



13 January 2022

TO: Jamie Donaldson, Case Manager
jdonaldson@cityofsalem.net

RE: Case No. CPC-ZC21-06
Minor Comprehensive Plan Amendment/Zone Change
2100 Doaks Ferry Rd NW, Salem, OR 87304

FR: Steven A. Anderson, West Salem Neighborhood Association Land Use Chair

The major concern for the West Salem Neighborhood Association (WSNA) in this matter is traffic impacts associated with this proposed project. The revised Traffic Report submitted by the applicant asserts that the increased traffic from this project will result in an insignificant impact. Basically, the WSNA finds that the revised Traffic Report presents a strong case that the RM2 zoning change requested is not supported; this level of development density **does significantly impact traffic**. It does not comply with Salem Revised Code criteria.

The WSNA request that the requested RM2 zone change be denied, and that staff present an analysis that documents what density of development is appropriate for this site. In support of this request see Attachments 1, 2 & 3. Additionally, the WSNA request that staff's analysis includes in its findings of facts and conditions specific answers to our questions and concerns raised in Attachments 1, 2 & 3.

Attachment 1 presents WSNA questions per Salem Revised Code criteria. We request that all 5 questions be part of staff's analysis and findings of facts.

Attachment 2 presents four additional WSNA policy concerns regarding the Traffic Impact Analysis.

Attachment 3, Challenges to the Traffic Impact Analysis, attached as separate document.

Respectively,

Steven A. Anderson, West Salem Neighborhood Association Land Use Chair



ATTACHMENT 1 Questions per Salem Revised Code Criteria

Our questions:

- (1) What are the justification elements the applicant must provide to meet an appropriate “demonstration” requirement cited in (e)(A) below?
- (2) On what basis does the city determine whether a zone change from RS to RM does “not significantly affect a transportation facility?”

Sec. 265.005. - Quasi-judicial *zone changes*.

(e) Criteria.

- (1) A quasi-judicial *zone change* shall be granted if all of the following criteria are met:
 - (A) The *zone change* is justified based on the existence of one or more of the following:
 - (ii) A demonstration that there has been a *change* in the economic, demographic, or physical character of the vicinity such that the proposed *zone* would be compatible with the vicinity's development pattern; or
- (3) What criteria does the City of Salem use to determine that RM-2 is compatible with (a) RS single family dwellings and (b) five-acre rural dwellings?
 - (iii) A demonstration that the proposed *zone* is equally or better suited for the property than the existing *zone*. A proposed *zone* is equally or better suited for the property than an existing *zone* if the physical characteristics of the property are appropriate for the proposed *zone* and the uses allowed by the proposed *zone* are logical with the surrounding land uses. * * *
- (4) How is an RM-2 zoned area an equal or better or logically suited use for the RA zoned property at 2100 Orchard Heights Road NW?
 - (F) The *zone change* does not significantly affect a transportation facility, or, if the *zone change* would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the *zone change*.
- (5) Will the proposed zone change from RA to RM-2 significantly affect West Salem transportation facilities? Who and by what criteria will (a) determine whether the proposed zone change is significant and (b) what remediation, if any, will be needed to resolve the greater dwelling density upon the West Salem transportation facilities permitted under the proposed zone change?



Below are four additional policy concerns regarding the Bessman TIA report submitted in support of the Bonaventure zone change request for 2100 Orchard Heights that we ask the city to address in the context of SRC 265.005(e)(1)(F).

1. The report references the Oregon Highway Plan on page 26, presumably, because the project impacts facilities included in the state highway system. This seems an off citation since the action is a traffic impact analysis where the presumably standard is established by the City. The report offers that the applicable standard is the TSP planning horizon (as that is set as 2035 this returns a 13-year projection (assuming build-out in 2022). That doesn't seem much of a horizon and would appreciate verification against the City standard.
2. The report uses volume projections from the Salem River Crossing Technical Report of 2016. That report is 5 (6 if we count 2022) years old (by date) and unknown based on traffic analysis date -- no matter, this seems the wrong standard to apply. The SRC would be expected to generate more coarse projections with a longer time frame. We are interested in a much smaller area of West Salem. Moreover any 2016 report will not take into account development in west Salem since that time. It would seem a reasonable would be to ascertain pre and in-pandemic actual counts and then apply projection as those would encapsulate development (the model merely projects development and how it does that is not clear).
3. The report of page 29 and 30 notes that "there are limited 'minor' approaches that could be considered" This seems to cast solutions as having been vetted and resolved in the Wallace Road Circulation Study while it is not clear this was ever voted upon by City Council. In any case it would seem the operational improvements (e.g., better congested operations) amongst the signalized intersections on Wallace Road should be evaluated. It is also not clear why upgrades of signal software would be ineligible as mitigation.
4. The report on page 31 discusses "de minimus" v/c changes. The queue lengths for some movements are substantial. The issue becomes that traffic stability is rapidly unpredictable as high v/c ratios. The report makes no note of this.

ATTACHEMENT 3

Challenging the Transight Consulting TIA Report

The number of inconsistencies in the report raises serious questions regarding the conclusions and justifications offered by the author.

1. The narrative in the Transight Consulting TIA report states:

“Areas within Neighborhood Center Mixed-Use (allowed with a neighborhood center master plan) are differentiated in the code between Inside Core and Outside Core. Given that the portion to be rezoned is located on the edge of the NCMU zoning, it is assumed that this area is defined as Outside Core.” page 7

The above assumption is not valid because **SRC 532.015. - Uses allowed with neighborhood center master plan.** requires:

“The uses set forth in Table 532-1 are only allowed in the NCMU zone as a part of a neighborhood center master plan, approved in accordance with SRC chapter 215, and are allowed based on whether the location of the building or structure housing the use is located inside or *outside* of the *Core Area* designated in the master plan.”

No NCMU master plan has been proposed or approved. No “Core Area” has been identified on the 2100 Orchard Heights property. Nevertheless, the applicant chose to creatively apply the “outside of the Core Area designation” and include that land in the initial subdivision proposal. There was no basis for the applicant to assume the northern portion of the current NCMU zoned area would be “outside” the “Core Area.” Thus, a portion of the NCMU zoned area was erroneously included in the proposed November 2019 single-family subdivision for the property. The subdivision proposal was subsequently withdrawn.

While the applicant, most certainly, could have requested and filed for the approval of a NCMU master plan, which would have identified “outside” portions of the NCMU zone, that did not happen. Instead, the applicant filed for a zone change which moves 1.05 acres out of the NCMU zone. Claiming as if the area was “part of a neighborhood center master plan:

“The Outside Core area outright permits lower density housing with no commercial. The Outside Core designation is more similar to the RM2 zoning than the Inside Core designation.”
page 7

The conclusion is potentially reasonable but irrelevant. No Core area has been master planned for the proposed NCMU zoned area and without a master plan there is no outside the core area to modify to a RM-2 zone.

2. The Transight Consulting TIA report compares a January 20, 2020 and September 16, 2021 traffic counts and then uses the apparent higher count numbers from the separate traffic count data to analyze. This is explained at Table 6 on page 21. While the actual traffic counts for September 16th are included in the report, there are no January 20th worksheets in the report, and therefore, there is no possible way to confirm the numbers used.

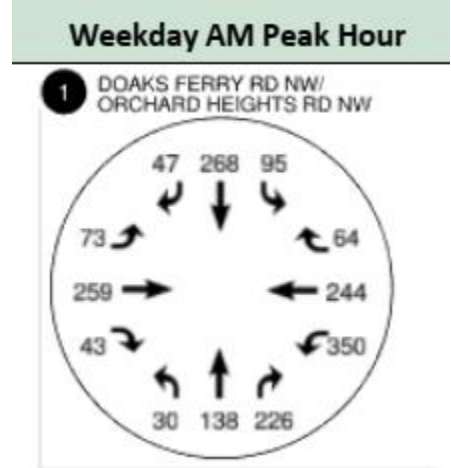
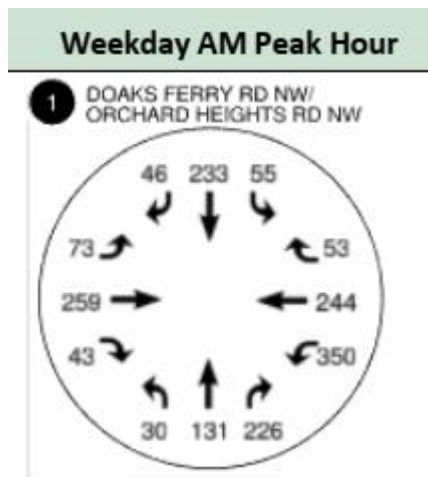
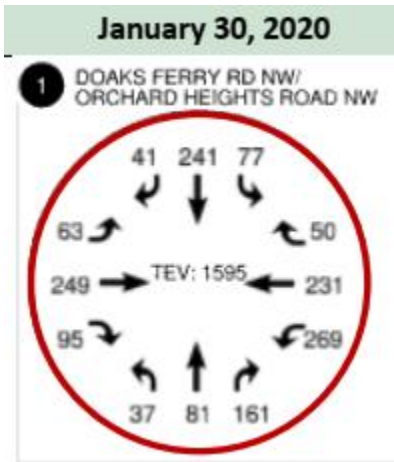
3. The Transight Consulting TIA report provides conclusions without citing the source of data. For example, Table 9 at page 27 compares 2012 intersection traffic counts with projected 2040 intersection traffic volumes without providing an actual source for these declarations.

4. The Transight Consulting TIA report offers inconsistent intersection graphics. Examples are offered on the next page.

Current
AM Peak Hour

Projected 2036

Projected 2036 with
Zone Change



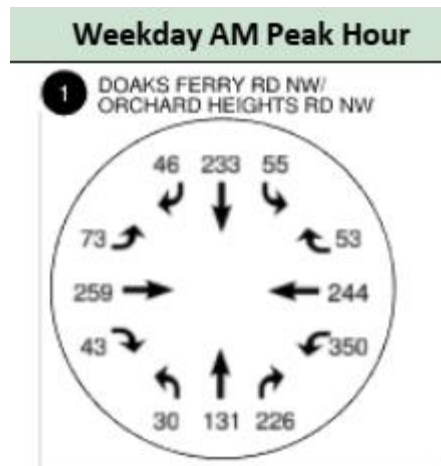
Page 22

Page 28

Page 28

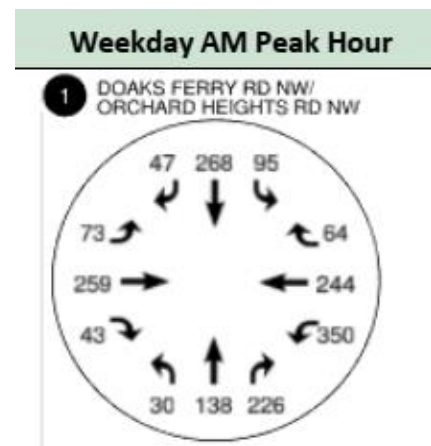
There is no TEV data for the future intersection traffic projections
Existing Zoning

New Zoning

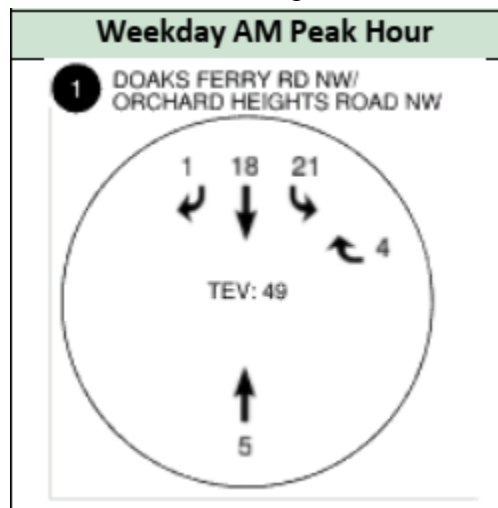


These two charts suggest that the traffic increase will come from the north and south and the increase attributed the zone change at this intersection is 83 trips per 94 peak A.M travel.

Yet the according to the chart below the zone change result in only a peak AM v/h 49 trip increase.



Page 28



Page 36

5. The Total Entering Vehicles (TEV) AM Peak detailed in Figure 12 page 36 is reproduced on the prior page is 49. According to Synchro 10 report below the TEV generated by the zone change becomes 57 at the two Wallace Road intersections. Please explain.

Wallace @ Glen Creek		Wallace @ Orchard Heights	
2021 Existing Traffic Conditions Weekday AM Peak Hour		2021 Existing Traffic Conditions Weekday AM Peak Hour	
	↘		↘
Movement	EBR	Movement	EBR
Lane Configurations	↗↗	Lane Configurations	↗
Traffic Volume (vph)	553	Traffic Volume (vph)	405
Future Volume (vph)	553	Future Volume (vph)	405
Level of Service	D Page 68	Level of Service	F Page 66
2036 Traffic Conditions with Existing Zoning Weekday AM Peak Hour		2036 Traffic Conditions with Existing Zoning Weekday AM Peak Hour	
	↘		↘
Movement	EBR	Movement	EBR
Lane Configurations	↗↗	Lane Configurations	↗
Traffic Volume (vph)	644	Traffic Volume (vph)	472
Future Volume (vph)	644	Future Volume (vph)	472
Level of Service	D Page 93	Level of Service	F Page 90
2036 Traffic Conditions with Rezone Weekday AM Peak Hour		2036 Traffic Conditions with Rezone Weekday AM Peak Hour	
	↘		↘
Movement	EBR	Movement	EBR
Lane Configurations	↗↗	Lane Configurations	↗
Traffic Volume (vph)	661	Traffic Volume (vph)	512
Future Volume (vph)	661	Future Volume (vph)	512
Level of Service	F Page 117	Level of Service	F Page 114
Projected Trip Increase	17		40
Proposed zone change Total		57	

6..

Table 12. Operations Comparison with Trip Cap

Intersection	Performance Standard	Weekday AM Peak Hour			
		LOS	Delay (sec)	v/c Ratio	95 th % Queue
Existing Zoning 4: Wallace Rd/ Glen Creek Rd	v/c ≤ 0.95	D	51.1	0.99	EB L: 110 EB T: 155 EB R: 390 WB L: 115 WB TR: 90 NB L: 155 NB T: 585 NB R: 15 SB L: 20 SB TR: 1020
Proposed Zoning with Trip Cap 4: Wallace Rd/ Glen Creek Rd	v/c ≤ 0.95	D	53.2	1.01	EB L: 110 EB T: 155 EB R: 345 WB L: 115 WB TR: 90 NB L: 160 NB T: 590 NB R: 15 SB L: 20 SB TR: 1035

“The operational analysis is summarized in Table 12, and shows that with the reduced trips the change in volume-to-capacity ratio is ... 0.02 in the morning commute period. This is often considered “de-minimus”, particularly with the imprecision of the future forecasts. “ Page 35

The above generalization is based upon nonsense. The report claims that the Wallace Road @ Glen Creek EBR queue is 390 ft under current zoning and the EBR queue is 345 ft under the proposed zoning. How does increased traffic reduce queue lengths? Moreover, EBR travel is currently at a LOS “F”. Why is any increase to a failing intersection “de-minimus?”



1 February 2022

TO: Salem Planning Commission

RE: Case No. CPC-ZC21-06
Minor Comprehensive Plan Amendment/Zone Change
2100 Doaks Ferry Rd NW, Salem, OR 87304

VIA: Jamie Donaldson, Case Manager
jdonaldson@cityofsalem.net

FR: Steven A. Anderson, West Salem Neighborhood Association Land Use Chair

It is the position of the West Salem Neighborhood Association (WSNA) that the proposed RM2 zone with proposed trip cap at 2270 trips per day is **not** appropriate for this property/neighborhood. The major concern for WSNA here is traffic impacts associated with this proposed project. This level of development density **does significantly impact traffic**. Testimony was that the zone cannot be changed by the Planning Commission to RM1. That the Traffic Impact Analysis (TIA) showed an insignificant traffic impact. That the Planning Commission could impose a stronger trip cap with supporting evidence. The WSNA is asking that the Planning Commission impose a trip cap of 1000 trips per day. This affords compliance with Goal 12 and OAR 550-012-0060, Oregon Highway Plan 1F.5 (“No Net Impact” No Degradation) and allows multifamily development at this site consistent with supportable/existing infrastructure. See logic and supporting arguments below.

The Traffic Impact Analysis makes an argument for significant as not being an issue for any impact to V/C less than 0.03. However, this is not supported by LUBA decision on cases of such a nature. LUBA has made several findings where a land use regulation amendment that would generate traffic that would worsen the volume to capacity ratio of a transportation facility that was already operating at a failing volume to capacity ratio would “significantly affect” that transportation facility, within the meaning OAR 660-012-0060. The applicant and city have shown no support for the claim in the traffic impact analysis that the provisions of OAR 660-012-0060, Oregon Highway Plan 1F.5 (“No Net Impact” No Degradation) has been complied with (Attachment 1: Decision Diagram).



Following the logic of Attachment 1: Decision Diagram, we have a highway segment not meeting mobility targets impacted by this proposed 500-unit development. The land use increase of 2270 trips per day exceed the 1000 average daily trip significance trigger (Attachment 1: Decision Diagram). Therefore, mitigation is required to achieve “No Net Impact” No Degradation. Neither the applicant nor the city have done this analysis providing substantial evidence to the Planning Commission to make a “No Net Impact” No Degradation decision upon.

In spite of under projections of traffic volume and trip counts (previous testimony), the analysis stills show a clear degradation of traffic movement measured as V/C ratios at intersections along Wallace Road. There is a discussion in the report trying to make an argument that this is not significant. Several issues to this claim.

- This analysis does not include the findings and V/C ratios presented in the Draft Environmental Impact Statement for the Salem River Crossing that showed greater background and “no build” impacts than accounted for in this traffic impact analysis.
- It did not include data and findings from the City’s Congestion Relief Taskforce.
- There were several assumptions in the analysis and SKATS estimates that have been shown to underestimate traffic congestion in the area.

Notable is that City Staff have testified on the Salem River Crossing, Congestion Relief Taskforce, the decision to support moving forward on the Salem River Crossing Project, and the Riverbend project that the Wallace Road Corridor is not meeting congestion standards and per Goal 12 and OAR 660-012-0060 is a transportation facility significantly impacted; a failed system requiring mitigation.

To this end, the city has an obligation to do what is required under OAR 660-012-0060 and make several analyses and findings as to the existing and future transportation systems defined in the administrative rule. Additionally, the city has the requirement to address the trip cap per the degradation of the transportation facility along Wallace Road. This increase in traffic impacts of 2270 daily trips is not discussed or analyzed anywhere per compliance with



OAR 550-012-0060, Oregon Highway Plan 1F.5 (“No Net Impact” No Degradation). Staff simply offered a verbal statement during testimony, not supported with any findings including calculations and analyses. And, this same simple statement in their report before seeing the WSNA comments.

The WSNA recommends that the trip cap in Condition 1 be changed to 1000 trips per day, not 2270 since 1000 average daily trips is the trigger point between “Not Significant” and “Significant” (Attachment 1: Decision Diagram) OAR 660-012-0060, Oregon Highway Plan 1F.5 (“No Net Impact” No Degradation). Without any supporting analysis, this is the only supportable value in law and rule to achieve “No Net Impact” No Degradation. We note that the TIA spoke of 47 peak AM trips along Wallace Road. However, this seems like foolishness. No logic for arguing that 2270 trips per day from the development will only be seen as 47 trips on Wallace Road. Employment and most shopping activities require traffic leaving West Salem neighborhoods connecting with Wallace Road to cross the bridge to downtown Salem. This makes no sense. No support for. Most of the trips leaving this proposed subdivision are going to be impacting Wallace Road/congestion thereon. In fact, this was questioned in previous testimony here, with no rebuttal to support this obvious erroneous value.

Therefore, approving the site with a trip cap of 1000 trips per day satisfies Goal 12 and meets the OAR 660-012-0060, Oregon Highway Plan 1F.5 (“No Net Impact” No Degradation) “Not Significant” criteria. Any number greater than 1000 trips per day is not supported in the record.

Respectively,

Steven A. Anderson, West Salem Neighborhood Association Land Use Chair

Cc:/ Michael Fretias, West Salem Neighborhood Association Chair

**ATTACHMENT 1:
2100 Doaks Ferry
Decision Diagram**

Is this land use action subject to OAR 660?



YES

Does this highway segment meet mobility targets?



NO

Mobility Target now becomes “to avoid further degradation” (Oregon Highway Plan 1F.5)

ODOT's operational action is to mitigate to what is there now “no net impact” if over mobility target—No degradation



In applying “avoid further degradation” a small increase in traffic does not cause “further degradation”
How is a small increase in traffic defined?



Land Use action increases average daily trips < 1,000

Not Significant



Land Use action increases average daily trips > 1,000



Requires Mitigation to achieve “no net impact”
No Degradation



8 February 2022

TO: Salem Planning Commission

RE: Case No. CPC-ZC21-06
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VIA: Jamie Donaldson, Case Manager
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FR: Steven A. Anderson, West Salem Neighborhood Association Land Use Chair

First, we appreciate Jamie Donaldson providing the Jan 18th ODOT TIA review letter to us in a timely manner so as to aid in review of the Jan 31st Bessman report. What is clear from all the technical discussion is that “ODOT maintains jurisdiction of the Salem-Dayton Highway No.150 (OR 221)” and “ODOT approval shall be required for all proposed mitigation measures affecting this facility” (e.g., trip caps) Wallace road and its intersections. Furthermore, ODOT stated that “No mitigation measures to a state highway have been proposed.”

Background

Given that the facility (Wallace Road and its intersections) is a failed system not meeting its mobility target (see our previous comments), a mitigation analysis is required to demonstrate that the proposed 2270 trips per day trip cap from this proposed development does not exceed the “No Impact” No Degradation requirements of OAR 660-012-0060, Transportation Planning Rule 1F.5. This is the overriding compliance standard here. Attachment 1: Decision Diagram shows that any daily trips greater than 1000 is not consider a small increase in traffic therefore the 2270 trip cap is not a small increase, it is significant requiring a mitigation analysis to define “No Net Impact” No Degradation to the facility (Wallace Road and its intersections). The V/C ratio analysis in the applicant’s traffic impact study is not enough to meet this requirement. The mobility target for Wallace Road and its intersections (Glen Creek and Orchard Heights here) is considered the standard for purposes of determining compliance with OAR 660-012-0060, the Transportation Planning Rule 1F.5,



not just less than 0.03 changes in the V/C ratios as analyzed by the applicant. While the changes in V/C ratios is valuable information more is needed to determine if any traffic number greater than a 1000 trips per day can be considered “No Net Impact” No Degradation compliant (see Attachment 1: Decision Diagram). The applicant has not met their burden of proof. No mitigation measures to a failed state highway facility were offered per ODOT, and ODOT was not provide a mitigation analysis to determine if the proposed 2270 trip cap indeed achieved the “No Net Impact” No Degradation standard for the Transportation Planning Rule 1F.5 compliance.

Applicant burden of proof not met here. Staff has provided no analysis (only a statement as to V/C ratio significance) to address the “No Net Impact” No Degradation requirement 1F.5. The Planning Commission has insufficient evidence to approve the 2270 proposed trip cap. It is left with the 1000 daily trip number that defines a small increase in traffic (Attachment 1: Decision Diagram). Any approved trip cap greater than 1000 is not supported in the record.

The WSNA recommends that the trip cap in Condition 1 be changed to 1000 trips per day, not 2270 since 1000 average daily trips is the trigger point between “Not Significant” and “Significant” without any supporting mitigation analysis. This is the only supportable value in law and regulations to achieve “No Net Impact” No Degradation compliance. The Planning Commission can impose a stronger trip cap with supporting evidence. We believe that we have offered herein supporting evidence that the 1000 average daily trips are an acceptable trip cap for this proposed development. With this 1000 average daily trips trip cap according to OAR 660-012-0060, the Transportation Planning Rule 1F.5, the proposed development meets the “No Net Impact” No Degradation compliance requirement.

Decision Logic for 1000 trips per day trip cap

The Salem-Dayton Highway No.150 (OR 221) is acknowledged by ODOT as a failed facility. This is that it does not meet its mobility target. The City of Salem has acknowledged this in testimony (see our previous comments). The mobility target (0.95) for the impacted facility (Wallace Road and its intersections Glen Creek and Orchard



Heights here) is considered the standard for purposes of determining compliance with OAR 660-012-0060, the Transportation Planning Rule 1F.5, not the V/C ratios changing less than 0.03.

The Bessman report and comments to the Jan 18th ODOT letter show V/C ratios significantly over 1.0. The Bessman report confirms that the proposed 2270 trip cap does not comply with the “No Net Impact” No Degradation compliance requirements.

- Mobility target for Wallace Road and its intersections (0.95)
- 2270 trip cap analysis showing V/C ratios significantly over 1.0
- 2270 trip cap fails “No Net Impact” No Degradation compliance requirement
- Bessman report concludes no significant impact at the 2270 trip cap, false as no mitigation analysis demonstrating “avoid further degradation” not in the record

Calculation Example

- Mobility Target per OAR 660-012-0060, the Transportation Planning Rule 1F.5 allows a 0.03 variance.
 - $0.95 + 0.03 = 0.98$
 - Any V/C ration greater than 0.98 adversely impacting the failed facility (Wallace Road and its intersections) and thus causing further degradation
 - Bessman reports V/C ratios greater than 1.0 at the proposed 2270 trip cap which exceeds the allowed mobility target 0.98

Conclusion

- 1.0 V/C ratios in Bessman report greater than facility mobility target (0.98)
- A 2270 trip cap insufficient mitigation to meet OAR 660-012-0060, the Transportation Planning Rule 1F.5 “No Net Impact” No Degradation compliance
- No mitigation analysis provided
- Therefore, anything greater than 1000 trips per day not supported in the record
- 1000 trip cap meets the requirement to “avoid further degradation” of the failed transportation facility



- Planning Commission can assign a 1000 trip cap to Condition 1 consistent with the record in this case and requirements of OAR 660-012-0060, the Transportation Planning Rule 1F.5

Recommendation

The WSNA recommends that the trip cap in Condition 1 be changed to 1000 trips per day, not 2270 since 1000 average daily trips is the trigger point between “Not Significant” and “Significant” (Attachment 1: Decision Diagram) OAR 660-012-0060, the Transportation Planning Rule 1F.5 (“No Net Impact” No Degradation).

Additional Observations and Request

The staff report relating to traffic impacts here was written and submitted before the deadline for public comments. They provided no recognition, analysis, or findings to the five SRC criteria issues we raised along with four policy matters. **This is a significant procedural error.** This is the first time we have observed staff not addressing our comments in a land use action. Frankly, it is offensive and outside Goal 1 provisions in these matters. If an oversight or deliberate, we ask that the Planning Commission address this in their decision and admonish staff to be more respectful to Neighborhood Association comments and not ignore them in the future.

Respectively,

Steven A. Anderson, West Salem Neighborhood Association Land Use Chair

Cc:/ Michael Fretias, West Salem Neighborhood Association Chair

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Decision Diagram
2100 Doaks Ferry**

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