of Salem Transportation System Plan as an east-west minor arterial that extends from 40<sup>th</sup> Avenue (on the west) to Wallace Road (on the east). It services 4,200 vehicles per day<sup>1</sup> providing a convenient connection between Wallace Road and residential areas to the east and West Salem High School to the west. Orchard Heights Road is currently a three lane facility (i.e., two travel lanes and a center turn lane) and has bike lanes and sidewalks along both sides. Bike lanes currently exist along the project frontage and sidewalks exist on the south side adjacent to West Salem High School.

**Landaggard Drive** is currently classified by the City of Salem as a north-south collector roadway that extends north from Orchard Heights Road approximately 1,400 feet where it culminates at a

<sup>1</sup> Daily Traffic counts from the City of Salem, counts conducted at station 170 April of 2006.



private residence. Landaggard Drive acts as an access for a local residential development with no through traffic. Landaggard Drive is listed in the City of Salem TSP as a low priority future road improvement that would extend Landaggard Drive to connect with Colorado Drive, which connects with Grice Hill Drive creating a closed loop.

Doaks Ferry Road is currently classified by the City of Salem as a north-south major arterial roadway and extends from Glen Creek Road north to Wallace Road. It services 4,500 vehicles per day<sup>2</sup> providing the only north-south direct arterial link to Wallace Road. The portion of Doaks Ferry Road that passes through the study area is a two lane facility with limited bike lanes and no sidewalks.

### Access/Internal Circulation

Access to the project site was evaluated based on the desire for a direct and convenient access to the site. Typically, Landaggard Drive would be a likely candidate to provide access to the project site from Orchard Heights Road. This is because Landaggard Drive is a collector that provides access to approximately 16 single family homes and the City's TSP shows a future connection from Landaggard Drive to Colorado Drive in order to provide a future loop road on Orchard Heights Road. Because of the fronting residential neighborhood on Landaggard Drive and the indirect access that Landaggard Drive would provide to the site, an alternative access road from Orchard Heights would provide a more direct and convenient access to the site.

In order to determine the appropriate locations for the alternative access roadway to Orchard Heights Road and the access roadway to Doaks Ferry Road, the City of Salem spacing requirements were evaluated for major and minor arterials. The City standards require that accesses are spaced a minimum of 370 feet (center of driveway to center of driveway) between private or public intersections on arterials. Therefore the proposed access road to Orchard Heights Road and Doaks Ferry Road servicing the site will need to be placed a minimum of 370 feet from adjacent intersections.

Two proposed site access points for the project are presented in this memo and are shown in Figure 1. The access locations were determined based on discussions with the City of Salem Traffic Engineer and the project architect taking into account the function of the roadways, future roadway connectivity, access spacing and serving the expected neighborhood commercial and residential development. It is expected that a new collector roadway would provide direct access to the site while protecting the livability of the existing Landaggard neighborhood from an increase in traffic volumes to and from the development.


With the addition of the new collector it would also be advantageous to relocate the existing West Salem High School's Orchard Heights Road entrance so that it is opposite the new collector (this will allow the school driveway at Landaggard Drive to be closed or limited to bus use only). Aligning the driveway with the new collector would provide a direct connection between the development and the school, limits conflicting left turn movements with off-set intersections, and reduces additional traffic volumes on Orchard Heights Road destined to the school from residential areas to the north. Based on conversations with Salem-Keizer School District representatives, the school would be open to modifications to their existing site access and internal circulation.<sup>3</sup>

<sup>2</sup> City of Salem Daily Traffic count station 181 April of 2006.

<sup>3</sup> West Salem Neighborhood Plan kick-off meeting, City of Salem, June 16, 2008.



**LEGEND**

 - Proposed Access/Future Connectivity

**DKS Associates**  
TRANSPORTATION SOLUTIONS



NO SCALE

**Figure 1**

**Conceptual Access Locations**

The project would also provide an internal roadway that would provide access to Doaks Ferry Road while connecting the new collector. This additional access provides an alternative access to the site, reducing the amount of vehicles being added by the development to Orchard Heights Road/Doaks Ferry Road intersection. This additional access will be located approximately 1,150 feet to 1,250 feet north of Orchard Heights Road and would conform to City of Salem access spacing standards, this access is shown in Figure 1.

The opportunities and constraints related to project access are summarized in Table 1 below.

**Table 1: Project Access Opportunities and Constraints**

Opportunities	Constraints
<ul style="list-style-type: none"> <li>The City's 370' access spacing standards can be met for both alternative roadway networks.</li> <li>Safe and convenient access can be provided to the project site.</li> <li>The West Salem High School access/circulation can be improved with the proposed alternative roadway network.</li> <li>Internal roadways provide good connectivity to existing (Landaggard) and planned roadways (Colorado).</li> </ul>	<ul style="list-style-type: none"> <li>If future traffic conditions warrant a traffic signal at either project access the City's preferred traffic signal spacing of 1,320 feet cannot be met.</li> <li>A bridge or culvert may be required for the Doaks Ferry Road access.</li> <li>Planned collector that would connect north of the project area would extend outside the urban growth boundary.</li> </ul>

### Roadway Design

Adjacent to the project site, the Orchard Heights Road cross-section consists of three lanes (two travel lanes with a two-way left turn lane in the median). The recommended cross-section for Orchard Heights Road (minor arterial) from the 2007 City of Salem TSP requires at least 72 feet of right-of-way, with 46 feet of paved surface between the curbs. Sidewalks bordering and serving as an access to a school should be 8 feet wide. For this reason the required right-of-way shall be at least 78 feet. Individual elements include:

- 12' median turn lane,
- Two 11' travel lanes,
- Two 6' bike lanes, and
- Two 8' sidewalks.

Doaks Ferry Road is currently a two to three lane roadway in the vicinity of the project site. The recommended cross-section for Doaks Ferry Road (major arterial) from the 2007 City of Salem TSP would require a five lane cross-section; however, the TSP actually recommends a three-lane minor arterial cross-section for the Doaks Ferry Road segment adjacent to the project site.

According to the design criteria required by the TSP, there should be sufficient right of way to accommodate these improvements along the project frontage. The opportunities and constraints for the roadway design are summarized in the following table.

**Table 2: Roadway Design Opportunities and Constraints**

<b>Opportunities</b>	<b>Constraints</b>
<ul style="list-style-type: none"> <li>Roadway cross-section design as identified in City's TSP can be accommodated along the project frontage.</li> </ul>	<ul style="list-style-type: none"> <li>There are no constraints related to roadway design at this time.</li> </ul>

### **Pedestrian Facilities**

The project frontage improvements would construct sidewalks on the north side of Orchard Heights Road and the west side of Doaks Ferry Road.

Pedestrian activity is a critical part of any successful mixed-use environment and is especially important with roadways that are adjacent to a school. With the current development plan that includes mixed uses, there is the potential to draw additional pedestrian traffic across Orchard Heights Road (students destined to the school from residential or commercial areas). Therefore, careful planning is critical in providing a safe and convenient sidewalk network.

Currently there are no designated pedestrian crossings along Orchard Heights Road except for at the signalized intersection of Doaks Ferry Road that provides controlled pedestrian crossings. With the location of the school and the addition of the new uses, mid-block pedestrian crossings of Orchard Heights Road will likely increase. The proposed intersection and the realignment of the school access will help to provide a clear pedestrian crossing location; however, unsignalized pedestrian friendly crossing design concepts will need to be evaluated and implemented at this intersection to provide a safe crossing location for pedestrians. Pedestrian crossing treatments such as median refuge area, signing, striping and overhead flashers should be considered. Pedestrian opportunities and constraints are listed in the Table 3 below.

**Table 3: Pedestrian Opportunities and Constraints**

<b>Opportunities</b>	<b>Constraints</b>
<ul style="list-style-type: none"> <li>Provide safe sidewalk connectivity between the project site and West Salem High School.</li> <li>Provide safe pedestrian crossing treatments on Orchard Heights Road.</li> </ul>	<ul style="list-style-type: none"> <li>Any added land use will likely increase pedestrian crossing volumes between the project site and West Salem High School.</li> </ul>

### **Bicycle Facilities**

According to the City's TSP, bicycle lanes should be 6 feet wide. Along Orchard Heights Road bicycle lanes are currently provided. Bike lanes will need to be installed on Doaks Ferry Road as part of the frontage improvements to conform to City Standards.

This project will provide the opportunity to improve the Bicycle connectivity and increase the rider potential between residential areas and West Salem High School.

**Table 4: Bicycle Opportunities and Constraints**

<b>Opportunities</b>	<b>Constraints</b>
<ul style="list-style-type: none"><li>• Frontage improvements will provide additional bicycle connectivity between residential areas and West Salem High School.</li></ul>	<ul style="list-style-type: none"><li>• There are no constraints related to bicycle facilities at this time.</li></ul>

### **Transit Facilities**

There is currently one transit route that serves the project area. Route 10 of Cherriots currently serves West Salem. This route passes through the study area along Doaks Ferry Road and Orchard Heights Road with stops at West Salem High School and the intersection of Orchard Heights Road/Doaks Ferry Road. This bus route provides service to the area with one-hour headways.

**Table 5: Transit Opportunities and Constraints**

<b>Opportunities</b>	<b>Constraints</b>
<ul style="list-style-type: none"><li>• Potential to increase transit service to the area.</li><li>• Provide additional safe transit facilities such as shelters and benches.</li></ul>	<ul style="list-style-type: none"><li>• Limited transit coverage to the area (One route with One hour headways).</li></ul>

Feel free to give us a call if you have any questions or comments.

DRAFT Report for

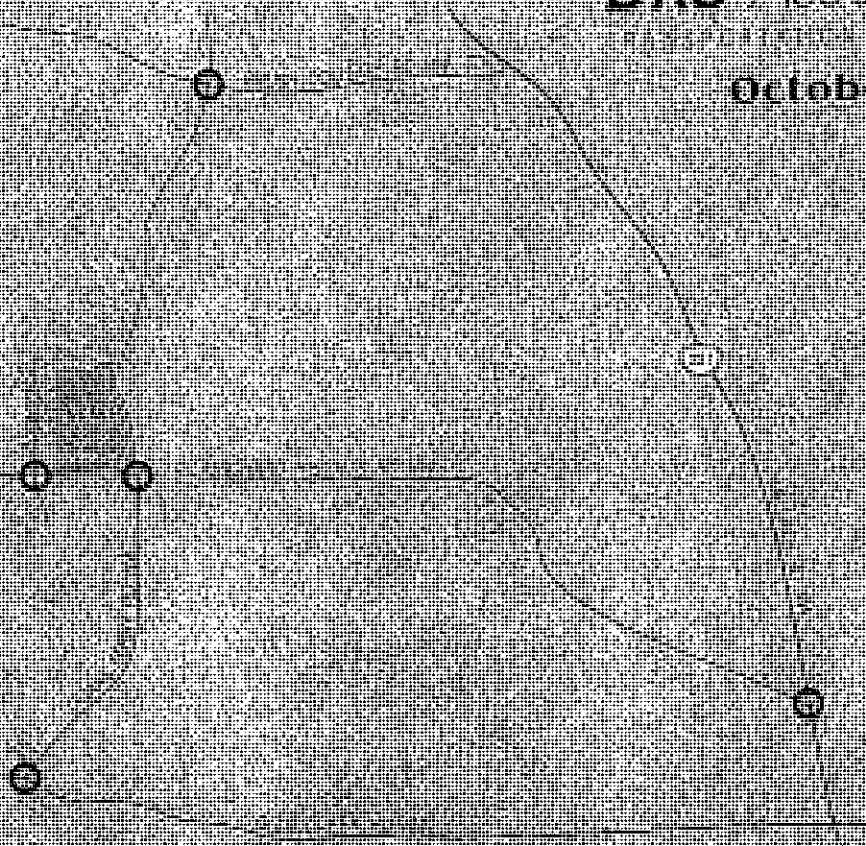


# Bone Estate Zone Change Transportation Impact Study

Prepared by

**DKS Associates**

October 2009



ATTACHMENT 4

**DKS Associates**  
TRANSPORTATION SOLUTIONS

October 2, 2009

Kim Moreland  
Senior Planner  
City of Salem  
555 Liberty St. SE, Room 325  
Salem, OR 97301

**Subject: Bone Estate Zone Change Transportation Impact Study**

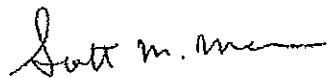
P08161-000-000

Dear Kim,

DKS Associates is pleased to submit this traffic impact study for the proposed Bone Estate Zone Change, which is located on the northwest corner of the Orchard Heights Road/Doaks Ferry Road intersection in Salem, Oregon. Please feel free to call if you have any questions or comments regarding this study.

Sincerely,

**DKS Associates**  
A Corporation



Scott Mansur, P.E., P.T.O.E.  
Transportation Engineer



117 Commercial Street NE, Suite 310  
Salem, OR 97301  
(503) 391-8773  
(503) 391-8701

## TABLE OF CONTENTS

<b>LIST OF FIGURES .....</b>	<b>ii</b>
<b>LIST OF TABLES .....</b>	<b>ii</b>
<b>CHAPTER 1: INTRODUCTION AND SUMMARY.....</b>	<b>1</b>
Proposed Zone Change.....	1
Study Area.....	1
Zone Change Traffic Impact .....	3
Zone Change Mitigations .....	6
Project Site Mitigations.....	6
Trip Cap.....	7
Transportation Planning Rule Findings.....	7
<b>CHAPTER 2: EXISTING CONDITIONS .....</b>	<b>9</b>
Property Location.....	9
Study Area Roadway Network.....	9
Existing Traffic Volumes .....	9
Existing Traffic Operating Conditions.....	11
Collision History .....	13
Public Transit Service .....	13
Planned Improvement Projects.....	13
<b>CHAPTER 3: IMPACT ANALYSIS .....</b>	<b>15</b>
Proposed Zone Change.....	15
Project Access .....	15
Project Trip Generation.....	15
Trip Distribution.....	19
Future Traffic Operating Conditions.....	23
Turn Lane Warrant Analysis.....	28
Access Spacing.....	28
2030 Zone Change Mitigations .....	29
Trip Cap.....	29
Project Site Mitigations.....	29
Transportation Planning Rule.....	30



**CHAPTER 4: ZONE CHANGE MITIGATION SUMMARY ..... 32**

**APPENDIX**

**LIST OF FIGURES**

Figure 1: Study Area.....	2
Figure 2: 2009 Existing AM and PM Peak Hour Traffic Volumes .....	10
Figure 3: Pass-By Project Trip Distribution .....	20
Figure 4: Existing RA/RS Zoning Trip Distribution .....	21
Figure 5: Proposed NCMU Zoning Trip Distribution .....	22
Figure 6: 2030 Background and Total Existing Zoning Traffic Volumes.....	24
Figure 7: 2030 Background and Total Proposed Zoning Traffic Volumes .....	25

**LIST OF TABLES**

Table 1: Study Area and Proposed Project Characteristics .....	3
Table 2: 2009 Existing Conditions Intersection Performance .....	4
Table 3: 2030 Existing Zoning Intersection Performance .....	5
Table 4: 2030 Proposed Zoning Intersection Performance.....	6
Table 5: Study Area Roadway Characteristics .....	9
Table 6: Intersection Operating Standards (by Study Roadway).....	12
Table 7: 2009 Existing Conditions Intersection Performance .....	12
Table 8: Collision Summary .....	13
Table 9: City of Salem Planned Transportation Improvement Projects .....	14
Table 10: Existing Zoning (RA/RS) Trip Generation Estimate.....	16
Table 11: Proposed NCMU Driveway Trip Generation Summary .....	17
Table 12: Net-New Trips Summary.....	18
Table 13: 2030 Existing Zoning Intersection Performance .....	26
Table 14: 2030 Proposed Zoning Intersection Performance.....	27
Table 15: 2030 Proposed Zoning Intersection Performance (Mitigated) .....	27
Table 16: Left-Turn Lane Warrant Summary.....	28
Table 17: Right-Turn Lane Warrant Summary.....	28

## **CHAPTER 1: INTRODUCTION AND SUMMARY**

---

This report evaluates the transportation impacts for the proposed West Salem Neighborhood Center Mixed Use zone change located on the northwest corner of the Orchard Heights Road NW/Doaks Ferry Road NW intersection in West Salem, Oregon. Information regarding existing transportation conditions, trip generation and distribution, future conditions, and transportation impacts within the study area will be evaluated. The purpose of this report is to determine mitigation measures to offset the traffic impacts from the proposed zone change.

### **Proposed Zone Change**

The proposed zone change is desired for approximately 15-acres of the existing undeveloped property on the northwest corner of the Orchard Heights Road NW/Doaks Ferry Road NW intersection in West Salem. The project site is currently zoned as Residential Agriculture (RA). At this time, a zone change is desired to convert the existing residential zone into Neighborhood Center Mixed-Use (NCMU) zone designation. This change would allow the redevelopment of the existing site to mixed-use neighborhood center for future neighborhood commercial, office and residential land uses.

The proposed West Salem Neighborhood Center Mixed-Use Zone includes retail, office and residential land uses. The worst case development plan that could be considered for the proposed zone includes:

- 50,000 square feet of general office
- 50,000 square feet of retail
- 70 residential units above retail
- 50 townhouses

### **Study Area**

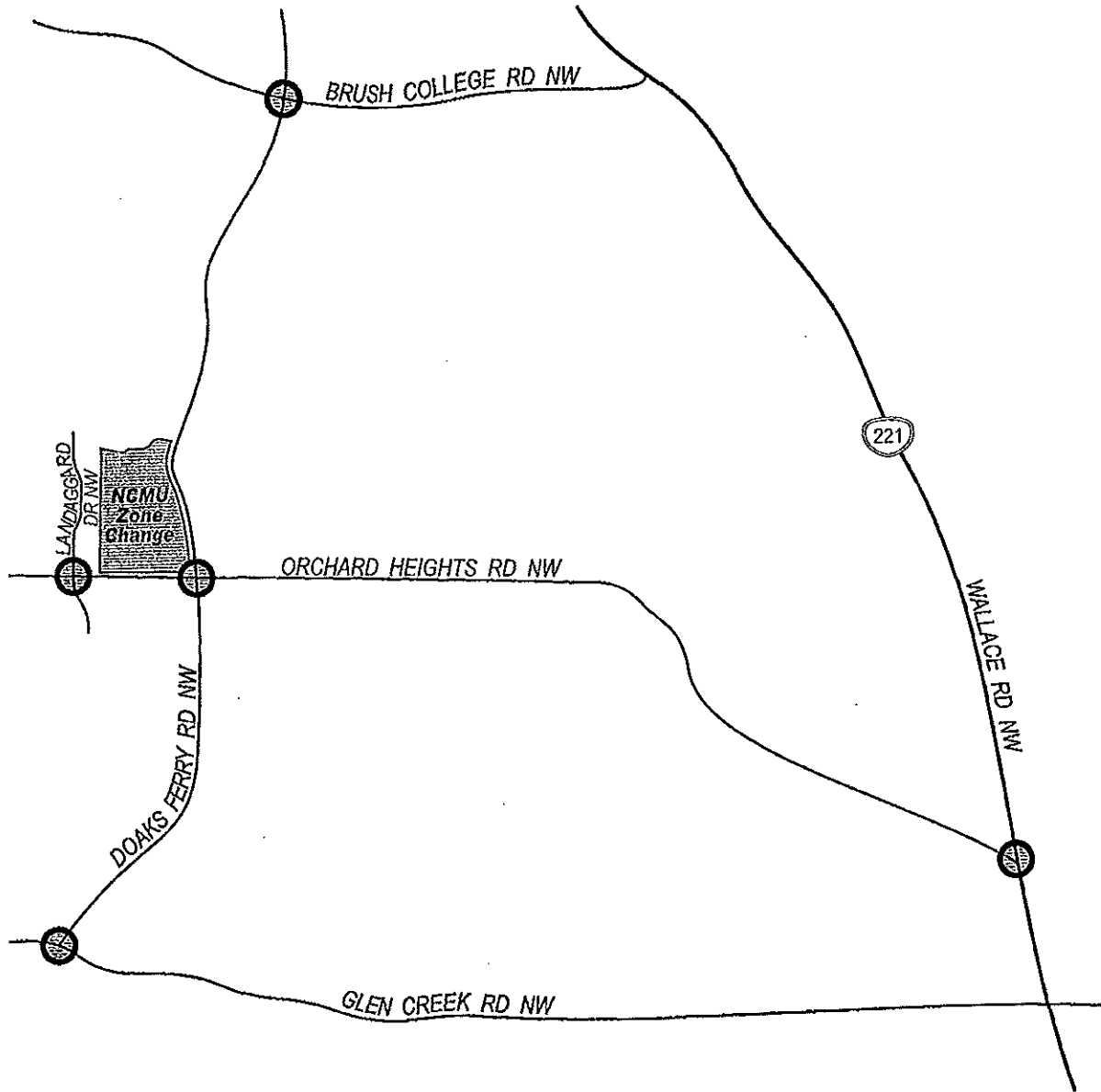
The zone change study area is shown in Figure 1. The proposed West Salem Neighborhood Plan site is outlined. Based on discussions with City staff<sup>1</sup>, five existing study intersections were selected as follows:

- Doaks Ferry Road NW/Brush College Road NW
- Doaks Ferry Road NW/Orchard Heights Road NW
- Doaks Ferry Road NW/Glen Creek Road NW
- Wallace Road NW (OR 221)/Orchard Heights Road NW
- Landaggard Drive NW/Orchard Heights Road NW


Traffic impacts were evaluated at the study intersections for the weekday PM peak hour. The impact analysis includes trip generation, trip distribution, and future traffic operating conditions.

---

<sup>1</sup> Email from Tony Martin, City of Salem, April 24, 2009.



**LEGEND**

 - Study Intersection

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NO SCALE

**Figure 1**

**STUDY AREA**

**Table 1: Study Area and Proposed Project Characteristics**

<b><u>Study Area</u></b>	
Number of Existing Study Intersections	5
Future Analysis Period	PM peak Hour (4-6 p.m.)
<b><u>Nearby Pedestrian/Bike/Transit Facilities</u></b>	
Transit Facilities	One transit line (Route 10) is accessible from the project site, and one future transit line might serve the project area.
<b><u>Existing RA/RS Zoning Trips</u></b>	
Existing Land Use Weekday PM Peak Hour Trips	131 (83 in, 48 out)
<b><u>Proposed NCMU Zoning Trips</u></b>	
Total NCMU Weekday PM Peak Hour Trips	594 (268 in, 326 out)
Internal/Pass-By NCMU Weekday PM Peak Hour Trips	176 (88 in, 88 out)
Net NCMU PM Peak Hour Trips	418 (180 in, 238 out)
Conceptual Vehicle Access Points	Two vehicular access points. One on Doaks Ferry Road NW and other on Orchard Heights Road NW

### Zone Change Traffic Impact

To determine the impacts from the proposed zone change at the study intersections, traffic operating conditions were analyzed at the study intersections for the following scenarios:

- 2009 Existing Conditions – AM and PM Peak Hours
- 2030 Existing RA Zoning Conditions – PM Peak Hour
- 2030 Proposed NCMU Zoning Conditions – PM Peak Hour

The 2030 scenario was selected per the TPR requirements that require that a 15-year or Transportation System Plan horizon year be evaluated. Since the City's TSP horizon year is 2030, the 2030 future horizon year was selected.

For future 2030 background volumes, a 2% annual growth was considered for Wallace Road NW/Orchard Heights Road NW intersection and 5 % annual growth was considered for all other study area intersections. These growth assumptions were reviewed and approved by City staff<sup>2</sup>

<sup>2</sup> Telephone conversation with Tony Martin, City of Salem, August 26, 2009.

**2009 EXISTING CONDITIONS**

The 2009 existing traffic operating conditions at the study intersections were determined for the AM and PM peak hours based on the *2000 Highway Capacity Manual*<sup>3</sup> methodology for signalized and unsignalized intersections. The performance measures include the estimated level of service (LOS) and volume-to-capacity (V/C) ratio of each study intersection and are listed in Table 2.

**Table 2: 2009 Existing Conditions Intersection Performance**

Intersection	Operating Standard	AM Peak Hour		PM Peak Hour	
		LOS	V/C	LOS	V/C
<b>Signalized</b>					
Doaks Ferry Rd/ Orchard Heights Rd	LOS D, 0.90 V/C	C	0.75	C	0.36
Doaks Ferry Rd/ Glen Creek Rd	LOS D, 0.90 V/C	C	0.75	B	0.41
Wallace Rd/ Orchard Heights Rd	V/C ≤ 0.85	C	0.78	B	0.64
<b>Unsignalized</b>					
Doaks Ferry Rd/ Brush College Rd	LOS D, 0.90 V/C	B	0.38	A	0.17
Orchard Heights Rd/ Landaggard Dr	LOS E	<u>A/F*</u>	0.29	A/B	0.02

**Signalized intersections:**

LOS = Level of Service of Intersection  
V/C = Volume-to-Capacity Ratio of Intersection  
**Bold Underlined** values do not meet standards.

**Unsignalized intersections:**

LOS = Level of Service of Major Street/Minor Street  
V/C = Volume-to-Capacity Ratio of Worst Movement (typically a major movement)  
**Bold Underlined** values do not meet standards.

\*Level of Service F applies to Minor street southbound left turn movement

As shown in Table 2, Orchard Heights Road NW/Landaggard Road NW intersection does not meet required mobility standards during the AM peak hour, and is failing due to the southbound left turn movement. All other intersections meet the mobility standards during both AM and PM peak hours.

**2030 EXISTING RA ZONING OPERATING CONDITIONS**

Intersection operating conditions for the 2030 existing zoning scenario are listed in Table 3. All the study area intersections would meet applicable City or ODOT mobility standards except the Wallace Road NW/Orchard Heights Road NW intersection. Under the current zoning, this intersection would operate with a V/C equal to 0.93, which exceeds the current standard (V/C < 0.85).

<sup>3</sup> *2000 Highway Capacity Manual*, Transportation Research Board, Washington DC, 2000.

**Table 3: 2030 Existing Zoning Intersection Performance**

Intersection	Operating Standard	PM Peak Hour	
		LOS	V/C
<b>Signalized</b>			
Doaks Ferry Rd/ Orchard Heights Rd	LOS D, 0.90 V/C	C	0.67
Doaks Ferry Rd/ Glen Creek Rd	LOS D, 0.90 V/C	C	0.86
Wallace Rd/ Orchard Heights Rd	V/C ≤ 0.85	C	<b><u>0.93</u></b>
<b>Unsignalized</b>			
Doaks Ferry Rd/ Brush College Rd	LOS D, 0.90 V/C	B	0.44
Orchard Heights Rd/ Landaggard Dr	LOS E	A/C	0.04
Doaks Ferry Rd/ East Access	LOS D, 0.90 V/C	A/B	0.03
Doaks Ferry Rd/ South Access	LOS D, 0.90 V/C	A/C	0.07
<b>Signalized intersections:</b>		<b>Unsignalized intersections:</b>	
LOS = Level of Service of Intersection		LOS = Level of Service of Major Street/Minor Street	
V/C = Volume-to-Capacity Ratio of Intersection		V/C = Volume-to-Capacity Ratio of Worst Movement (typically a major movement)	
<b><u>Bold Underlined</u></b> values do not meet standards.		<b><u>Bold Underlined</u></b> values do not meet standards.	

**2030 PROPOSED NCMU ZONING OPERATING CONDITIONS**

Intersection operating conditions for the 2030 proposed NCMU zoning scenario is listed in Table 4. All the study area intersections meet the mobility standard except the following:

- Wallace Road NW/Orchard Heights Road NW intersection (V/C >0.85)
- Doaks Ferry Road NW/Glen Creek Road NW intersection (V/C >0.90)

At the Wallace Road NW/Orchard Heights Road intersection the V/C ratio of 0.92 is greater than the acceptable V/C ratio of 0.90 but it is slightly less compared to the 2030 existing zoning V/C ratio of 0.93. The 2030 proposed NCMU zoning operating condition is actually lower than the 2030 existing zoning scenario due to the travel pattern and trip distribution associated with the proposed mixed land use. The existing zoning generates approximately 85 PM peak hour trips through the Wallace Road NW/Orchard Heights Road intersection while the proposed NCMU zone would generate 136 PM peak hour, however, the 136 PM peak hour trips do not impact the critical movements like the existing residential zone. The main purpose of the NCMU zone is to provide neighborhood commercial opportunities for residential uses in the area in order to take traffic pressure off Wallace Road. It should be noted that no reduction to Wallace Road traffic that would likely be reduced due to the proposed neighborhood commercial uses were assumed as part of this analysis.

The intersection of Doaks Ferry Road NW/Glen Creek Road NW would require improvements in order to mitigate impacts from the proposed NCMU zone change. A 150-foot westbound right turn pocket on Glen Creek Road would be needed to meet the City's operating standards and to mitigate impacts from the zone change.

**Table 4: 2030 Proposed Zoning Intersection Performance**

Intersection	Operating Standard	PM Peak Hour	
		LOS	V/C
<b>Signalized</b>			
Doaks Ferry Rd/ Orchard Heights Rd	LOS D, 0.90 V/C	C	0.69
Doaks Ferry Rd/ Glen Creek Rd	LOS D, 0.90 V/C	C	<b><u>0.93</u></b>
Wallace Rd/ Orchard Heights Rd	V/C ≤ 0.85	C	<b><u>0.92</u></b>
<b>Unsignalized</b>			
Doaks Ferry Rd/ Brush College Rd	LOS D, 0.90 V/C	B	0.50
Orchard Heights Rd/ Landaggard Dr	LOS E	A/C	0.04
Doaks Ferry Rd/ East Access	LOS D, 0.90 V/C	A/B	0.15
Doaks Ferry Rd/ South Access	LOS D, 0.90 V/C	A/C	0.39
<b>Signalized Intersections:</b> LOS = Level of Service of Intersection V/C = Volume-to-Capacity Ratio of Intersection <b><u>Bold Underlined</u></b> values do not meet standards.		<b>Unsignalized Intersections:</b> LOS = Level of Service of Major Street/Minor Street V/C = Volume-to-Capacity Ratio of Worst Movement (typically a major movement) <b><u>Bold Underlined</u></b> values do not meet standards.	

### Zone Change Mitigations

It is recommended that the following transportation mitigation measures be performed in order to preserve the performance of the study area roadways, to provide safe access to the site and surrounding land uses, and to satisfy the Transportation Planning Rule (TPR). These following improvements would typically be required as conditions of approval if the zone change were approved. It should be noted that these improvements were based on the worst case impacts from the NCMU zone. If trip levels and land use are desired below the assumptions in this report, a trip cap could be considered to minimize off-site improvements.

#### Doaks Ferry Road NW/Glen Creek Road NW

- Install a 150 foot westbound right turn lane pocket on Glen Creek Road NW at Doaks Ferry Road NW. The trip threshold that triggers this improvement under 2030 proposed zoning scenario is approximately 350 trips. A trip cap could be considered for the proposed NCMU property to alleviate the need for this improvement.

### Project Site Mitigations

The following transportation mitigation measures are related to providing safe access to the site. These improvements would typically be confirmed as part of the detailed development plan. These mitigations should be reevaluated/confirmed as part of the project specific traffic impact study to determine if they are still needed.

#### Orchard Heights Road NW/South Access Intersection

- Install a 100 foot westbound right turn lane pocket on Orchard Heights Road NW at project access (based on right turn lane warrants).

- Due to the limited spacing on Orchard Heights Road NW between the Landaggard Drive NW-West Salem High School access and Doaks Ferry Road NW, the project access point should be located as far from the existing signalized intersection as possible (370 foot minimum access spacing). We recommend that the existing West Salem High School access on Orchard Heights Road NW should be relocated to the east to align with the future south access to the development (the access should be located approximately 370 feet east of Landagaard Drive NW). This will require the development to modify the access and the internal school circulation. Relocating the school access assures that the left turn movements between accesses will not conflict. It is also recommended that the south access roadway replace Landaggard Drive NW as the collector roadway that provides future connectivity to land parcels to the north. We would also recommend that the Landaggard Drive NW be connected to the new collector roadway. The Landaggard Drive NW intersection at Orchard Heights could be closed or converted to an emergency access with the new roadway providing access to the residential homes along Landaggard.

#### Doaks Ferry Road NW/East Access Intersection

- Add a 125 foot northbound left turn lane pocket on Doaks Ferry Road NW at the project access (based on left turn lane warrants).

#### **Trip Cap**

As discussed in the future conditions section, the intersection of Glen Creek Road NW/Doaks Ferry Road NW would require a westbound right turn lane to mitigate impacts from the worst case impacts from the NCMU zone. If the expected development from the NCMU property is expected to be significantly lower than the worst case trip levels as assumed in this report, a trip cap on the NCMU property could be considered to alleviate the need for the improvements at the Glen Creek Road NW/Doaks Ferry Road NW. The trip threshold that triggers this improvement under 2030 NCMU proposed zoning scenario is approximately 350 PM peak hour trips or 65% of the total NCMU PM peak hour trips assumed for the property (546 PM peak hour total trips).

#### **Transportation Planning Rule Findings**

Additional transportation impact analysis is required under the Transportation Planning Rule (TPR) when there is an amendment to a functional plan, acknowledged comprehensive plan, or a land use regulation.<sup>4</sup> The purpose of the rule is to ensure that allowed land uses (and future developments) are either consistent with or make appropriate adjustments to planned transportation facilities. Because the proposed NCMU is a zone change that would generate additional trips above and beyond the existing zoning, the TPR<sup>5</sup> analysis was performed. This section of the impact analysis documents how the TPR is met or mitigated by the recommendations of this report.

<sup>4</sup> OAR 660-012-0060 Plan and Land Use Regulation Amendments, as filed through August 14, 2009.

<sup>5</sup> OAR 660-012-0060 Section (1)



**Findings**

A bulleted summary of the TPR sections and how they are met or mitigated is provided below:

**Sections Met**

- **Section (1)(a):** There are no changes to the functional classification of an existing or planned transportation facility.
- **Section (1)(b):** There are no changes to the standards implementing a functional classification system.
- **Section (1)(e)(A):** There are no land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility.
- **Section (1)(c)(C):** Does not worsen the Wallace Road NW/Orchard Heights Road NW intersection performance under the 2030 proposed NCMU zoning scenario. The operating condition at this intersection under 2030 proposed zoning scenario is better than 2030 existing zoning scenario condition.

**Sections Not Met, Resulting in a "Significant Effect"**

- **Section (1)(c)(B):** The performance of Glen Creek Road NW/Doaks Ferry Road NW intersection is below the City's minimum acceptable performance standards for the 2030 proposed zoning scenario

**Section Followed to Mitigate the "Significant Effect"**

- **Section (2)(e) or Section (2)(c):** The mitigation recommended in this report consist of minor transportation improvement that would allow Glen Creek Road NW/Doaks Ferry Road NW intersection to operate at, or better than the 2030 existing zoning scenario conditions. Alternatively, a trip cap on the NCMU zoning could also be considered by the City of Salem at a trip level of 350 PM peak hour trips to alleviate the need of Doaks Ferry Rd/ Glen Creek Rd. This trip level is approximately 35% lower than the total trips that were estimated for the NCMU zone.

Therefore, the TPR is satisfied.

## CHAPTER 2: EXISTING CONDITIONS

This chapter documents existing study area conditions, including the project site, roadway network, existing traffic volumes, existing traffic operating conditions, collision history, planned improvements, and public transit service. Supporting details (i.e. traffic counts and level of service calculations) are provided in the Appendix.

### Property Location

The proposed West Salem Neighborhood property being considered for the NCMU zone is approximately 15-acres of undeveloped land located on the northwest corner of the Orchard Heights Road NW/Doaks Ferry Road NW intersection in West Salem. From a regional perspective, the site is located within the urban growth boundary and is situated adjacent to two arterial roadways and opposite to West Salem High School. The project site is currently zoned as Residential Agriculture (RA).

### Study Area Roadway Network

Key study area roadways are listed in Table 5 along with their functional classifications and other important roadway characteristics. The functional classifications for Marion County roadways are found in the Marion County Rural Transportation System Plan (RTSP).<sup>6</sup> The three main functional classes are local (more access but less mobility), collector (balanced access and mobility), and arterial (more access but more mobility). The ODOT functional classifications are found in the Oregon Highway Plan<sup>7</sup> and are based on the area they service (e.g., "Regional" is a region within the state). Wallace Road is the only ODOT facility involved in this study area.

Table 5: Study Area Roadway Characteristics

Roadway	Functional Classification	Posted Speed	Cross-Section	On-Street Parking	Sidewalks	Bike Lanes
Wallace Rd (OR 221)	Regional Highway	35-45 mph	4 lanes	No	Yes	Yes
Doaks Ferry Rd	Major Arterial	35 mph	2-3 lanes	No	Some	Some
Orchard Heights Rd	Minor Arterial	30-40 mph	2 lanes	No	Some	Some
Brush College Rd	Minor Arterial	35 mph	2-3 lanes	No	Some	Some
Glen Creek Rd	Collector	30 mph	2 lanes	No	Some	Some
Landaggard Dr	Collector	Not Posted	2 lanes	No	No	No

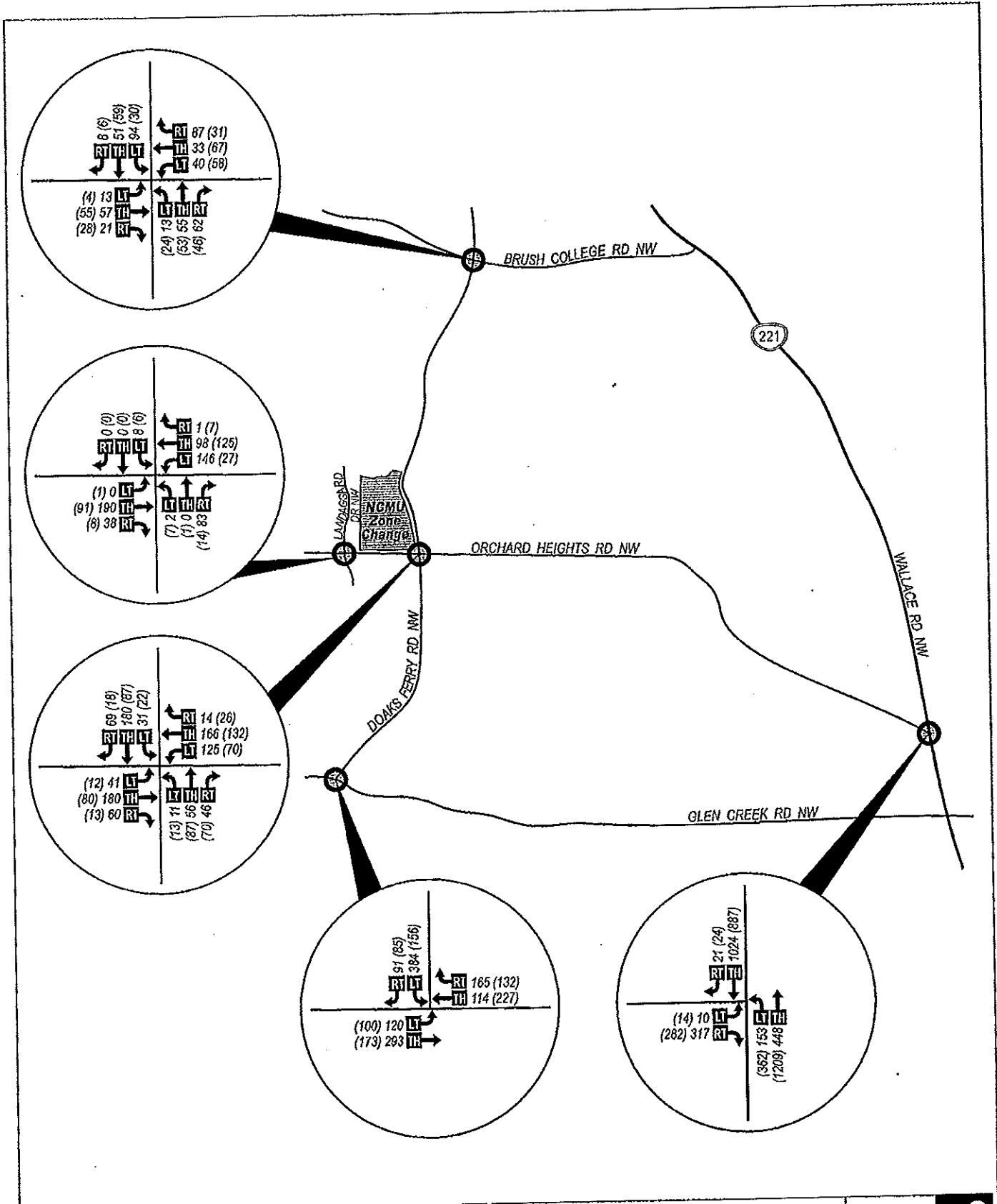
### Existing Traffic Volumes

Existing traffic volumes were counted for all the study intersections. The traffic counts were collected on May 5, 2009 when school was in session, during both the AM peak period (7:00 p.m. to 9:00 p.m.) and PM peak period (4:00 p.m. to 6:00 p.m.)<sup>8</sup> The AM and PM peak hour traffic volumes used for the analysis are shown in Figure 2. Detailed peak period (two-hour) traffic counts are included in the appendix.

<sup>6</sup> Marion County Rural Roadway Inventory, Appendix B of *Marion County Rural Transportation Systems Plan, 2005 Update*.

<sup>7</sup> 1999 Oregon Highway Plan (Appendices); July 2006 version, pg. 238.

<sup>8</sup> Traffic counts were taken on May 5, 2009 by Quality Counts.



**LEGEND**

- Study Intersection
- AM (PM) - Peak Hour Traffic Volume
- Volume Turn Movement
- Let-Thru-Right

**DKS Associates**  
TRANSPORTATION SOLUTIONS

NO SCALE

**Figure 2**

**2009 EXISTING  
AM/PM PEAK HOUR  
TRAFFIC VOLUMES**

## Existing Traffic Operating Conditions

Existing traffic operating conditions were analyzed at the five existing study intersections:

- Doaks Ferry Road NW/Brush College Road NW
- Doaks Ferry Road NW/Orchard Heights Road NW
- Doaks Ferry Road NW/Glen Creek Road NW
- Wallace Road NW (OR 221)/Orchard Heights Road NW
- Landaggard Drive NW/Orchard Heights Road NW

Intersections are the focus of the traffic analysis because they are the controlling bottlenecks of traffic flow and the ability of a roadway system to carry traffic efficiently is nearly always diminished in their vicinity. Before the analysis results of the study intersections are presented, discussion is provided for two important analysis issues: (1) intersection performance measures (definitions of typical measures) and (2) required operating standards (per roadway, as specified by the agency with roadway jurisdiction).

### Intersection Performance Measures

Level of service (LOS) ratings and volume-to-capacity (V/C) ratios are two commonly used performance measures that provide a good picture of intersection operations. In addition, they are often incorporated into agency mobility standards. Descriptions are given below:

- **Level of Service (LOS):** A “report card” rating (A through F) based on the average delay experienced by vehicles at the intersection.<sup>9</sup> LOS A, B, and C indicate conditions where traffic moves without significant delays over periods of peak hour travel demand. LOS D and E are progressively worse operating conditions. LOS F represents conditions where average vehicle delay has become excessive and demand has exceeded capacity. This conditions is typically evident in long queues and delays.
- **Volume-to-Capacity (V/C) ratio:** A decimal representation (typically between 0.00 and 1.00) of the proportion of capacity that is being used (i.e., the saturation) at a turn movement, approach leg, or intersection. It is determined by dividing the peak hour traffic volume by the hourly capacity of a given intersection or movement. A lower ratio indicates smooth operations and minimal delays. As the ratio approaches 1.00, congestion increases and performance is reduced. If the ratio is greater than 1.00, the turn movement, approach leg, or intersection is oversaturated and usually results in excessive queues and long delays.

### Required Operating Standards

The intersection operating standards are based on whether ODOT or the City of Salem has roadway jurisdiction. ODOT has jurisdiction for Wallace Road (OR 221). Intersections along Wallace Road are required to operate at a V/C ratio of 0.85 or less because this roadway is classified as a Regional Highway within a metropolitan planning organization (MPO).<sup>10</sup>

The City of Salem has jurisdiction for all other study area roadways. City standards require the

<sup>9</sup> A description of Level of Service (LOS) is provided in the appendix and includes a list of the delay values (in seconds) that correspond to each LOS designation.

<sup>10</sup> Table 6 (Replaced in August 2005), Policy 1F, 1999 Oregon Highway Plan, Oregon Department of Transportation, 1999; This table displays the maximum allowable 30 HV volume to capacity ratios for areas outside of the Portland Metropolitan Area.

signalized intersections to operate at a LOS D or better and a V/C ratio of 0.90 or less. For unsignalized intersections, the City requires a LOS E or better.<sup>11</sup> Table 6 lists the intersection operating standards by study roadway.

**Table 6: Intersection Operating Standards (by Study Roadway)**

Study Roadway	Jurisdiction	Classification	Intersection Operating Standards	
			Signalized	Unsignalized
Wallace Rd (OR 221)	ODOT	Regional Highway	0.85 V/C	
Doaks Ferry Rd	City of Salem	Major Arterial	LOS D, 0.90 V/C	LOS E
Orchard Heights Rd	City of Salem	Minor Arterial	LOS D, 0.90 V/C	LOS E
Brush College Rd	City of Salem	Minor Arterial	LOS D, 0.90 V/C	LOS E
Glen Creek Rd	City of Salem	Collector	LOS D, 0.90 V/C	LOS E
Landaggard Dr	City of Salem	Collector	LOS D, 0.90 V/C	LOS E

**Existing Operating Conditions**

The existing traffic operating conditions at the study intersections were determined for the AM and PM peak hours based on the *2000 Highway Capacity Manual* methodology<sup>12</sup> for signalized and unsignalized intersections. The performance measures including the estimated LOS and V/C ratio of study intersections are listed in Table 7, and associated worksheets are attached in the Appendix. As shown below, the Landaggard Drive NW/Orchard Heights Road NW intersection does not meet required mobility standards during the AM peak hour, and is failing due to the southbound left turn movement.

**Table 7: 2009 Existing Conditions Intersection Performance**

Intersection	Operating Standard	AM Peak Hour		PM Peak Hour	
		LOS	V/C	LOS	V/C
<b>Signalized</b>					
Doaks Ferry Rd/ Orchard Heights Rd	LOS D, 0.90 V/C	C	0.75	C	0.36
Doaks Ferry Rd/ Glen Creek Rd	LOS D, 0.90 V/C	C	0.75	B	0.41
Wallace Rd/ Orchard Heights Rd	V/C ≤ 0.85	C	0.78	B	0.64
<b>Unsignalized</b>					
Doaks Ferry Rd/ Brush College Rd	LOS D, 0.90 V/C	B	0.38	A	0.17
Orchard Heights Rd/ Landaggard Dr	LOS E	<b>A/E*</b>	0.29	A/B	0.02

**Signalized Intersections:**  
LOS = Level of Service of Intersection  
V/C = Volume-to-Capacity Ratio of Intersection  
**Bold Underlined** values do not meet standards.

**Unsignalized Intersections:**  
LOS = Level of Service of Major Street/Minor Street  
V/C = Volume-to-Capacity Ratio of Worst Movement (typically a major movement)  
**Bold Underlined** values do not meet standards.

\*Level of Service F applies to Minor street southbound left turn movement

<sup>11</sup> *Guidelines for the Preparation of Transportation Impact Analyses*, City of Salem, 1994.  
<sup>12</sup> *2000 Highway Capacity Manual*, Transportation Research Board, Washington DC, 2000.

## Collision History

The collision histories of the study intersections were obtained for 2005 through 2007 from the ODOT Crash Analysis and Reporting Unit. The collisions are broken down by severity in Table 8. As listed, between 2005 and 2007, there were no fatal collisions reported, and approximately 47% of the collisions resulted in injuries.

Based on the collision data and peak hour traffic counts, collision rates were estimated at the study intersections. A rate greater than or equal to 1.0 collision per million entering vehicles (MEV) generally indicates a higher than average collision rate. As shown in Table 8, none of the study intersections have collision rates higher than 1.0. The detailed collision data is attached in the appendix.

**Table 8: Collision Summary**

Intersection	Collisions (by Severity)				Total	Collisions per year	Collision Rate <sup>b</sup>
	PDO <sup>a</sup>	Injury	Fatal	Ped/Bike			
Doaks Ferry Rd/ Brush College Rd	1	0	0	0	1	0.3	0.19
Doaks Ferry Rd/ Orchard Heights Rd	0	0	0	0	0	0.0	0.00
Doaks Ferry Rd/Glen Creek Rd	0	1	0	0	1	0.3	0.10
Wallace Rd (OR 221)/ Orchard Heights Rd	8	7	0	0	15	5.0	0.52
Landaggard Rd/Orchard Heights Rd	0	0	0	0	0	0.0	0.00

<sup>a</sup>PDO = Property Damage Only

<sup>b</sup>Collision Rate = average annual collisions per million entering vehicles (MEV); MEV estimates based on PM peak hour traffic count

## Public Transit Service

Salem-Keizer Transit (Cherriots) provides public transportation services within the Salem-Keizer Urban Growth Boundary (UGB). The Transit District Board recently approved a new transit plan and new routes and schedules took effect on September 8, 2009.<sup>13</sup> There will be two transit lines which service the West Salem community, one of which could be used to service the project area. Route 10, or the Wallace Road Loop, travels south on Doaks Ferry Road (to the east of the project site) and then east on Orchard Heights Road. The route will offer half hour headways (between 6:00 a.m. and 9:00 a.m. and 2:00 p.m. and 7:00 p.m.) and one hour headways (between 9:00 a.m. and 2:00 p.m.), operating from a transit station behind Roth's on Glen Creek Road.

## Planned Improvement Projects

There are two transportation improvement projects planned in the City's Transportation System Plan (TSP)<sup>14</sup> and Capital Improvement Program (CIP)<sup>15</sup> for the project study area. The planned transportation improvements are summarized in Table 9.

<sup>13</sup> Cherriots Salem-Keizer Transit Webpage, <<http://www.cherriots.org/newcherriots.htm>>.

<sup>14</sup> City of Salem Transportation System Plan (TSP), July 2007.

<sup>15</sup> City of Salem Capital Improvement Program (CIP); Adopted and funded projects for 2008/09-2012/13 fiscal years.

**Table 9: City of Salem Planned Transportation Improvement Projects**

Intersection/Roadway	TSP/CIP Project Number and Description
Doaks Ferry Rd NW	<p><b>TSP Committed Project #82 and CIP Project #59386:</b> The improvements will widen Doaks Ferry Rd to interim Minor Arterial standards, including 2 travel lanes, turn lanes where appropriate, curbs, gutters, sidewalks, and bike lanes. Also improve intersection at Orchard Heights Road NW.</p>
Colorado Dr NW	<p><b>TSP Low Priority Projects #166:</b> This will extend the current streets that follow the bowl-shaped contour topography north of Orchard Heights Road NW and west of Doaks Ferry Road NW to create a loop road connected to and north of Orchard Heights Road NW. The loop road will be comprised of Grice Hill Drive NW, Vickery Lane NW, Colorado Drive NW, and possibly Landaggard Drive NW. This will be a new collector, which will curve around to connect back to Orchard Heights Road NW.</p>

## **CHAPTER 3: IMPACT ANALYSIS**

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This chapter reviews the impact that the proposed West Salem Neighborhood Center Mixed Use Zone change would have on the study area transportation system in West Salem. Although the development would generate traffic throughout the week, the weekday PM peak hour was the main period analyzed since this is when the greatest impact is expected (the sum of project traffic and traffic on adjacent streets is generally greatest during this period).

The impact analysis discusses the existing and proposed West Salem Neighborhood Center Mixed Use zone change, conceptual project access, project trip generation, trip distribution, future operating conditions of study intersections, turn lane warrant analysis, project impacts, project mitigations and Transportation Planning Rule (TRP) compliance.

### **Proposed Zone Change**

The proposed zone change is desired for approximately 15-acres of the existing undeveloped property on the northwest corner of the Orchard Heights Road NW/Doaks Ferry Road NW intersection in West Salem. The project site is currently zoned as Residential Agriculture (RA). At this time, a zone change is desired to convert the existing land use into Neighborhood Center Mixed-Use (NCMU) zone designation. This zone change would allow the existing site to develop as a mixed-use neighborhood center, allowing uses such as neighborhood commercial, office and high density residential.

The proposed West Salem Neighborhood Center Mixed-Use Zone includes retail, office and residential land uses. The worst case development plan as provided by City staff and the project team<sup>16</sup> that could be considered for the proposed zone includes:

- 50,000 square feet of general office
- 50,000 square feet of retail
- 70 residential units above retail
- 50 townhouses

### **Project Access**

No site plan was prepared as part of the proposed zone change. However, for analysis purposes, two conceptual vehicle accesses to the surrounding streets were assumed. One of the access points was assumed to be located on Doaks Ferry Road NW and the other on Orchard Heights Road NW.

### **Project Trip Generation**

Trip generation is the estimation of project traffic that is added to the nearby transportation system. Trip generation estimates were performed for both existing zoning and proposed NCMU zoning. The different types of trips used in the trip generation calculation include:

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<sup>16</sup> Email from Cathy Corliss, Angelo Planning Group, August 20, 2009.



- **Internal Trips:** are made between land uses within a mixed-use development and do not access the public transportation network (due to shared parking facilities and internal roadways/pedestrian paths).
- **Driveway Trips:** are estimated for each of the proposed land uses assuming they are free-standing sites (though, in some cases, land uses can be grouped together, such as with a “shopping center”).
- **Pass-By Trips:** are made by vehicles already on the adjacent roadway that are passing by the development; these trips typically only occur for retail land uses.
- **Primary Trips:** are the total trips added to the study area roadway network by the development; they consist of the project trips that are neither internal nor pass-by trips.
- **Existing Zoning Trips:** are trips generated from existing land uses on the project site and determined in the same manner as primary trips.
- **Net-New Trips:** are the new trips produced on the study area roadway network after subtracting the existing zoning trips from the proposed zoning trips.

The methodology used and resulting estimates of each of these trips for existing zoning and proposed West Salem Neighborhood Mixed Use zoning are explained in the following sections.

**Existing RA/RS Zoning Trip Summary**

Based on information provided by the City staff and the project team<sup>17</sup>, the existing undeveloped site would allow a maximum of 130 single family detached dwelling units under the current zoning. Trip rates provided in the Institute of Transportation Engineers (ITE) *Trip Generation, 8<sup>th</sup> Edition*<sup>18</sup> manual were used to estimate the trips that are associated with the existing zoning. These trip levels provide a baseline to the worst number of trips that can be generated by the proposed property under the current zoning. As shown in Table 10, the existing zoning generates 131 (83 in, 48 out) PM peak hour trips.

**Table 10: Existing Zoning (RA/RS) Trip Generation Estimate**

Land Use	Size	PM Peak Hour Trip Rate	Daily Trips	PM Peak Hour Trips		
				In	Out	Total
Single Family Detached Housing (210)	130 DU	1.01trips/DU	1,245	83	48	131

<sup>a</sup>DU = Dwelling Unit

**Proposed NCMU Zoning Trip Summary**

The proposed West Salem NCMU zoning includes commercial, retail and residential land uses; therefore, its trip generation includes the calculation of many types of trips that would not be available under the current zoning (see previous trip type definitions previously provided).

**Internal Trips**

Internal trips occur in multi-use developments and are specified as those trips taken between the different uses of the site. Typically, internal trips are made using the private street network of the

<sup>17</sup> Ibid., p.14

<sup>18</sup> *Trip Generation, 8<sup>th</sup> Edition*, Institute of Transportation Engineers, 2003.

development or consist of a patron parking at one land use and walking to other land uses; therefore, internal trips do not impact public roads, public intersections, or site driveways and can be subtracted from the total trips.

Internal trips are estimated using the ITE methodology specified in the *ITE Trip Generation Handbook*.<sup>19</sup> This methodology consists of assuming internal capture rates, calculating unconstrained internal demand volumes, and estimating the balanced demand volumes between land use types. This methodology is based on the assumption that each land uses can only “give” a certain number of internal trips to each of the other land uses; those land uses in turn can only “receive” a certain number of internal trips. Balancing consists of assuming that the smaller of the “give” and “receive” amounts is the actual number of internal trips.

The resulting internal trip reductions for each land use are shown as negative values in Table 11. In total, there are 48 internal trips; because each has its origin and destination within the development, these trips are typically applied twice (i.e., for both entering and exiting trip values). However, based on a request from city staff, the internal trip reduction for the residential was not applied. A diagram showing the internal capture rates and trips between land use types is provided in the Appendix.

#### Driveway Trips

Driveway trips include all trips made to and from each proposed land use (minus internal trips between land uses) within the development. The driveway trips were estimated using trip rates provided in the Institute of Transportation Engineers (ITE) *Trip Generation, 8<sup>th</sup> Edition* manual. The rates assume that each land use is a free-standing site; because multi-use developments do not have free-standing land uses. Internal trip reductions are then applied to, the total trip generation is only a starting point for trip generation (i.e., internal and pass-by trip reductions are necessary). The driveway trips for the proposed NCMU zoning are shown in Table 11 including trips generated by each land use.

**Table 11: Proposed NCMU Driveway Trip Generation Summary**

Land Use	Size	PM Peak Hour Trip Rate	Daily Trips	PM Peak Hour Trips		
				In	Out	Total
Residential Condominium/Townhouse	120 DU <sup>a</sup>	0.58 trips/DU	754	47	23	70
General Office	50 KSF	2.24 trips/KSF <sup>b</sup>	782	19	93	112
<i>Internal Trips</i>			-153	-6	-5	-11
Shopping Center	50 KSF	8.24 trips/KSF <sup>c</sup>	4,328	202	210	412
<i>Internal Trips</i>			-412	-18	-19	-37
<b>Proposed NCMU Driveway Trips</b>			<b>5,299</b>	<b>244</b>	<b>302</b>	<b>546</b>

<sup>a</sup>DU = Dwelling Unit

<sup>b</sup>ITE Trip Generation, 5<sup>th</sup> Edition equation used for General Office ≤ 70 KSF, to achieve more reasonable trip rates.  $(0.737 * Ln(X) + 1.831)$

<sup>c</sup>Y-intercept rounded for Shopping Center equation.  $(0.67 * Ln(X) + 3.40)$

<sup>19</sup> *Trip Generation Handbook, 2<sup>nd</sup> Edition*, Institute of Transportation Engineers, June 2004; Chapter 7.

**Pass-By-Trips**

Pass-by trips are project trips made by vehicles already on the adjacent roadway. Due to the nature of certain land uses, not all trips generated by the land use are from new traffic added to the street system. Instead, some vehicles already on the adjacent roadway will stop by at the site. Some example land uses that typically attract high numbers of pass-by trips are fast-food restaurants and gas stations, where a significant number of vehicles stop by on their way to other destinations; in addition to these land uses, most other retail developments also attract pass-by trips. While pass-by trips are not added by the development to the street system, they are added to the project driveways and therefore still impact intersections used for site access due to the increase in turn movements. This can be seen in Figure 3, which shows the location of pass-by trips at the study area intersections. For the proposed West Salem NCMU zoning, pass-by reductions were applied to the shopping center/commercial land use (34%). These rates are consistent with the ITE *Trip Generation Handbook*.<sup>20</sup> The resulting pass-by trip reductions calculated for the affected land uses are shown as negative values in Table 12. The pass-by project trips are shown in Figure 3.

**Primary-Trips**

Primary trips are trips made for the specific purpose of visiting the project site. Primary trips are determined by subtracting the pass-by trips from the total driveway trips. The resulting primary trips for the proposed NCMU zoning are shown in Table 12.

**Net-New-Trips**

Net-new trips are the additional trips which are new to the study area roadway network as a result of the proposed zone change. The trips generated from the existing zoning are subtracted from the NCMU primary trips to account for the removal of existing trips and addition of new trips in their place. The net-new trips generated by the zone change are 287 trips (97 in, 190 out) as shown in Table 12.

**Table 12: Net-New Trips Summary**

Trips (Reductions)	Daily Trips	PM Peak Hour Trips		
		In	Out	Total
NCMU Driveway Trips	5,299	244	302	546
<i>NCMU Pass-by Trips</i>	<u>-1,331</u>	<u>-64</u>	<u>-64</u>	<u>-128</u>
<b>NCMU Primary Trips</b>	<b>3,968</b>	<b>180</b>	<b>238</b>	<b>418</b>
<i>Existing Land Use Trips</i>	<u>-1,245</u>	<u>-83</u>	<u>-48</u>	<u>-131</u>
<b>Net-New Trips (from NCMU Zoning)</b>	<b>2,723</b>	<b>97</b>	<b>190</b>	<b>287</b>

<sup>20</sup> *Trip Generation Handbook, 2<sup>nd</sup> Edition*, Institute of Transportation Engineers, June 2004; Chapter 5.

## **Trip Distribution**

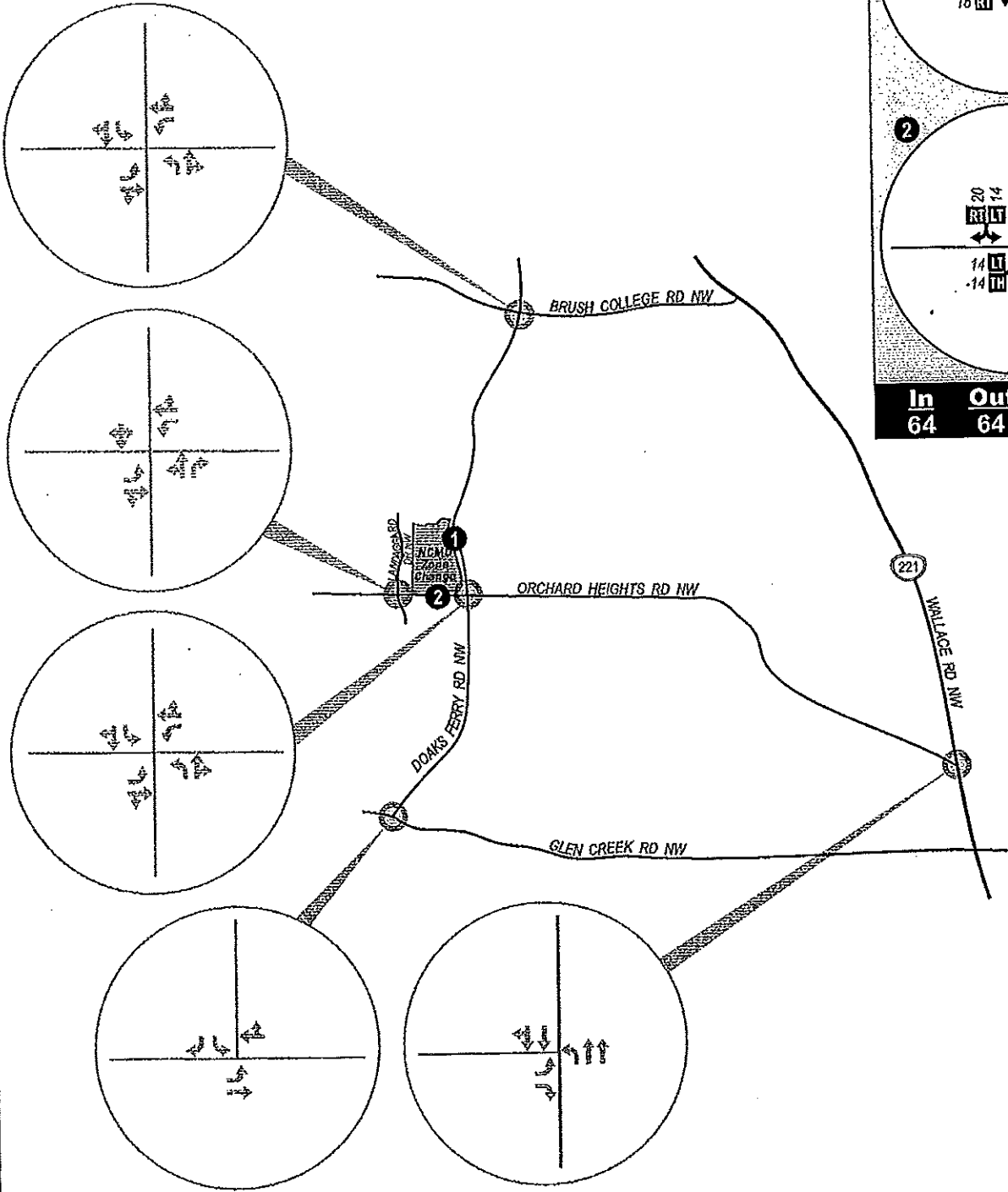
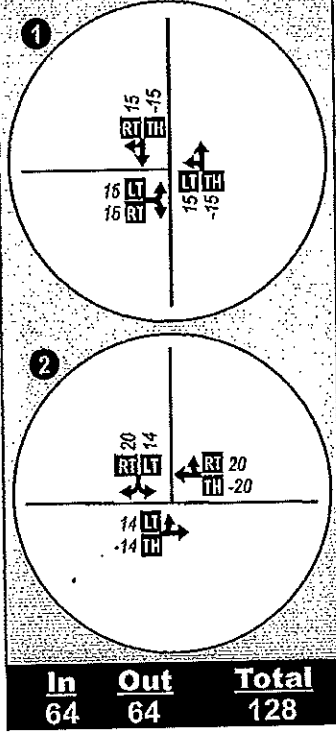
Trip distribution for existing and proposed project trips was based on the Salem/Keizer Area Transportation System (SKATS) travel demand model. The existing zoning is mainly residential; therefore its trip distribution would be regional and is shown in Figure 4. The proposed zoning is a mixed use development that includes residential, office, and retail land uses. Therefore, a separate trip distribution for retail trips was determined in consultation with City staff.<sup>21</sup> The existing zoning residential trip generation was utilized for the NCMU residential and office uses. The trip distribution for the proposed zoning is shown in Figure 5. The trip distribution for both existing and proposed zoning was approved by the City staff<sup>22</sup>.

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<sup>21</sup> Telephone conversation with Tony Martin, City of Salem, August 26, 2009.

<sup>22</sup> Ibid.

### Site Accesses



#### LEGEND

- Study Intersection
- Lane Configuration
- PM Peak Hour Traffic Volume
- Volume Turn Movement

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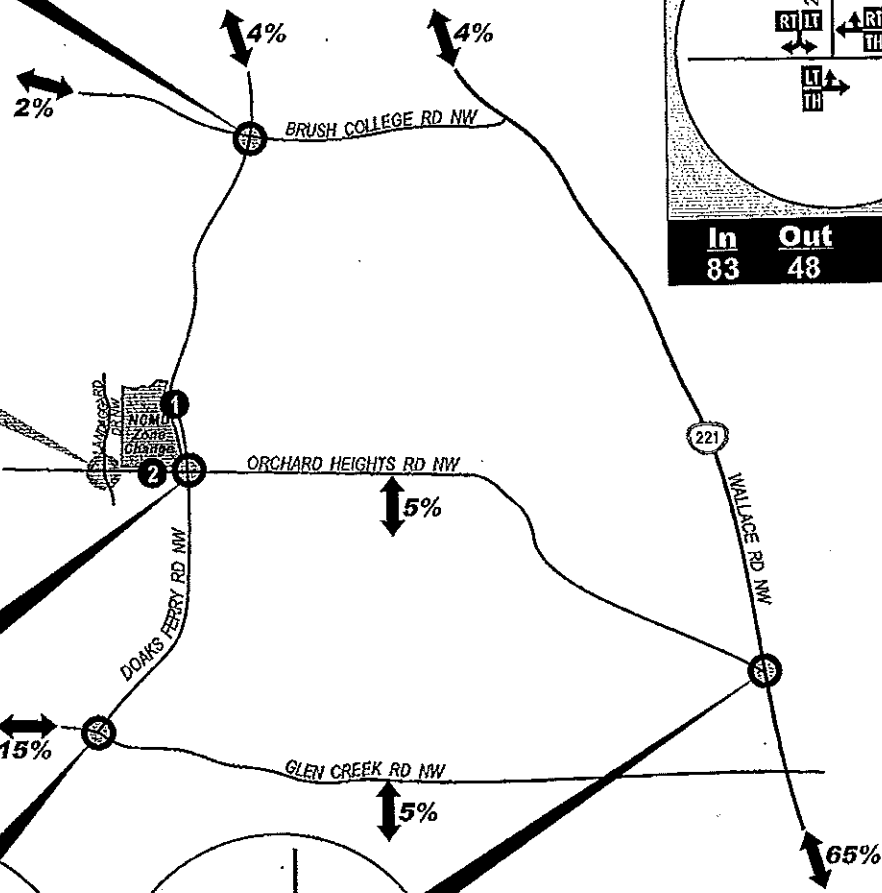
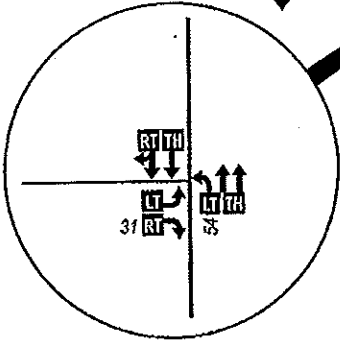
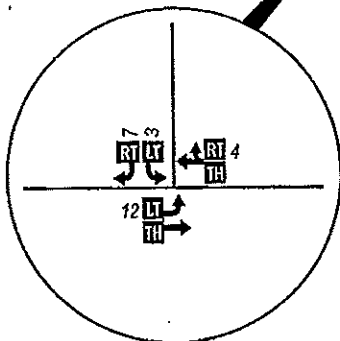
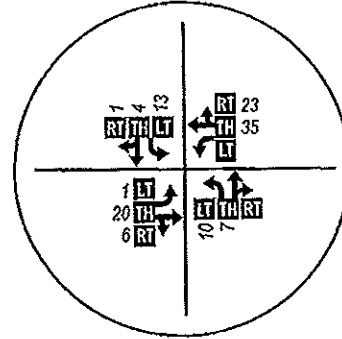
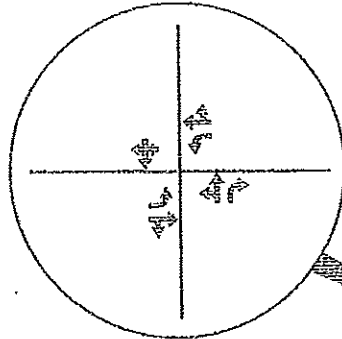
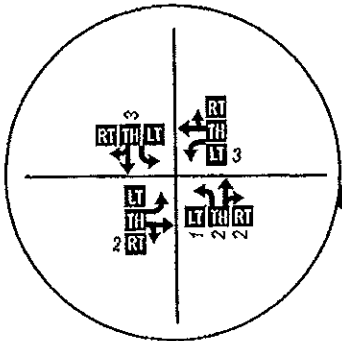
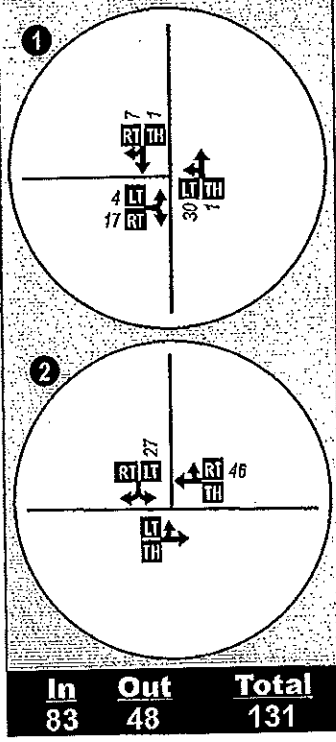


NO SCALE

**Figure 3**

## PASS-BY PROJECT TRIPS

### Site Accesses



#### LEGEND

- Study Intersection
- Lane Configuration
- PM Peak Hour Traffic Volume
- Volume Turn Movement  
Left-Thru-Right
- Trip Distribution

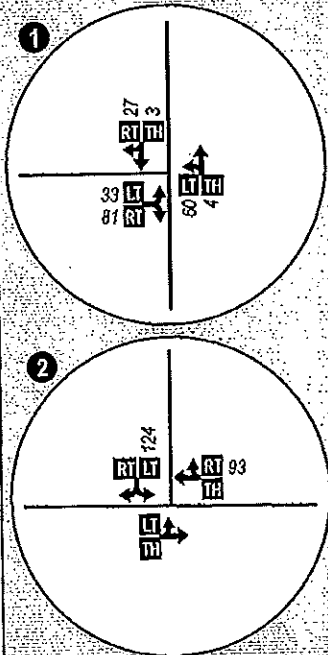
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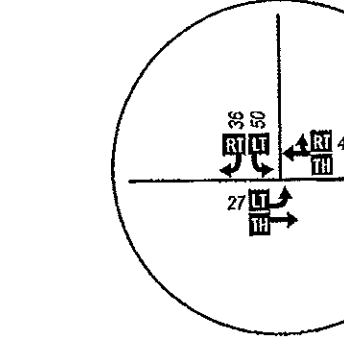
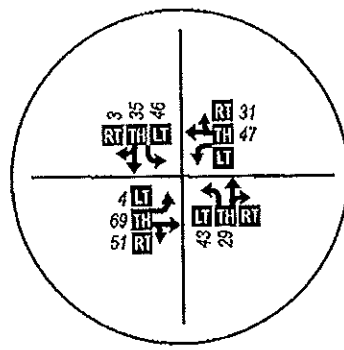
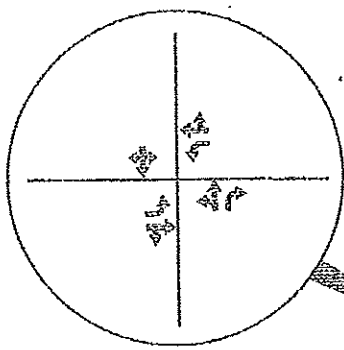
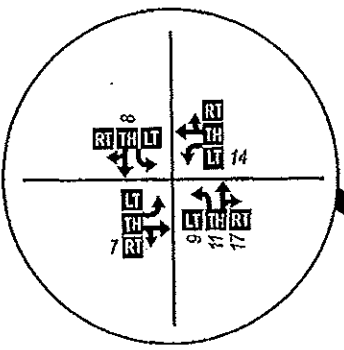
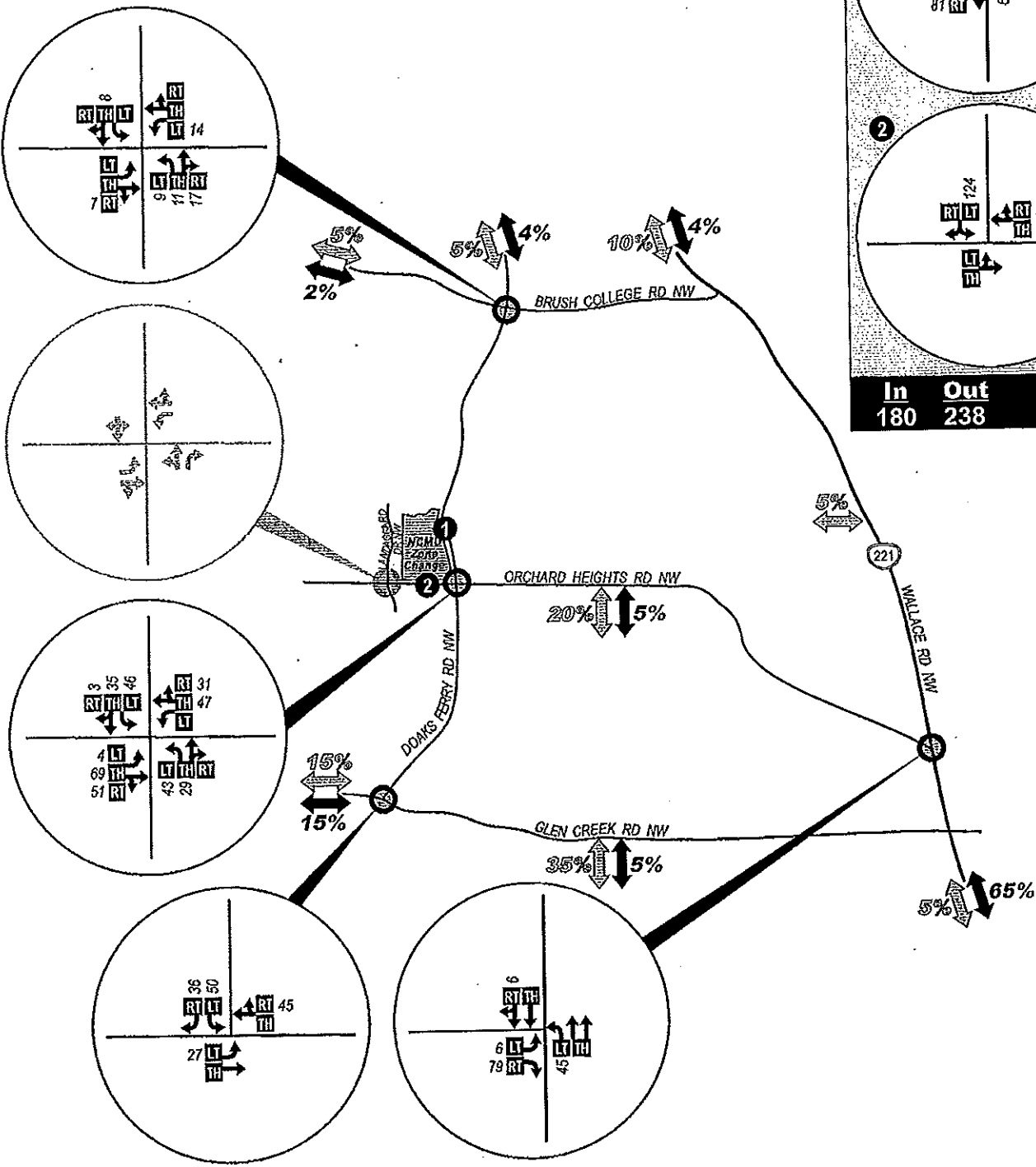
Figure 4

### EXISTING RA/RS ZONING TRIP DISTRIBUTION

### Site Accesses



In	Out	Total
180	238	418



#### LEGEND

- Study Intersection
- Lane Configuration
- PM Peak Hour Traffic Volume
- Volume Turn Movement (Left-Thru-Right)
- Trip Distribution (Residential/Office)
- Trip Distribution (Retail)

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**Figure 5**

## PROPOSED NCMU ZONING TRIP DISTRIBUTION

## **Future Traffic Operating Conditions**

Future traffic operating conditions were analyzed at the study intersections to determine if the transportation network can support the additional proposed West Salem NCMU zone change trips. When City of Salem and/or ODOT operating standards are not met, mitigations are required to improve network performance.

### **Future Analysis Scenarios**

Future PM Peak hour traffic operations were analyzed at the study intersections for the following two scenarios:

- 2030 Existing RA Zoning
- 2030 Proposed NCMU Zoning

The 2030 scenario was selected per the TPR requirements that require that a 15-year or Transportation System Plan (TSP) horizon year be evaluated. Since the City's TSP horizon year is 2030, the 2030 future horizon year was selected for analysis.

The future 2030 background growth on study area roadways was based on the Salem/Keizer Area Transportation System (SKATS) travel demand model, historical growth data from Automatic Traffic Recorder (ATR) and input provided by the City Staff<sup>23</sup>. For future 2030 background volumes, a 2% annual growth was considered for Wallace Road NW/Orchard Heights Road NW intersection and 5% annual growth was considered for all other study area intersections.

### **2030 Existing Zoning Traffic volumes**

The 2030 existing zoning traffic volumes were developed by combining existing traffic counts with background growth and existing zoning trips (as determined previously in the trip generation and distribution sections of this report). The 2030 PM peak hour background and total traffic volumes are shown in Figure 6.

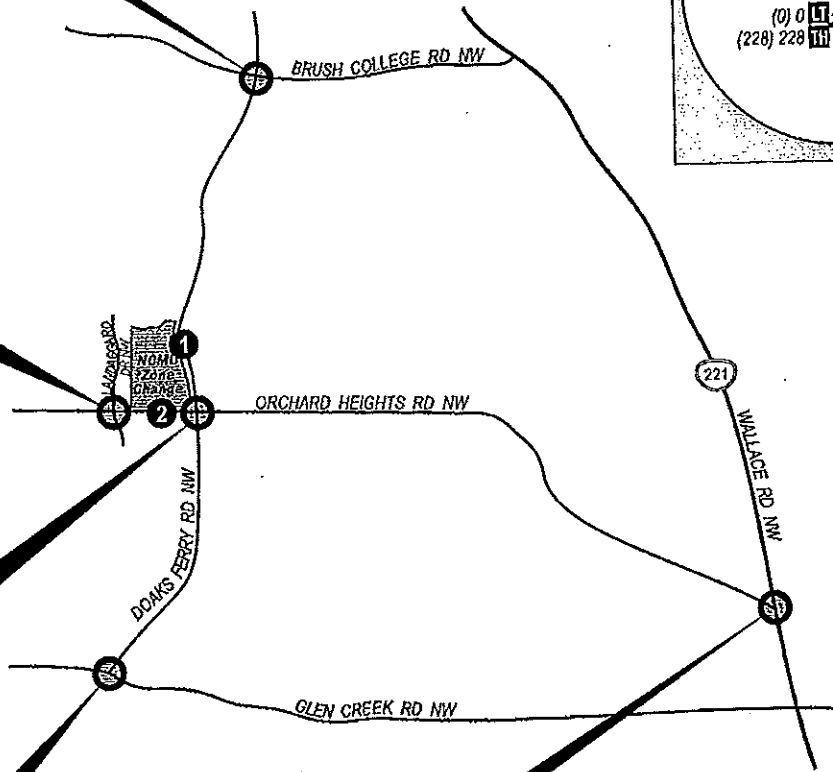
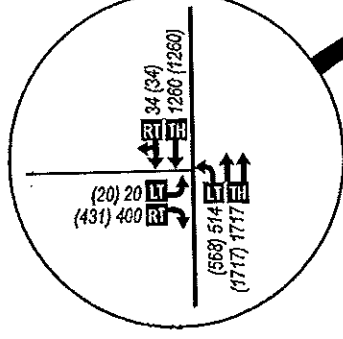
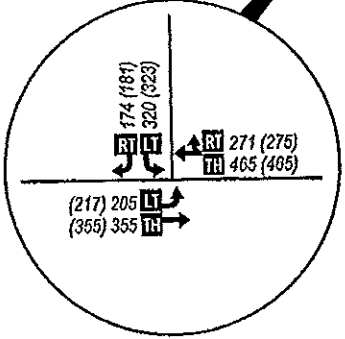
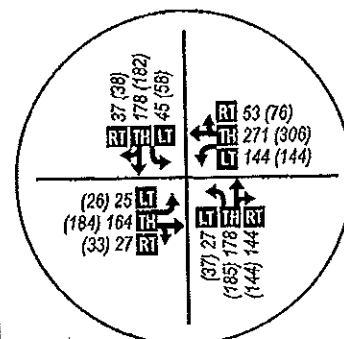
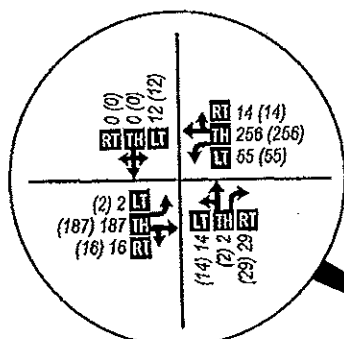
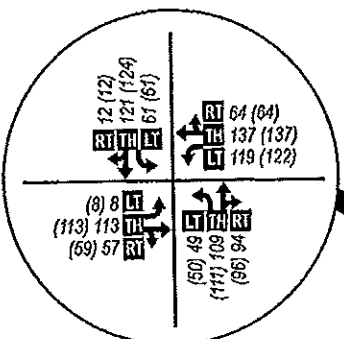
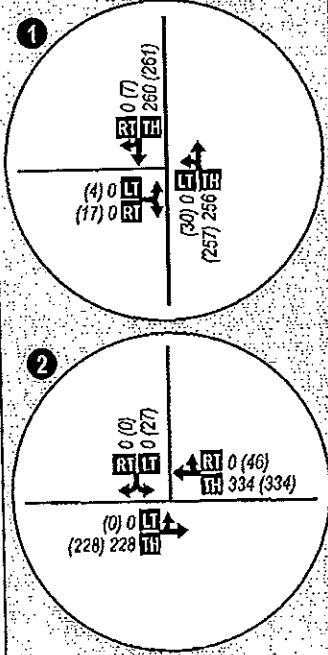
### **2030 Proposed Zoning Traffic Volumes**

The 2030 proposed zoning traffic volumes were developed by combining the 2030 background traffic volumes with the proposed NCMU trips. The 2030 PM peak hour background and total traffic volumes for the proposed NCMU zoning are shown in Figure 7 for the PM peak hour.

<sup>23</sup> Based on Telephonic Discussion with Tony martin, City of Salem Staff, August 26, 2009



**Site Accesses**



**LEGEND**

- Study Intersection
- Lane Configuration
- 00 (00) - Background (Total) PM Peak Hour Traffic Volumes
- Volume Turn Movement
- Left • thru • Right

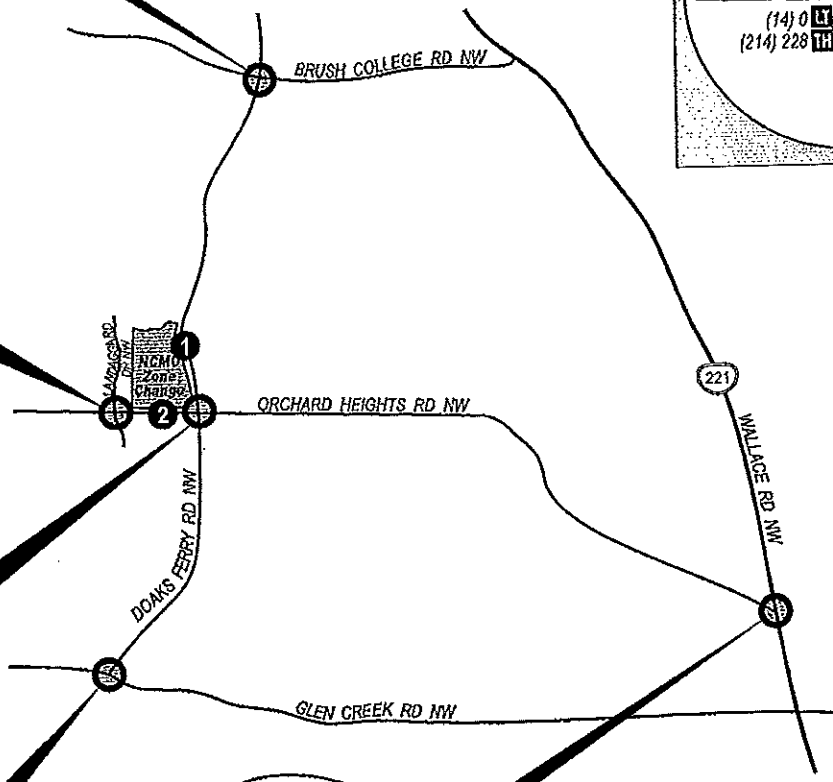
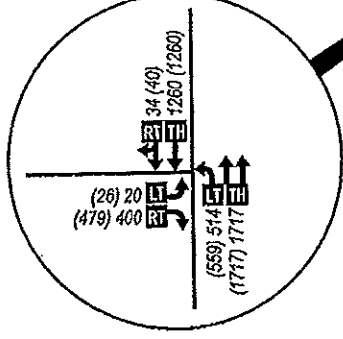
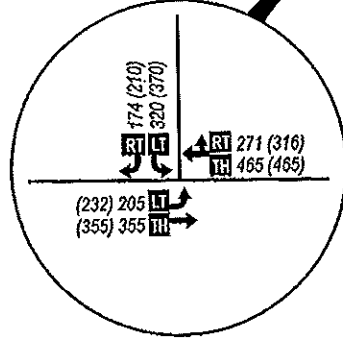
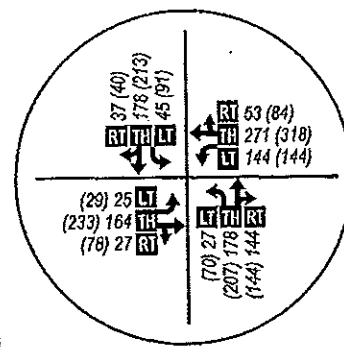
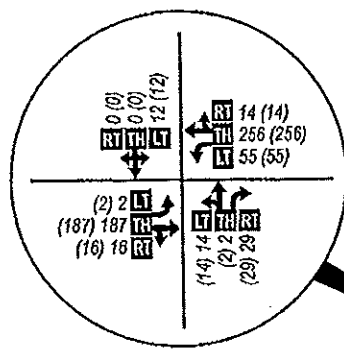
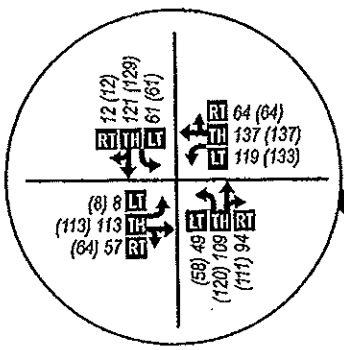
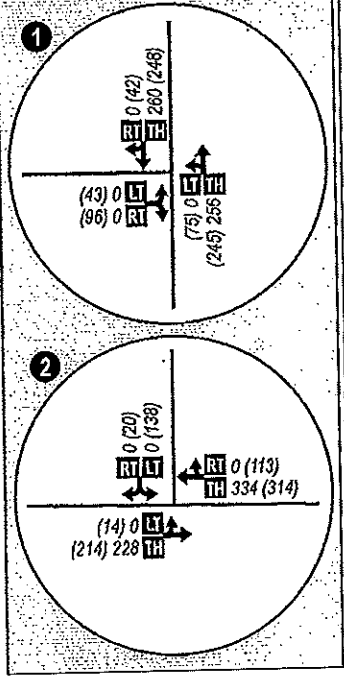
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**Figure 6**

**2030 BACKGROUND & TOTAL EXISTING ZONING TRAFFIC VOLUMES PM PEAK HOUR**

### Site Accesses



### LEGEND

- Study Intersection
- Lane Configuration
- 00 (00) - Background (Total) PM Peak Hour Traffic Volumes
- Volume Turn Movement
- Left-Thru-Right

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Figure 7

**2030 BACKGROUND & TOTAL PROPOSED ZONING TRAFFIC VOLUMES PM PEAK HOUR**

**2030 Existing RA Zoning Operating Conditions**

Intersection operating conditions for the 2030 existing zoning scenario are listed in Table 13. All the study area intersections would meet applicable City or ODOT mobility standards except the Wallace Road NW/Orchard Heights Road NW intersection. Under the current zoning, this intersection would operate with a V/C equal to 0.93, which exceeds the current standard (V/C < 0.85).

**Table 13: 2030 Existing Zoning Intersection Performance**

Intersection	Operating Standard	PM Peak Hour	
		LOS	V/C
<b>Signalized</b>			
Doaks Ferry Rd/ Orchard Heights Rd	LOS D, 0.90 V/C	C	0.67
Doaks Ferry Rd/ Glen Creek Rd	LOS D, 0.90 V/C	C	0.86
Wallace Rd/ Orchard Heights Rd	V/C ≤ 0.85	C	<b>0.93</b>
<b>Unsignalized</b>			
Doaks Ferry Rd/ Brush College Rd	LOS D, 0.90 V/C	B	0.44
Orchard Heights Rd/ Landaggard Dr	LOS E	A/C	0.04
Doaks Ferry Rd/ East Access	LOS D, 0.90 V/C	A/B	0.03
Doaks Ferry Rd/ South Access	LOS D, 0.90 V/C	A/C	0.07
<b>Signalized intersections:</b>		<b>Unsignalized intersections:</b>	
LOS = Level of Service of Intersection		LOS = Level of Service of Major Street/Minor Street	
V/C = Volume-to-Capacity Ratio of Intersection		V/C = Volume-to-Capacity Ratio of Worst Movement	
<b>Bold Underlined</b> values do not meet standards.		(typically a major movement)	
		<b>Bold Underlined</b> values do not meet standards.	

**2030 Proposed NCMU Zoning Operating Conditions**

Intersection operating conditions for the 2030 proposed NCMU zoning scenario are listed in Table 14. All the study area intersections meet the mobility standard except the following:

- Wallace Road NW/Orchard Heights Road NW intersection (V/C >0.85)
- Doaks Ferry Road NW/Glen Creek Road NW intersection (V/C >0.90)

At the Wallace Road NW/Orchard Heights Road intersection the V/C ratio of 0.92 is greater than the acceptable V/C ratio of 0.90 but it is slightly less compared to the 2030 existing zoning V/C ratio of 0.93. The 2030 proposed NCMU zoning operating condition is actually lower than the 2030 existing zoning scenario due to the travel pattern and trip distribution associated with the proposed mixed land use. The existing zoning generates approximately 85 PM peak hour trips through the Wallace Road NW/Orchard Heights Road intersection while the proposed NCMU zone would generate 136 PM peak hour trips, however, the 136 PM peak hour trips do not impact the critical movements like the existing residential zone. The main purpose of the NCMU zone is to provide neighborhood commercial opportunities for residential uses in the area in order to take traffic pressure off Wallace Road. It should be noted that no reduction to Wallace Road traffic that would likely be reduced due to the proposed neighborhood commercial uses were assumed as part of this analysis.

**Table 14: 2030 Proposed Zoning Intersection Performance**

Intersection	Operating Standard	PM Peak Hour	
		LOS	V/C
<b>Signalized</b>			
Doaks Ferry Rd/ Orchard Heights Rd	LOS D, 0.90 V/C	C	0.69
Doaks Ferry Rd/ Glen Creek Rd	LOS D, 0.90 V/C	C	<u>0.93</u>
Wallace Rd/ Orchard Heights Rd	V/C ≤ 0.85	C	<u>0.92</u>
<b>Unsignalized</b>			
Doaks Ferry Rd/ Brush College Rd	LOS D, 0.90 V/C	B	0.50
Orchard Heights Rd/ Landaggard Dr	LOS E	A/C	0.04
Doaks Ferry Rd/ East Access	LOS D, 0.90 V/C	A/B	0.15
Doaks Ferry Rd/ South Access	LOS D, 0.90 V/C	A/C	0.39
<b>Signalized Intersections:</b> LOS = Level of Service of Intersection V/C = Volume-to-Capacity Ratio of Intersection <u>Bold Underlined</u> values do not meet standards.		<b>Unsignalized Intersections:</b> LOS = Level of Service of Major Street/Minor Street V/C = Volume-to-Capacity Ratio of Worst Movement (typically a major movement) <u>Bold Underlined</u> values do not meet standards.	

The intersection of Doaks Ferry Road NW/Glen Creek Road NW would require improvements in order to mitigate impacts from the proposed NCMU zone change. A 150-foot westbound right turn pocket on Glen Creek Road would be needed to meet the City's operating standards and to mitigate impacts from the zone change.

As shown in Table 15, the above mitigation will allow Doaks Ferry Road NW/Glen Creek Road NW intersection to operate equal to or better than 2030 existing zoning conditions.

**Table 15: 2030 Proposed Zoning Intersection Performance (Mitigated)**

Intersection	Operating Standard	PM Peak Hour	
		LOS	V/C
<b>Signalized</b>			
Doaks Ferry Rd/ Glen Creek Rd	LOS D, 0.90 V/C	C	0.70
<b>Signalized Intersections:</b> LOS = Level of Service of Intersection V/C = Volume-to-Capacity Ratio of Intersection <u>Bold Underlined</u> values do not meet standards.			

### Turn Lane Warrant Analysis

Left-turn lane warrant analysis was evaluated at the conceptual access points for both 2030 existing zoning and 2030 proposed zoning scenarios utilizing Highway Research Board (HRB) methodologies. The analysis indicated that left- turn lane warrant is met at Doaks Ferry Rd/East Access intersection for 2030 proposed zoning scenario. The left turn lane warrant results are summarized in Table 16 and associated worksheets are attached in the appendix.

**Table 16: Left-Turn Lane Warrant Summary**

Intersection	Movement	Warrant Results	
		HRB Warrant Met?	Estimated Storage
<b>2030 Existing Zoning</b>			
Doaks Ferry Rd/ East Access	NB LT	No	None
Orchard Heights Rd/ South Access	EB LT	No	None
<b>2030 Proposed Zoning</b>			
Doaks Ferry Rd/ East Access	NB LT	Yes	150'
Orchard Heights Rd/ South Access	EB LT	No	None

Right-turn lane warrant analysis was also evaluated at the project accesses for both 2030 existing zoning and 2030 proposed zoning scenarios utilizing the National Cooperative Highway Research Program (NCHRP) methodologies. The analysis indicated that a right-turn lane warrant is met at Orchard Heights Road NW/South Access intersection under 2030 proposed zoning scenario. The right-turn lane warrant results are summarized in Table 17 and associated worksheets are attached in the appendix.

**Table 17: Right-Turn Lane Warrant Summary**

Intersection	Movement	Warrant Results	
		HRB Warrant Met?	Estimated Storage
<b>2030 Existing Zoning</b>			
Doaks Ferry Rd/ East Access	SB RT	No	None
Orchard Heights Rd/ South Access	WB RT	No	None
<b>2030 Proposed Zoning</b>			
Doaks Ferry Rd/ East Access	SB RT	No	None
Orchard Heights Rd/ South Access	WB RT	Yes	100'

### Access Spacing

There are two conceptual site accesses: one onto Orchard Heights Road via Landaggard Drive NW and the other onto Doaks Ferry Road NW. Doaks Ferry Road NW is classified as a Major Arterial, and Orchard Heights is classified as a Minor Arterial by the City of Salem. The City of Salem access spacing standards require a minimum of 370 feet of spacing between an access on an arterial, and any other intersection, including a private access.<sup>24</sup>

<sup>24</sup> Development Bulletin #34, City of Salem, February 7, 2000.

There is currently 900' of access spacing between the Orchard Heights Road NW/Doaks Ferry Road NW intersection and the Landaggard Drive NW-West Salem High School access. Maximum spacing is desired between the future access to the NCMU property on Orchard Heights Road NW to assure the future access does not conflict with traffic signal queuing and storage needs. Therefore it is recommended that the adjacent West Salem High School access be realigned with the future access point (located approximately 370 feet east of Landagaard Drive NW) to reduce left turn conflicts between the future development and the High School. Landagaard Drive NW could either be closed with access being provided from the development or it could remain as it exists today.

The future Doaks Ferry Road access should be placed a minimum of 370 feet away from the Doaks Ferry Road/Orchard Heights Road intersection, in order to comply with the City of Salem standards. This spacing standard should easily be met with more than a 1,000 feet of property frontage on to Doaks Ferry Road.

### **2030 Zone Change Mitigations**

It is recommended that the following transportation mitigation measures be performed in order to preserve the performance of the study area roadways, to provide safe access to the site and surrounding land uses, and to satisfy the Transportation Planning Rule (TPR). These following improvements would typically be required as conditions of approval if the zone change were approved.

#### **Doaks Ferry Road NW/Glen Creek Road NW**

- Install a 150 foot westbound right turn lane pocket on Glen Creek Road NW at Doaks Ferry Road NW.

### **Trip Cap**

As discussed in the future conditions section, the intersection of Glen Creek Road NW/Doaks Ferry Road NW would require a westbound right turn lane to mitigate impacts from the worst case impacts from the NCMU zone. If the expected development from the NCMU property is expected to be significantly lower than the worst case trip levels as assumed in this report, a trip cap on the NCMU property could be considered to alleviate the need for the improvements at the Glen Creek Road NW/Doaks Ferry Road NW. The trip threshold that triggers this improvement under 2030 NCMU proposed zoning scenario is approximately 350 PM peak hour trips or 65% of the total NCMU PM peak hour trips assumed for the property (546 PM peak hour total trips).

### **Project Site Mitigations**

The following transportation mitigation measures are related to providing safe access to the site. These improvements would typically be confirmed as part of the detailed development plan. These mitigations should be reevaluated/confirmed as part of the project specific traffic impact study to determine if they are still needed.

#### **Orchard Heights Road NW/South Access Intersection**

- Install a 100 foot westbound right turn lane pocket on Orchard Heights Road NW at project access (based on right turn lane warrants).
- Due to the limited spacing on Orchard Heights Road NW between the Landaggard

Drive NW-West Salem High School access and Doaks Ferry Road NW, the project access point should be located as far from the existing signalized intersection as possible (370 foot minimum access spacing). We recommend that the existing West Salem High School access on Orchard Heights Road NW should be relocated to the east to align with the future south access to the development (the access should be located approximately 370 feet east of Landagaard Drive NW). This will require the development to modify the access and the internal school circulation. Relocating the school access assures that the left turn movements between accesses will not conflict. It is also recommended that the south access roadway replace Landaggard Drive NW as the collector roadway that provides future connectivity to land parcels to the north. We would also recommend that the Landaggard Drive NW be connected to the new collector roadway. The Landaggard Drive NW intersection at Orchard Heights could be closed or converted to an emergency access with the new roadway providing access to the residential homes along Landaggard.

#### **Doaks Ferry Road NW/East Access Intersection**

- Add a 125 foot northbound left turn lane pocket on Doaks Ferry Road NW at the project access (based on left turn lane warrants).

### **Transportation Planning Rule**

Additional transportation impact analysis is required under the Transportation Planning Rule (TPR) when there is an amendment to a functional plan, acknowledged comprehensive plan, or a land use regulation.<sup>25</sup> The purpose of the rule is to ensure that allowed land uses (and future developments) are either consistent with or make appropriate adjustments to planned transportation facilities. Because the proposed NCMU is a zone change that would generate additional trips above and beyond the existing zoning, the TPR<sup>26</sup> analysis was performed. This section of the impact analysis documents how the TPR is met or mitigated by the recommendations of this report.

### **Findings**

A bulleted summary of the TPR sections and how they are met or mitigated is provided below:

#### **Sections Met**

- **Section (1)(a):** There are no changes to the functional classification of an existing or planned transportation facility.
- **Section (1)(b):** There are no changes to the standards implementing a functional classification system.
- **Section (1)(c)(A):** There are no land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility.
- **Section (1)(c)(C):** Does not worsen the Wallace Road NW/Orchard Heights Road NW intersection performance under the 2030 proposed NCMU zoning scenario. The operating condition at this intersection under 2030 proposed zoning scenario is better

<sup>25</sup> OAR 660-012-0060 Plan and Land Use Regulation Amendments, as filed through August 14, 2009.

<sup>26</sup> OAR 660-012-0060 Section (1)

than 2030 existing zoning scenario condition.

**Sections Not Met, Resulting in a “Significant Effect”**

- **Section (1)(c)(B):** The performance of Glen Creek Road NW/Doaks Ferry Road NW intersection is below the City’s minimum acceptable performance standards for the 2030 proposed zoning scenario

**Section Followed to Mitigate the “Significant Effect”**

- **Section (2)(e) or Section (2)(c):** The mitigation recommended in this report consist of minor transportation improvement that would allow Glen Creek Road NW/Doaks Ferry Road NW intersection to operate at, or better than the 2030 existing zoning scenario conditions. Alternatively, a trip cap on the NCMU zoning could also be considered by the City of Salem at a trip level of 350 PM peak hour trips to alleviate the need of Doaks Ferry Rd/ Glen Creek Rd. This trip level is approximately 35% lower than the total trips that were estimated for the NCMU zone.

Therefore, the TPR is satisfied.



## **CHAPTER 4: ZONE CHANGE MITIGATION SUMMARY**

It is recommended that the following transportation mitigation measures be performed in order to preserve the performance of the study area roadways, to provide safe access to the site and surrounding land uses, and to satisfy the Transportation Planning Rule (TPR). These following project related measures would typically be required as conditions of approval if the project were approved:

### **Doaks Ferry Road NW/Glen Creek Road NW**

- Install a 150 foot westbound right turn lane pocket on Glen Creek Road NW at Doaks Ferry Road NW. The trip threshold that triggers this improvement under 2030 proposed zoning scenario is approximately 350 trips. A trip cap could be considered for the proposed NCMU property to alleviate the need for this improvement.

### **Orchard Heights Road NW/South Access Intersection**

- Install a 100 foot westbound right turn lane pocket on Orchard Heights Road NW at project access (based on right turn lane warrants).
- Due to the limited spacing on Orchard Heights Road NW between the Landaggard Drive NW-West Salem High School access and Doaks Ferry Road NW, the project access point should be located as far from the existing signalized intersection as possible (370 foot minimum access spacing). We recommend that the existing West Salem High School access on Orchard Heights Road NW should be relocated to the east to align with the future south access to the development. This will require the development to modify the access and the internal school circulation. Relocating the school access assures that the left turn movements between accesses will not conflict. It is also recommended that the south access roadway replace Landaggard Drive NW as the collector roadway that provides future connectivity to land parcels to the north. We would also recommend that the Landaggard Drive NW be connected to the new collector roadway. The Landaggard Drive NW intersection at Orchard Heights could be closed or converted to an emergency access with the new roadway providing access to the residential homes along Landaggard.

### **Doaks Ferry Road NW/East Access Intersection**

- Add a 125 foot northbound left turn lane pocket on Doaks Ferry Road NW at the project access (based on left turn lane warrants).

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WORKS

COMMUNITY DEVELOPMENT

MEMO

TO: Cecilia DeSantis Urbani, Planner II  
Community Development Department

FROM: Glenn J. Davis, P.E., C.F.M., Chief Development Engineer  
Public Works Department



DATE: December 7, 2011

SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
CPC/NPC/ZC 11-12 (11-116934)  
CORNER OF DOAKS FERRY ROAD NW AND ORCHARD HEIGHTS  
ROAD NW CITY-INITIATED COMPREHENSIVE PLAN  
CHANGE/NEIGHBORHOOD PLAN CHANGE/ZONE CHANGE

#### PROPOSAL

A City-initiated amendment: (1) To change the Salem Area Comprehensive Plan Map designation from "Developing Residential" to Mixed-Use." (2) To change the West Salem Neighborhood Plan map designation from "Single/Multi-family" to "Center"; and (3) To change the zone district from RA (Residential Agriculture) to NCMU (Neighborhood Center Mixed-Use) for property 15 acres in size and located at the northwest corner of the intersection of Orchard Heights and Doaks Ferry Roads NW.

#### RECOMMENDED CONDITIONS OF APPROVAL

Construct a 150-foot westbound right-turn lane on Glen Creek Road NW (Glen Creek) at Doaks Ferry Road NW (Doaks Ferry) to mitigate the transportation impacts and to satisfy the Transportation Planning Rule. This improvement shall not be required until the development exceeds 2,100 daily trips.

#### PUBLIC WORKS INFRASTRUCTURE

##### Urban Growth Area Development Permit

An Urban Growth Area Development (UGA) Permit shall be required prior to development because the subject property is located inside the Urban Service Area (USA) in an area without required facilities (SRC 66.050). A UGA permit requires an applicant to provide linking and boundary facilities to their property under the standards and requirements of SRC Chapter 66.

Code authority references are abbreviated in this document as follows: S Public Works Design Standards (PWDS); Salem Transportation System Stormwater Management Plan (SMP).

ATTACHMENT 5

**Streets**

1. Doaks Ferry is designated as a Major Arterial street in the Salem TSP. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way. Right-of-way dedication and improvements will be required along the frontage of the subject property.
2. Orchard Heights Road NW (Orchard Heights) is designated as a minor arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way. Right-of-way dedication and improvements will be required along the frontage of the subject property.
3. Spacing between access points (driveways and streets) along Doaks Ferry and Orchard Heights shall be a minimum of 370 feet on center. Uses permitted direct access are limited to those generating 100 or more trips per day, and parks (PWDS Development Bulletin No. 34).
4. The Traffic Impact Analysis (TIA) to address the impacts associated with the West Salem Neighborhood Center Mixed Use comprehensive plan amendment and zone change was prepared by DKS Associates. The proposed zone change on 15 acres includes a mix of retail, office, and residential uses. The TIA evaluated a "reasonable worst case" to comply with OAR 660-0012-0060 (Transportation Planning Rule).
  - a. The uses assumed in the mixed use center area:
    - i. 50,000 square feet - General Office
    - ii. 50,000 square feet - Retail
    - iii. 70 residential units above the retail space
    - iv. 50 town homes
  - b. The existing zoning would generate approximately 131 vehicle trips in the PM Peak Hour. The proposed zoning would generate approximately 594 vehicle trips in the PM Peak Hour.
  - c. Off-site improvements will be necessary to mitigate the impacts from the CPC/ZC. The conditions of approval specify the requirements needed to satisfy the Transportation Planning Rule.
  - d. The new (Future Collector Street) access to Orchard Heights shall be constructed in such a location as to maximize spacing between driveways and to minimize impacts to the existing traffic signal at Doaks Ferry and Orchard Heights. The street alignment may require relocation and reconfiguration of the existing West Salem High School parking lot access to align with this new street.

5. The TIA recommends the following mitigation to satisfy the requirements of the TPR:
  - a. Install a 150-foot westbound right-turn lane pocket on Glen Creek at Doaks Ferry. The trip threshold that triggers this improvement under 2030 proposed zoning scenario is approximately 350 trips. The equivalent ADT is 2,100 vehicles per day.
6. At the time of development the TIA also recommends and the City supports the following conditions (these are not requirements of the CPC/ZC):
  - a. Install a 100-foot westbound right-turn lane pocket on Orchard Heights at the project access location (based on right-turn lane warrants).
  - b. Construct a 125-foot northbound left-turn lane pocket on Doaks Ferry at the project access location (based on left-turn lane warrants).
  - c. The internal roadway connecting to Orchard Heights replace Landagaard Drive NW as the collector street indentified in the Salem TSP connecting to Colorado Drive NW. This new street connection will also require the realignment of the West Salem High School parking lot access and modification of the internal circulation. This is required to insure left turning movements on Orchard Heights Road NW do not conflict. The access shall be located as far as practical from the existing traffic signal.

#### **Storm**

1. The applicant's engineer shall be required to submit a drainage study at the time of development, specifically addressing all storm drainage facilities between the proposed development and the nearest adequate storm drainage facility (SRC 66.115).

#### **Water**

1. An 18-inch ductile iron water main is located in Doaks Ferry and Orchard Heights.

#### **Sewer**

1. The nearest available sewer is located northeast of the subject property along Wilark Brook, south of Woodhaven Court NW.

Prepared by: Robin Bunse, Administrative Analyst II

cc: File

## REQUEST FOR COMMENTS

*Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173*

**REGARDING:** Property Line Adjustment Case No. PLA11-18  
**PROJECT ADDRESS:** 2120 CENTER ST NE, SALEM OR 97301  
**AMANDA Application No.** 11-116505-LD  
**COMMENT PERIOD ENDS:** December 20, 2011

**REQUEST:** A property line adjustment to relocate the common property line between two units of land equal to a combined size of approximately .2 acres and resulting in lots that are approximately 4,987 square feet and 4,272 square feet in size, for property zoned RS (Single Family Residential), and located 2120 Center Street NE, 97301 (Marion County Assessor Map and Tax Lot numbers: 73W26AA 11000 and 11100).

Attached is a copy of the proposal and any related maps. A decision for this proposal will be prepared by the planning staff from information available to the staff. You are invited to respond with information relating to this property and this request. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents.

Comments received by **5:00 P.M., December 20, 2011**, will be considered in the decision process. Comments received after this date will be not considered.

**SEND COMMENTS TO:** Cecillia Urbani, Case Manager *CU*  
Planning Division  
City of Salem  
555 Liberty St SE, Room 305  
Salem, OR 97301

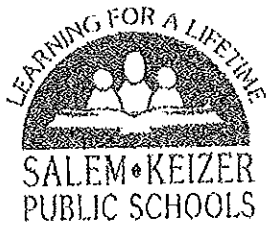
**IF YOU HAVE QUESTIONS:** Please contact the Case Manager at the address listed above, by telephone at 503-588-6173 ext 7508, by E-Mail at [curbani@cityofsalem.net](mailto:curbani@cityofsalem.net), or by Fax at (503)588-6005.

### PLEASE CHECK THE FOLLOWING THAT APPLY:

1. I have reviewed the proposal and have no objections to it.  
 2. I have reviewed the proposal and have the following comments: No comments  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
 3. Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_ Salem-Keizer Public Schools \_\_\_\_\_  
Planning & Property Services \_\_\_\_\_  
Address: \_\_\_\_\_ 3630 State St., Salem OR 97301 \_\_\_\_\_  
Agency: \_\_\_\_\_ David Fridenmaker - Manager *DF* \_\_\_\_\_  
PH: 503-399-3335 \_\_\_\_\_  
Phone: \_\_\_\_\_  
Date: \_\_\_\_\_ 12.20.11 \_\_\_\_\_

**IMPORTANT: PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM**



DAVID FRIDENMAKER, Manager  
Facilities and Planning Department  
Planning and Property Services  
3630 State Street, Bldg. C • Salem, Oregon 97301  
503-399-3290 • Mobile: 503-932-4727 • FAX: 503-375-7847  
E-mail: fridenmaker\_david@salk12.or.us

Sandy Hush, Superintendent

December 19, 2011

Cecilia DeSantis Urbani  
Planning Division, City of Salem  
555 Liberty Street SE, Room 305  
Salem OR 97301

FAX No. 503-588-6005

RE: Land Use Activity  
Salem Case No. CICPC/NPC/ZC11-12, NW intersection of Orchard Heights & Doaks  
Ferry Rds. NW

#### SUMMARY OF COMMENTS

School District: The property is located within the service area of the Salem-Keizer School District.

School Assignment: The property is served by Kalapuya Elementary School (Grades K to 5), Straub Middle School (Grades 6 to 8), West Salem High School (Grades 9 to 12).

School Capacity: Sufficient school capacity exists at the assigned schools to serve the estimated development impact.

School Transportation Services: Elementary school students are eligible for transportation due to hazards. Middle and high school students are within the walk zone of the assigned schools and are not eligible for school transportation.

Below is data and the District's comments regarding the proposed land use activity identified above. If you have questions, please call at (503) 399-3290.

#### ELEMENTARY SCHOOL INFORMATION (GRADES K TO 5)

1. School Name: Kalapuya Elementary School
2. Estimated change in student enrollment due to proposed development: 18
3. Current school capacity: 630
4. Estimate of school enrollment including new development: 609
5. Ratio of estimated school enrollment to total capacity including new development: 97%.
6. Walk Zone Review: Eligible for transportation due to hazard..
7. Estimate of additional students due to previous 2010 land use applications: 0
8. Estimate of additional students due to previous 2011 land use applications: 0
9. Estimated cumulative impact of 2010-11 land use actions on school capacity: 97% of capacity.

#### MIDDLE SCHOOL INFORMATION (GRADES 6 TO 8)

1. School Name: Straub Middle School
2. Estimated change in student enrollment due to proposed development: 7
3. Current school capacity: 907
4. Estimate of school enrollment including new development: 757
5. Ratio of estimated school enrollment to total capacity including new development: 84%

6. Walk Zone Review: Within walk zone of Middle School.
7. Estimate of additional students due to previous 2010 land use applications: 0
8. Estimate of additional students due to previous 2011 land use applications: 8
9. Estimated cumulative impact of 2010-11 land use actions on school capacity: 84% of capacity.

#### HIGH SCHOOL INFORMATION (GRADES 9 TO 12)

1. School Name: West Salem High School
2. Estimated change in student enrollment due to proposed development: 8
3. Current school capacity: 1,734
4. Estimate of school enrollment including new development: 1,736
5. Ratio of estimated school enrollment to total capacity including new development: 100%
6. Walk Zone Review: Within walk zone of High School.
7. Estimate of additional students due to previous 2010 land use applications: 6
8. Estimate of additional students due to previous 2011 land use applications: 7
9. Estimated cumulative impact of 2010-11 land use actions on school capacity: 100% of capacity.

#### ESTIMATE SUMMARY (GRADES K TO 12):

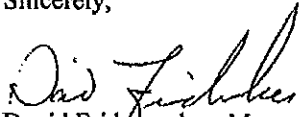
1. Total estimated change in student enrollment: 33
2. Total estimated student enrollment over capacity: 0
3. Estimated short-term cost to District for new facilities, beyond current facility capacity, due to change in student enrollment: \$ 0
4. Total estimated additional income to District for new facilities due to change in student enrollment: \$ 0

Developer should provide paved walk route(s) to allow pedestrian access and bicycle access to school(s) from all residences within the new development and should provide all improvements required by the City of Salem where new transportation routes are established or existing transportation routes change, such as school flashers, crosswalks, and signage. As per ORS 195.115, when the walk zone review indicates "eligible for transportation due to hazard" the District requests that the City initiate a planning process with the District to identify the barriers and hazards to children walking or bicycling to and from school, determine if the hazards can be eliminated by physical or policy changes and include the hazard elimination in the City's planning and budgeting process.

**ASSUMPTIONS:**

1. When land use request is granted, 90 (assumed 6 du/acre) new residence(s) will be built.
2. Estimates are computed using the Student Rate per Dwelling Method described in the District's Facility Study for years 2001-2020.
3. If current capacity exists at the schools currently serving the parcel then an estimate of zero cost, or no significant impact, is made.
4. If current capacity does not exist at the schools currently serving the parcel then an estimate of cost for one-time capital improvements is made.
5. Income from the proposed land use for capital improvement is assumed to be zero since capital improvement funds come from voter approved bond measures that can be an unpredictable and irregular source of income.
6. Income from a State School Facilities grant may be available depending on state funding. The grant amount ranges from 0% to 8% of the construction cost. Since the funding is unpredictable, it has not been included as income. The current 2007-08 facility grant funding is estimated at \$46,244.
7. General Fund Budget Amount for the 2009-10 school year is \$8,597 per student (ADM). The State School Fund Revenue for 2009-10 is estimated to be \$7,490 per student (ADM). ADM is "Average daily membership" as defined in ORS 327.006 (3).

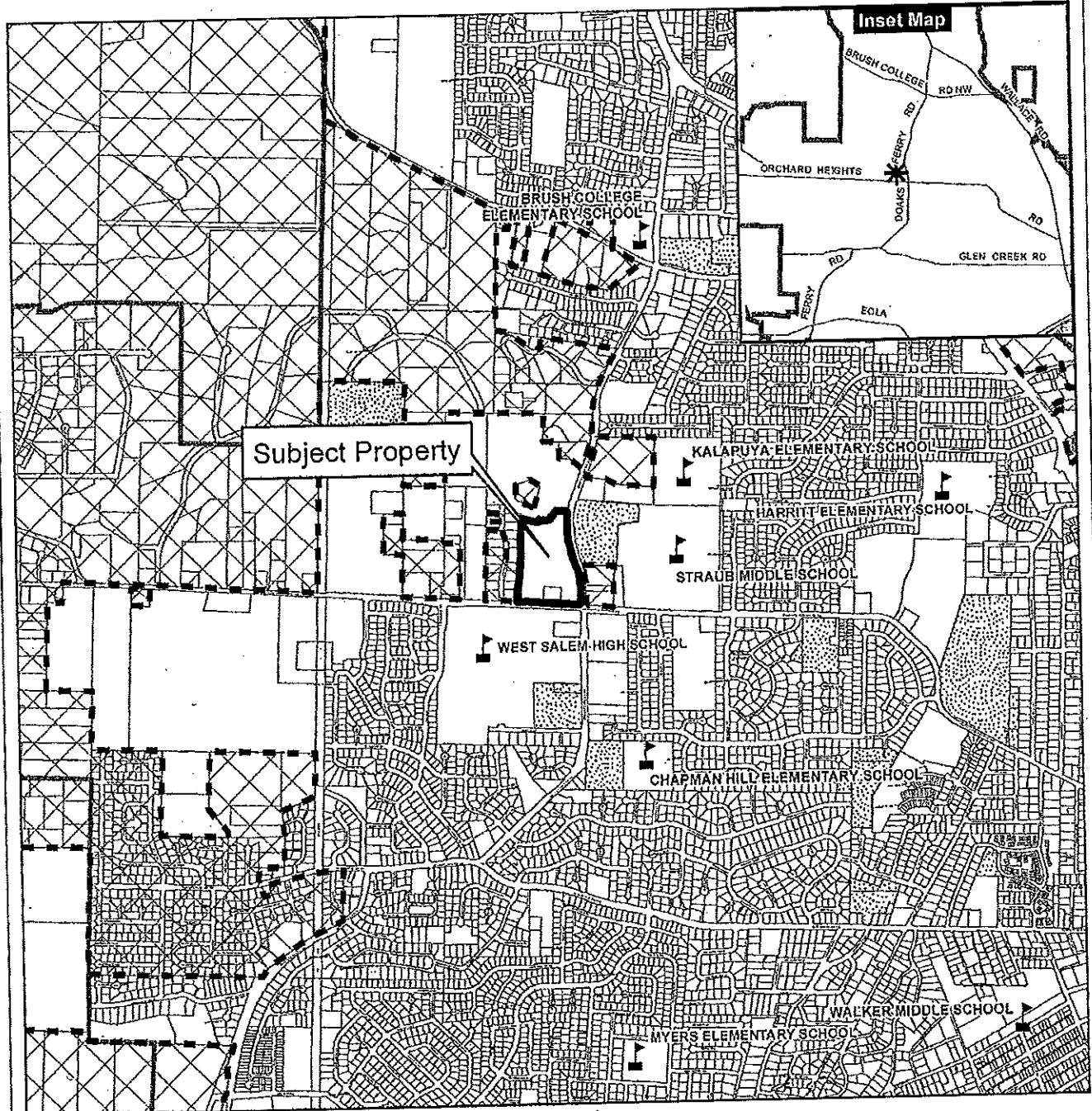
Sincerely,

  
David Fridenmaker, Manager  
Planning and Property Services

c: Mike Wolfe, Asst. Superintendent  
Luis Caraballo, Director of Facilities and Planning  
Kelly Carlisle, Director of Secondary Education  
Melissa Cole, Director of Secondary Education  
Ron Speck, Director of Elementary Education  
Meera Kreitzer, Director of Elementary Education  
Mike Bednarek, Special Projects Coordinator  
Gene Bloom, Risk Management Dept.  
Michael Shields, Transportation Dept.



# City-Initiated Change to Neighborhood Center Mixed-Use (NCMU) Northwest Corner of Orchard Heights & Doaks Ferry Roads NW



### Legend

- Taxlots
- Urban Growth Boundary
- City Limits
- Outside Salem City Limits
- Historic District
- Schools
- Parks



CITY OF *Salem*  
AT YOUR SERVICE  
Community Development Dept.

**ATTACHMENT 7**

ORGANIC ENTERPRISES of OREGON, INC.  
3486 Belvedere Street NW  
Salem, OR 97304

Emailed To: Cecilia Urbani  
Salem Planning Division  
Community Development Department  
555 Liberty St. SE Room 305  
Salem, OR 97301

Case # CICPC/NPC/ZC11-12

I voice my support for the proposed zone change on the above referenced case number. As the person who has farmed the property for the last 10 years, I believe that a better use for the property would be as a "mixed use zone". This would allow the property to be better utilized and take advantage of some of the natural features of the property. These features include a pond for sediment retention from the impervious surface runoff, and a functioning wetland below the pond to further mitigate the runoff before entering the Wilark brook, which drains the property.

The property is currently being farmed in small grains rotated with legumes, and because of the odd shaped boarder containing 17 corners, it is difficult to cultivate efficiently. This point coupled with the surrounding residential neighborhood, and nearby residents who don't appreciate the dust, noise, or various inputs required to farm the property as a certified organic farm. Every year, a complaint is entered with the code enforcement division concerning a fire hazard as the crop ripens and dries out. Also dust complaints are called to me, as well as "machinery blocking their view," etcetera.

There is also the trespass issue from the neighbors, who believe that my fields are some sort of "commons" area and think nothing of driving their vehicles through the growing crops, using the property for storage and disposal of their yard debris and pet waste, or to access the pond on the property for their children, resulting in serious vandalization of the irrigation system or other equipment.

The property holds hydric soils and highly erodible lands which limit some of the cropping options.

This support also provides my concern that any development plan needs to address all possible environmental issues, including any tree removal, degradation of any wetlands, or lessening of any wildlife habitat. This is not going to be an easy property to develop, but if it can be done with limited impact to the environment, it could be a model for other sites in the city, and a win /win for everyone.

Respectfully submitted,

David Simmons  
Organic Enterprises of Oregon

Cell ph: 503.581.8224

ATTACHMENT C

**From:** Linda Bierly <bierlyski@gmail.com>  
**To:** Cecilia Urbani <curbani@cityofsalem.net>  
**CC:** Aida Arik <ggwc@hotmail.com>, Aida Arik <ggwc09@gmail.com>, Alan Youse <...>  
**Date:** 1/2/12 6:46 PM  
**Subject:** Glenn and Gibson Creeks WSC testimony for PC hearing 1.3.2012  
**Attachments:** Testimony for the PCommission Bone Prop 1.3.12.wps; Testimony for the TSP amendment 1.3.12.wps

Cecilia,  
Here is our written testimony. At the hearing, I will have copies of the fish survey (for Wilark Brook), the shade study and the PW watershed assessment for this area and some brief verbal comments.

Thank you for the opportunity to offer comments,  
Linda Bierly, Secretary  
Glenn and Gibson Creeks WSC

To: Salem Planning Commission

From: Glenn and Gibson Creeks Watershed Council

Re: Testimony for the Public Hearing of Case Number: City-Initiated  
Comprehensive Plan Change/Neighborhood Plan Change/Zone change Case No.  
CICPC/NPC/ZC 11-12

Amanda Application No: 11-116934-ZO

Criteria to be considered:

\*  
Comprehensive Plan Change / Neighborhood Plan Change

1. A lack of appropriately designed suitable alternative sites within the vicinity for a proposed use in regard to (a) size, or (b) location

\*  
According to the staff report, page 6, the other three sides of the Doaks Ferry / Orchard Heights intersection are designated as "centers" by the West Salem Neighborhood Plan. There is no need to change the SACP, the WSNP and the zone when surrounding property already is designated in the West Salem Neighborhood Plan as "centers". Contrary to the staff report, the existing designated centers are not developed as single family residential. Each large property does have an existing house, but so does the Bone property.

3. The proposed plan change considers and accommodates as much as possible all applicable statewide planning goals:

\*  
State Wide Land Use Goal 3 Agricultural Lands - To conserve and maintain agricultural lands.

The existing zone for this property is RA (Residential Agriculture). The

Bone property has been and is being farmed. Goal 3 may not apply here because this area is not designated agricultural in the comprehensive plan, but if this zone change and subsequent development occurs, the result will be loss of agricultural land that is being currently farmed and further hardening of the watershed, resulting in loss of watershed function.

\*  
Statewide Land Use Goal 5 - Open spaces, scenic and historic areas and natural resources: To conserve open space and protect natural and scenic resources.

\*  
The staff report states that an acknowledged Goal 5 resource list will not be amended. It is my understanding that staff can only make this case because the City of Salem has never complied with Statewide Land Use Goal 5 and has never created a Goal 5 resource list. However, any reasonable person looking at the Bone property carefully would conclude that the Bone property contains significant natural resources that will likely be impacted by the development that will occur as a result of proposed changes to the SACP, the WSNP and the zone. Attachment 2 is self described as a "windshield survey" and a map survey. The GGCWSC asks that the record be expanded to include The City of Salem 1999 Fish Distribution Survey conducted by the Oregon Department of Fish and Wildlife, The City of Salem Shade Study and the City of Salem Public Works Stream Assessment for the Glenn and Gibson Creeks Watershed. The watershed council also requests that the Planning Commission consider findings of the walking survey of the property done by watershed council members. This walking survey was done with the permission of the property owners. Findings include a large number of significant trees within the riparian corridor of Wilark Brook, a perennial stream flowing north through the property. The riparian corridor of one of the headwater streams of Wilark Brook that runs from a culvert under Orchard Heights Rd also contains significant trees and two wetlands in addition to the pond created by the dam placed on Wilark Brook by the property owners. Significant stands of Oregon White Oak trees grow along the south and east sides of the property. The northern reach of Wilark Brook contains a wide riparian buffer - rich in dead trees that serve as habitat for cavity nesting birds. This sort of habitat is not protected by SRC 68 - these trees would be considered hazard/ diseased trees, yet they are very important to cavity nesting birds and such habitats are increasingly rare.

\*  
4. The proposed change is logical and harmonious with the land use pattern for the greater area as shown on the detailed and general plan maps

\*  
According to the detailed and general plan maps, properties surrounding the Bone Property are unincorporated. Currently, this area is rural in nature.

\*  
5. The proposed change conforms to all criteria imposed by applicable goals and policies of the SACP in light of its intent statements

\*  
The proposed changes fail to conform to the goals and policies of Goal M, policy 8 that states that residential areas shall be protected from more

intensive land use activity in abutting zones.

It further fails to conform to Goal J. No parks and recreation are provided within the proposed zone change. Parks are close to this area, for example, the Straub Nature Park is across Doaks Ferry Road NW from the Bone property. However, both streets that border the Bone Property are major and minor arterials and act as barriers to both Straub Nature Park and the West Salem High School park.

It fails to comply with Goal M and the policies listed under Goal M, the conservation of open space, the protection of natural, historic, cultural and scenic resources and to protect life and property from natural disasters and hazards. See the comments under section 3 relating to statewide land use Goals 5 and 6. The same comments apply to SACP Goal M. While 20% of NCMU zones must be open space, there is no guarantee that this requirement will serve to preserve either watershed function or the significant natural resources on the Bone property.

\*  
6. The proposed change benefits the public

\*  
Staff has failed to make this case. There is no clear evidence that the changes proposed to the SACP, the WSNP and the zone would have any public benefit. The clearest evidence to the contrary is that the City staff had to initiate this change. No one from the private sector nor any elected representative from any public body was willing to step forward to initiate these proposed changes.

\*\*  
**Zone Change**

Criterion A: \* The applicant (the City of Salem) for any quasi-judicial zone change... has the burden of proving the justification for the change. The greater the impact of the proposed zone change on the area, the greater the burden of proving the justification on the proponent.

\*  
Since the applicant for this proposed change is the City of Salem, a case could be made that the Planning Commission, and later, the Salem City Council - both bodies who officially represent the City of Salem - should not be allowed to rule on this case. This appears to be a clear case of a conflict of interest. How can a quasi-judicial body make a fair ruling on its own application?

The Community Development staff has collected a series of policies designed to make a case for this zone change. Does this collection of assertions qualify as "proving the justification"? The citation in the staff report of the construction of new schools in the area is true, but does this change rise to the level of proving the justification for change to the SACP, the WSNP and the zone?

The second criteria cited in A is the relationship between the degree of impact and the degree of burden of proof. The change in zone from Residential Agricultural to Neighborhood Center Mixed Use is a great degree of impact for this area. This would appear to require a much greater burden

of proving justification for the change. Again, has the Community Development staff provided any such justification other than the construction of new schools? In fact, a case could be made that the construction of the new schools has sharply limited the amount of residential development (potential customers) that can take place in this area due to the size of the combined school campuses.

#### Conclusion

The City of Salem Community Development staff report attempts to make a convincing case for the proposed SACP change / WSN Plan change / Zone change for the Bone property.

The Glenn and Gibson Creeks Watershed Council does not take positions. We do attempt to raise questions and to stimulate discussion.

One of the areas we hope to have discussed thoroughly prior to any decision by any quasi-judicial body is the inherent conflict between granting a zone change designed to promote pedestrian use and minimize traffic (a concept which we support) and including in that SACP/WSNP/zone change application an amendment to the STSP that would promote greater traffic through the middle of the property and condition the application with the widening of Glen Creek Rd. NW. These two concepts appear contradictory and do not fit well together in the same application.

We would further like to ask the Community Development Department staff and the Planning Commission to consider specifying the Wilark Brook, the riparian corridor, wetlands and surrounding forest as a natural area to be preserved apart from the area of this property to be developed. If necessary, this could be added as a condition to the proposed changes.

Another point the watershed council would like to put into the record is that the culvert through which Wilark Brook flows under Doaks Ferry Road NW is a barrier to fish passage. Cutthroat Trout have been documented (see the attached ODFW 1999 survey) just below this culvert. If this culvert were replaced by either a culvert that would pass fish or by a bridge, it would extend the range of these salmonids.

>>> EDWARD L BENDER <kebender@msn.com> 12/29/2011 10:56 >>>

We are concerned citizens of West Salem. Dr. Edward and Karen Bender residing at 2090 Landaggard Dr. NW. Our concern is the proposed extension of Colorado Drive with Landaggard Dr. NW. The city seems determined to not listen to the West Salem Neighborhood Association and their recommendation against this extension. What better organization to represent the interest of the West Salem citizens than this WSNA. It is also a poor idea from our perspective. Doakes Ferry is a major interconnector street that has streetlights at the intersection of Doakes Ferry Rd. and Orchard Heights Rd. Putting Colorado Drive traffic on Landaggard Dr. NW would be ridiculous as cars travelling South would have a very difficult time turning onto Orchard Heights Drive NW due to heavy traffic travelling to West Salem High School and Orchard Heights normally busy traffic. The access to West Salem High School is directly South across Orchard Heights Dr. NW from the opening of Landaggard Dr. NW onto Orchard Heights Dr. NW. It is a no brainer to access Orchard Heights Dr. NW when one travels South on Doakes Ferry Rd. NW as the traffic signal at the intersection makes this not only possible but much safer. Why create an unsafe situation by extending Colorado Drive to Landaggard Dr. NW? If one is to access the proposed Neighborhood Mixed Use Center it only makes sense to do so by way of Doakes Ferry Dr. NW. You are going to destroy a residential neighborhood by the connection proposal with no potential benefit to any residents of Colorado Drive NW. By not listening to the citizens of West Salem the City of Salem is exposing itself to a groundswell of negative publicity. Signed: Edward and Karen Bender

RECEIVED

DEC 30 2011

December 28, 2011

COMMUNITY DEVELOPMENT

Cecelia Urbani, Planner II  
City of Salem Planning Division  
555 Liberty Street SE, Room 305  
Salem, Or 97301

Re: CICPC/NPC/ZP11-12 Zone Change


Dear Ms. Urbani:

I am new resident of Landaggard Drive NW and wish to voice my strong opposition to the proposed zoning change noted above. Along with other new homeowners of Landaggard Drive, I purchased this property for its aesthetic value and feeling of being in the country. With property values on a strong decline, I question the wisdom of development of the property at all at this time.

I want the city to know that I am not opposed to single family residences being constructed on the property as this would be a more safe and productive use of this land. To change the zoning to allow mixed use seems inappropriate for West Salem.

We have all forms of businesses on both Wallace Road and Edgewater that are only a few miles away. To develop this property into a mini-mall, fast food, or convenience store, etc., would only serve to encourage the high school and middle school students to congregate or "hang-out" at this location. I feel, being a resident of West Salem since 1971, that we are adequately served by the existing businesses on Wallace Road and Edgewater. It seems to me that this is not a good use of the property and would take the business away from already struggling merchants who have serviced our needs for years. Our loyalty lies with them.

Please consider the negative impact this would have on the surrounding neighborhoods of Orchard Hts and Doaks Ferry Road.

  
Carolyn Greenwade  
2000 Landaggard Drive NW  
Salem, OR 97304



# RECEIVED

DEC 21 2011

December 17, 2011

TO: Salem Planning Commission **COMMUNITY DEVELOPMENT**

FROM: Alex and Virginia Bourdeau *Virginia Bourdeau* *AKB*  
Property owners: 1850 Landagard Dr. NW, Salem OR 97304, 503.588.4075

RE: Case Number CICPC/NPC/ZC11-12

I am opposed to the proposed land use change on this property and the COMPREHENSIVE PLAN CHANGE for the following reasons:

1. There is NO lack of appropriately designated suitable sites in the vicinity. An example is the property at the corner of Doakes Ferry and Glen Creek Rd NW. Another is the Lindbeck property west of Orchard Heights Park. These properties are both in standard density housing neighborhoods. The Lindbeck property would connect the development at and south east of School House Rd and Linwood St NW / Harriett school neighborhood. This property is also close to the City of Salem assisted housing units. If the city wants a walk-friendly/ bike-friendly location, that would be a much better choice than the currently proposed site. The city's own vicinity map clearly shows that the properties west of Doakes Ferry on Orchard Heights and north of Orchard heights on Doakes Ferry are lower density housing. The property owner on the southeast corner of this intersection still helicopters out his Christmas trees.

This is a small corner of rural and rural behaving landowners. As an environmental educator, I would support the proposed development if I thought it was in the right location. But it is NOT. Choose a property closer to higher density housing. Give this experiment a chance of being successfully. The currently proposed site certainly will NOT encourage neighbors to walk or bike to its services.

2. The three schools in this area are certainly major capital improvements - they create an unsupported burden on the current street infrastructure. Additional development will only exacerbate this traffic situation. We already cannot safely exit our driveway between 7:10 - 7:35 AM or from 2:15 - 2:45 PM on school days. A traffic engineer should be sent to review this information as soon as schools are back in session to understand what this additional traffic entering and leaving streets at the Doakes Ferry/Orchard Heights corner will encounter.

4. This change is far from logical and certainly NOT harmonious with our land use. I purchased my home in a rural area with a view of a field and somewhat anticipated someday that houses would be built there. I certainly DID NOT anticipate any kind of commercial development in what should be an exclusively residential neighborhood! We chose to live here, away from strip malls and convenience stores - we don't want our neighborhood MIXED. It is NOT a surprise that we are away from the commercial shops and services; we knew that when we bought our property and presumably so did our neighbors. Don't fix a problem that does not exist and, in turn, create a less livable neighborhood.

6. This is not a public benefit. It is a threat. The area is in the upper end of the watershed feeding a pond and stream that is a tributary to Gibson Creek, a salmon-bearing stream. This tributary of Gibson Creek runs through the Straub Nature Park on the east side of Doakes Ferry Rd. Pollution from parking lots and buildings at the proposed development would discharge down the stream into this newly established City of Salem park. Is this a case of the left hand not knowing what the right hand doeth? Such developments elsewhere have been shown to lead to catastrophic rain water runoff events, flooding and associated property damage for areas downhill.

I am opposed to the ZONE CHANGE because:

2. The proposed mixed use will cause a detrimental change to the social and economic pattern of the neighborhood.

3. The proposed mixed use will cause a detrimental change to the character of the neighborhood. See item 1 above.

5. & 6. See item 4 and 6, above.

Cc: Janet Noakes & West Salem Neighborhood Association