

From: [E Easterly](#)
To: [CityRecorder](#); [Chris Hoy](#); [Virginia Stapleton](#); [Micki Varney](#); [Vanessa Nordyke](#); [Trevor Phillips](#); [Jose Gonzalez](#); [Julie Hoy](#); [Deanna Gwyn](#); [Linda Nishioka](#)
Cc: [Robert Chandler](#); [Julie Hanson](#); [Brian Martin](#); [Keith Stahley](#)
Subject: Salem TSP Amendment 11/27/2023 Public hearingTestimony
Date: Tuesday, November 21, 2023 12:27:53 PM
Attachments: [TSP 400 Lead findings II.pdf](#)
[TSP Landagqard update testimony A.pdf](#)
[TSP 400 graphics B.pdf](#)
[MAP APPENDIX II.pdf](#)
[Colorado alignment map questions C.pdf](#)

Attached please find my written testimony. Please place this collection of queries and requests in the hearing record.

I thank Dr. Chandler and Ms. Hanson for providing a first version of the November 27 staff report which includes responses to my Testimony A document questions.

I thank staff for acknowledging the erroneous map included with the materials submitted to Council on October 9th. I shall address the other staff responses prior to the November 27th hearing.

Respectfully,
E.M. Easterly
503-363-6221

To: Salem City Council

Fr: E.M. Easterly 

Da: November 27, 2023

Re: Agenda Item #: 4.b. Ordinance Bill 15-23

Mayor Hoy and Council Members:

I question the adequacy of the proposed staff findings to demonstrate compliance with Salem TSP Rules regarding the modification of the Salem Transportation System Plan (TSP) before you.

The draft October 9th staff report addressed State of Oregon requirements to modify the Salem TSP, but fails to adequately offer finding regarding **Goal 2: Land Use Planning and Goal 12: Transportation** or to address or identify how the proposed transportation plan modification will conform to the legally prescriptive Salem TSP language relevant to the proposed Ordinance Bill 15-23. Specific examples supporting these observations are presented below for your consideration.

Therefore, I ask the Council to not approve the proposed Salem TSP modification until staff provides additional findings in their report that address the statutory and policy requirement deficiencies presented below.

Presented below are specific Salem TSP statutory and policy requirements not included in the initial October 9th Draft Findings presented to Council.

“New development occurring outside of the USA **shall provide linking streets** to the existing street system per the provisions of the Salem Revised Code, Chapter 66, Urban Growth Management Program.”

Why does the proposed modification of the Salem TSP not provide for the actual linking of Colorado Drive to either Orchard Heights or Doaks Ferry Road? Do the proposed findings affirm that the proposed Salem TSP conforms to the Salem Urban Growth Management Plan? eme

“**New arterial and collector streets alignments shall be surveyed and delineated** after their adoption in the Salem Transportation System Plan.”

Does a survey linking Colorado Drive to Orchard Heights Road exist? Why does the language linking Colorado Drive to Orchard Heights Road indicate Landaggard Drive as only a possible collector street link? eme

“Applicants submitting preliminary development plans **shall provide** for extension of local streets to adjoining undeveloped properties and eventual connection with the existing street system. Street alignments should be sensitive to natural features, topography, and layout of adjacent development.”

Shall provide links is prescriptive, but should be sensitive is not. Where are the findings which support the proposed Ordinance Bill 15-23 that affirm the proposed

alignment of Colorado Drive across Tax Lot 400 will be sensitive to the topography or layout of adjacent properties? eme

“All development **shall include sidewalk and walkway construction as required by the Salem Revised Code** and the adopted City of Salem Design Standards.”

Where are the staff report findings that confirm and/or condition that the sidewalks associated with the proposed linking of Colorado Drive to Doaks Ferry Road will conform to the Salem Revised Code requirements? eme

“The City **shall comply with the requirements set forth in the Americans with Disabilities Act** regarding the location and design of sidewalks. “

8-6-PEDESTRIAN SYSTEM ELEMENT

Where are the staff report findings that confirm and/or condition that the sidewalks associated with the proposed linking of Colorado Drive to Doaks Ferry Road will meet the American with Disabilities Act requirements? eme

Also the draft findings staff submitted to Council on October 9th offer the following inadequate declarations.

Goal 2: Land Use Planning

“... this route to a new street that will be constructed to the City’s collector standard with bicycle lanes and sidewalks, rather than relying on a segment of Landaggard Drive NW that was built to a rural standard.

This finding appears to assume that street “A” will be the new Colorado Drive linking route to Doaks Ferry Road. No evidence is provided affirming that street “A” can or will comply with the City's collector street standard. eme

Goal 12: Transportation

“The proposed collector street alignment includes pedestrian facilities as required by OAR 660-012-0510, bicycle facilities as required by OAR 660-012-0610¹, and supports the network of collector streets required by OAR 660-012-0810². Therefore this amendment conforms with Goal 12 as

1 660-012-0510

Pedestrian System Requirements

(1) This rule describes the minimum planned pedestrian facilities that must be included in plans. Cities and counties may choose to exceed the requirements in this rule. Cities and counties may choose to apply pedestrian functional classifications to pedestrian facilities.

(2) Pedestrian facility owners must design, build, and maintain pedestrian facilities to allow comfortable travel for all people, including people with disabilities.

2 660-012-0810

Street and Highway System Requirements

(2) Cities and counties shall plan local streets to provide local access to property and localized circulation within neighborhoods.

(b) Cities and counties shall establish standards for local streets with pavement width and right-of-way width as narrow as practical to meet needs, reduce the cost of construction,

This finding appears to assume that designating a roadway a collector street, whether it meets the slope and ADA requirements of a collector street, satisfies the requirements of a Salem collector street and, therefore, meets OAR 660-012-0510 requirements. eme

As shown above, there are numerous deficiencies needing attention before the Council should consider modification to Salem’s Transportation System Plan. Upon addressing findings for the items listed above, there will be clarity in what is being approved and how the proposed TSP modification will achieve statutory and policy compliance.

The findings claim the proposed realignment of Colorado Drive will include “pedestrian facilities as required by OAR 660-012-0510. However, the finding provides no evidence that the actual construction of the collector street Colorado Drive will allow “comfortable travel for all people including people with disabilities” across Tax Lot 400. In blunt terms, the proposed Colorado Drive alignment via the originally designated local “A” street does not conform to the Salem Revised Code collector street grade designation or to the Salem adopted *Americans with disabilities Act* standards.

I, therefore, ask that Council condition the approval of Salem TSP Colorado Drive realignment from Orchard Heights Road to Doaks Ferry by stipulating that the future alignment grade of Colorado Drive be eight percent (8%) of less.

In addition to the the above questions, please review the supporting documents listed below and hereto attached.

- Testimony **A** Salem TSP Amendment
- Testimony **B** Salem TSP Amendment
- MAP APPENDIX
- Testimony **C** Salem TSP Amendment

I, again, ask Council to not approve the proposed Salem TSP modification until staff provides findings addressing the policy requirements cited above and the more detailed queries contained in the listed attachments.

efficiently use urban land, discourage inappropriate traffic volumes and speeds, improve safety, and accommodate convenient pedestrian and bicycle circulation.

(3) Cities and counties shall plan collector streets to provide access to property and collect and distribute traffic between local streets and arterials. Cities and counties must plan and design a collector street network that is complete and connected with local streets and arterials.

(a) Cities and counties must plan for multimodal travel on collector streets as provided in OAR 660-012-0510, OAR 660-012-0610, and OAR 660-012-0710.

Salem Transportation System Plan Amendment Testimony

Mayor Hoy and Salem City Council Members:

I support the modification of the Salem Transportation System Plan (TSP) mapped future collector mapped to Orchard Height Road to permit the eastern termination of the Polk County roadway identified as Colorado Drive to be redirected southward and eastward to Doaks Ferry Road.

Salem Zone Map Segment

Salem TSP Map Segment



The current TSP describes the future collector as follows:

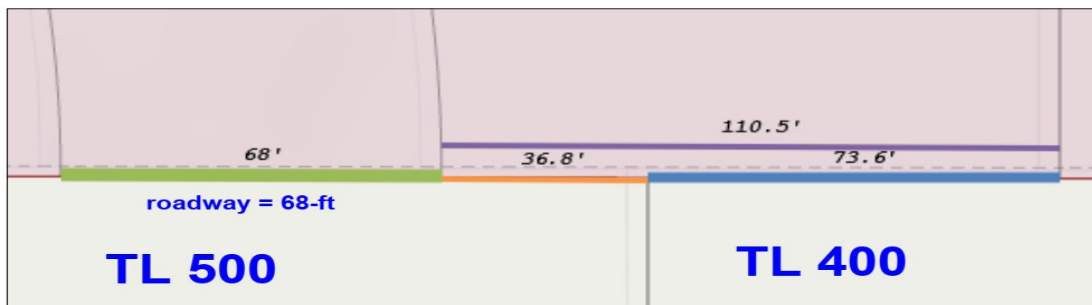
“Colorado Drive NW Extension (South terminus of Colorado Drive NW to Orchard Heights Road NW) (166)

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.”

STREET SYSTEM ELEMENT-3-31

However, I vehemently challenge and ask that you reject the staff proposed alignment of Colorado Drive between the surveyed termination of Colorado Drive at the northern boundary of Tax Lot 500 and the tentatively approved street "A" alignment across Tax Lot 400 to Doaks Ferry Road until the following issues are resolved.

1. What is the legal basis upon which Council may modify the Salem TSP by adopting a collector street alignment that does not nor will not conform to the cited requirements of the Salem Revised Code?
2. Does the proposed future alignment of Colorado Drive meet the Polk County partition conditions providing for a future road upon the creation of Tax Lot 100?
3. The tentative Titan Hill subdivision includes a future Colorado Drive slope greater than 8 percent. Why? Has the Tax Lot 400 owner provided evidence that there are no alignments across the Tax Lot 400 (Titan Hill) topography that will permit Colorado Drive to maintain an 8 percent or less slope between Tax Lot 500 and Doaks Ferry Road?
4. What is the logic of the revised Salem TSP that bisects Tax Lot 500 in such a manner that the northwest corner of that tax lot is isolated from the remaining bulk of Tax Lot 500? Since Salem roadways create new tax lot boundaries, what will happen to the narrow strip of land, approximately 36-feet wide depicted below, in Tax Lot 500 east of Colorado Drive once Colorado is angled southward into TL 500 and subsequently eastward into TL 400 (Titan Hill)?



5. How will the proposed Salem TSP modification implement the transition between the current Colorado Drive 68-foot R-O-W and the proposed TL 400 (Titan Hill) Colorado Drive 60-foot R-O-W?
6. Under what circumstances may the City of Salem adopt and/or modify the Salem TSP that approves a collector street alignment that does not meet Federal ADA transportation facility requirements?

Respectfully,

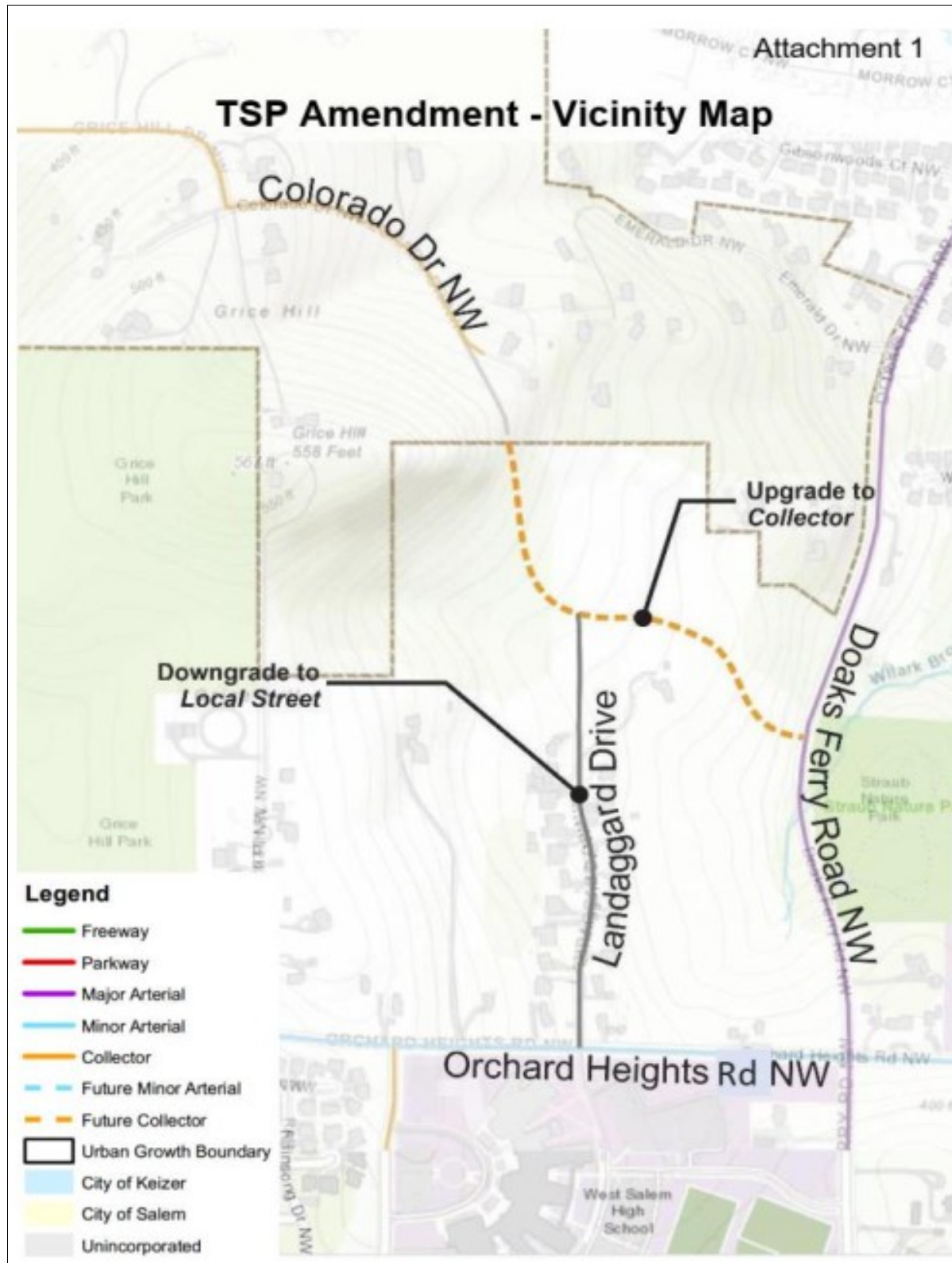
E.M. Easterly

503-363-6221

Note: These questions were previously submitted to the Salem Transportation Planner who indicated the questions would be addressed in her report to Council. eme

Salem Transportation System Plan Amendment Testimony

The graphic reproduced below was previously submitted to Council and included in the public hearing notice contains distortions and illegal assumptions.



I challenge the Attachment 1 **Vicinity Map** graphic on page 1 for the following reasons.

1. It falsely shows the local street Landaggard Drive extending to the proposed Colorado Drive link (orange dashed line) to Doaks Ferry Road. See and compare Map Appendix Figures 1 and 2,
2. It incorrectly claims Landaggard Drive needs to be downgraded to a local street status.
3. It offers a projected Colorado Drive alignment that does not match street “A” (Map Appendix Figure 6) and fails to meet the 8 percent maximum required by both Federal ADA rules¹ and the Salem Revised Code².

Therefore, the request to link Colorado Drive to Doaks Ferry Road as proposed in the staff recommended modification of the Salem Transportation System Plan must be rejected because the assumed alignment fails to comply with the Salem TSP legal requirements.

I do support linking Colorado Drive to either Orchard Heights Road or Doaks Ferry Road so long as the actual alignment of Colorado Drive maintains an 8 percent or less grade or until the record provides evidence that the physical characteristics of the land prohibit a Colorado Drive alignment design to Doaks Ferry of eight percent or less.

The dashed red dashed line on Map Appendix Figure 3 page offers an eight percent or less Colorado grade to Doaks Ferry Road and the blue dashed line on Map Appendix Figure 5 shows a less than 8 percent grade to Orchard Heights Road.

All Figure references are to the separate document “**Map Appendix**”.

¹ **ADA Requirements**

Sidewalk or walkway surfaces must be at least 36 inches wide, without abrupt level changes (no level change greater than ½ inch), and the surface must be stable, firm, and slip resistant. Curb ramps should not be too steep (no steeper than 1:12).

4.8.2* Slope and Rise The least possible slope shall be used for any ramp. The maximum slope of a ramp in new construction shall be 1:12.

² **SRC 803.035. - Street standards.**

All public and private streets shall be improved as follows:

(c) Alignment and grade. All streets shall be designed with a vertical alignment that conforms to the Public Works Design Standards. No grade of a collector street shall exceed eight percent.

(l) Sidewalks

(1) Sidewalk construction required.

Sidewalks conforming to this chapter, the Public Works Design Standards, the Americans with Disabilities Act, the Salem Transportation System Plan, and SRC chapter 78 shall be constructed as a part of street improvement projects.

Conclusions and Request

The proposed legislative update to the Salem Transportation System Plan (TSP) is based upon a false dichotomy.

First, to assume that the only possible Colorado alignment to Orchard Heights Road is via Landaggard Drive is inaccurate. The dashed blue line Figure 4 offers an alternative connection between Colorado and Orchard Heights that is not considered in the materials submitted to Council.

Second, the proposed variance affirmed alignment of Colorado via street "A" fails to meet the approval criteria for a collector for three reasons.

1. The variance declaration fails to offer findings or supporting evidence that a "unreasonable hardship or practical difficulty [is] created by the physical characteristics of the land." No evidence is provided which demonstrates that an alignment of Colorado to Doaks Ferry cannot maintain the requisite 8% or less grade. See the dashed red line at Figure 4 which demonstrates a less than eight percent Colorado Drive grade to Doaks Ferry Road can be identified.
2. Street "A", as approved by variance, Figure 6, permits a collector grade fifty percent greater than required by SRC Chapter 803.
3. The "A" street alignment between Tax Lot 500 and Doaks Ferry Road fails the meet federal ADA sidewalk slope requirements and, therefore, under the Salem TSP rules may not be approved as a collector street alignment.

If a Colorado Drive alignment can be linked to Doaks Ferry Road while maintaining a grade of eight percent or less, I ask that the requested approval of the Salem Transportation System Plan Colorado modification be conditioned as follows:

A. Council approved the Salem TSP re-alignment of Colorado Drive from Orchard Heights Road to Doaks Ferry Road so long as the Colorado Drive alignment is constructed with an eight percent or less slope; else

B. Finding be adopted confirming that final alignment of Colorado Drive, whether to Orchard Heights or Doaks Ferry, (1) meet the Salem TSP Policy 2.7 Development of New Streets Outside of the USA standards, (2) that the SRC 803.035 Street standards are met and (3) that the adopted findings show how the realignment of Colorado Drive is in conformance with all goals and policies of the Salem Transportation System Plan.

Respectfully



E. M. Easterly
503-363-6221

MAP APPENDIX

Figure 1. Enlarged segment of Proposed TSP Amendment – Vicinity Map

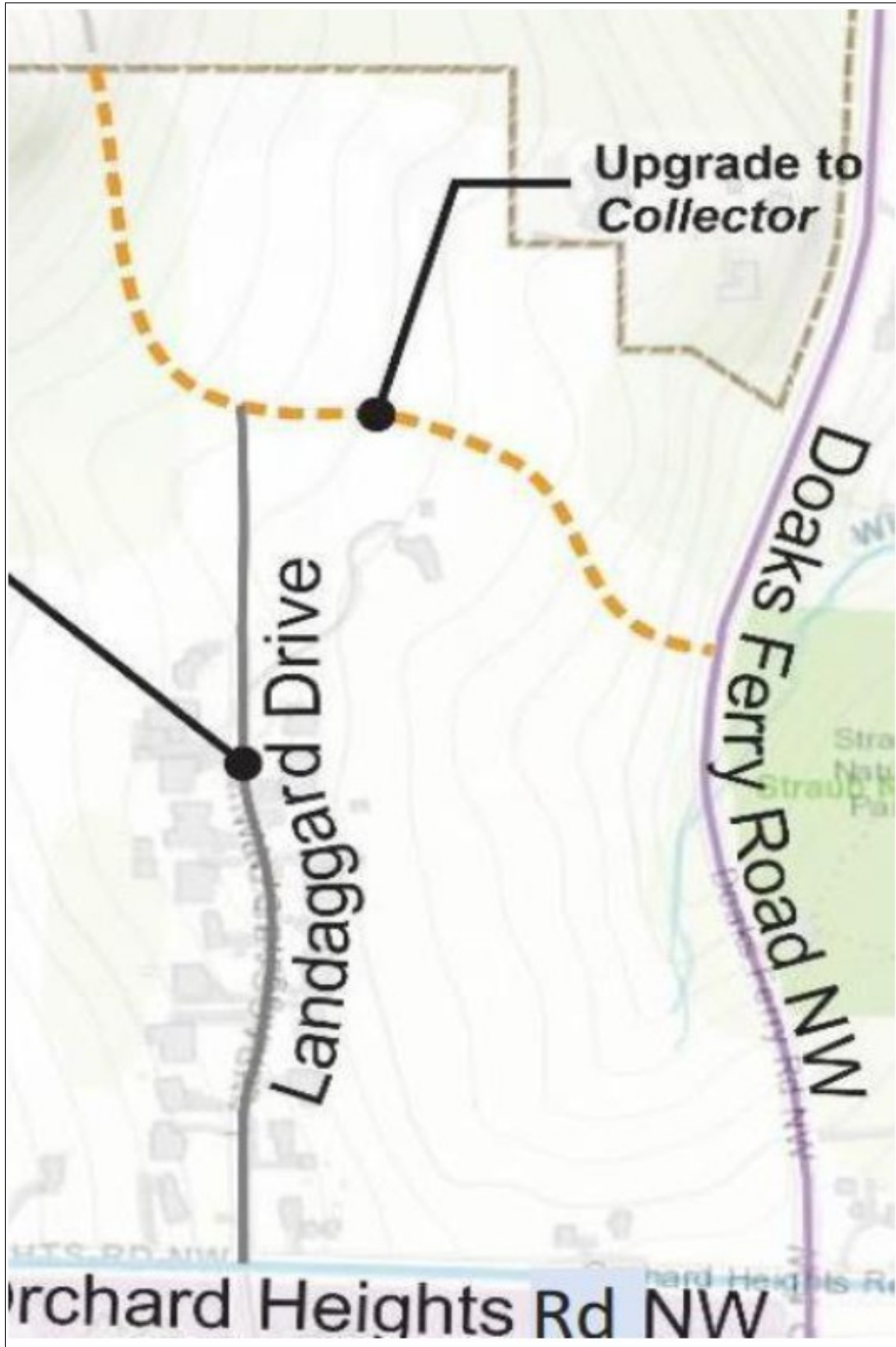


Figure 2. Projected Colorado Alignment (12%) on a Polk County ESRI Graphic

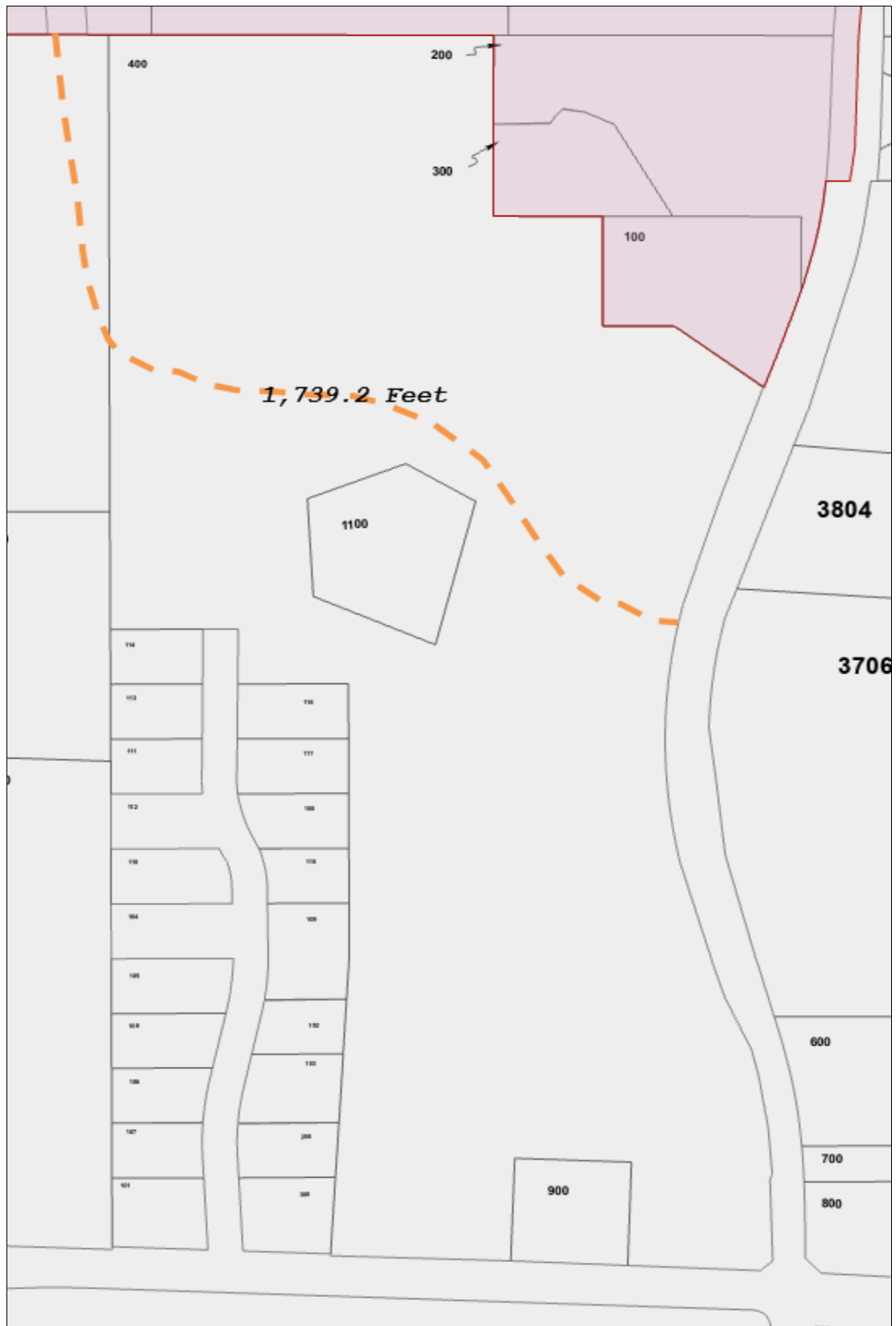


Figure 3. Red line Colorado 8% Alignment on a Polk County ESRI Graphic

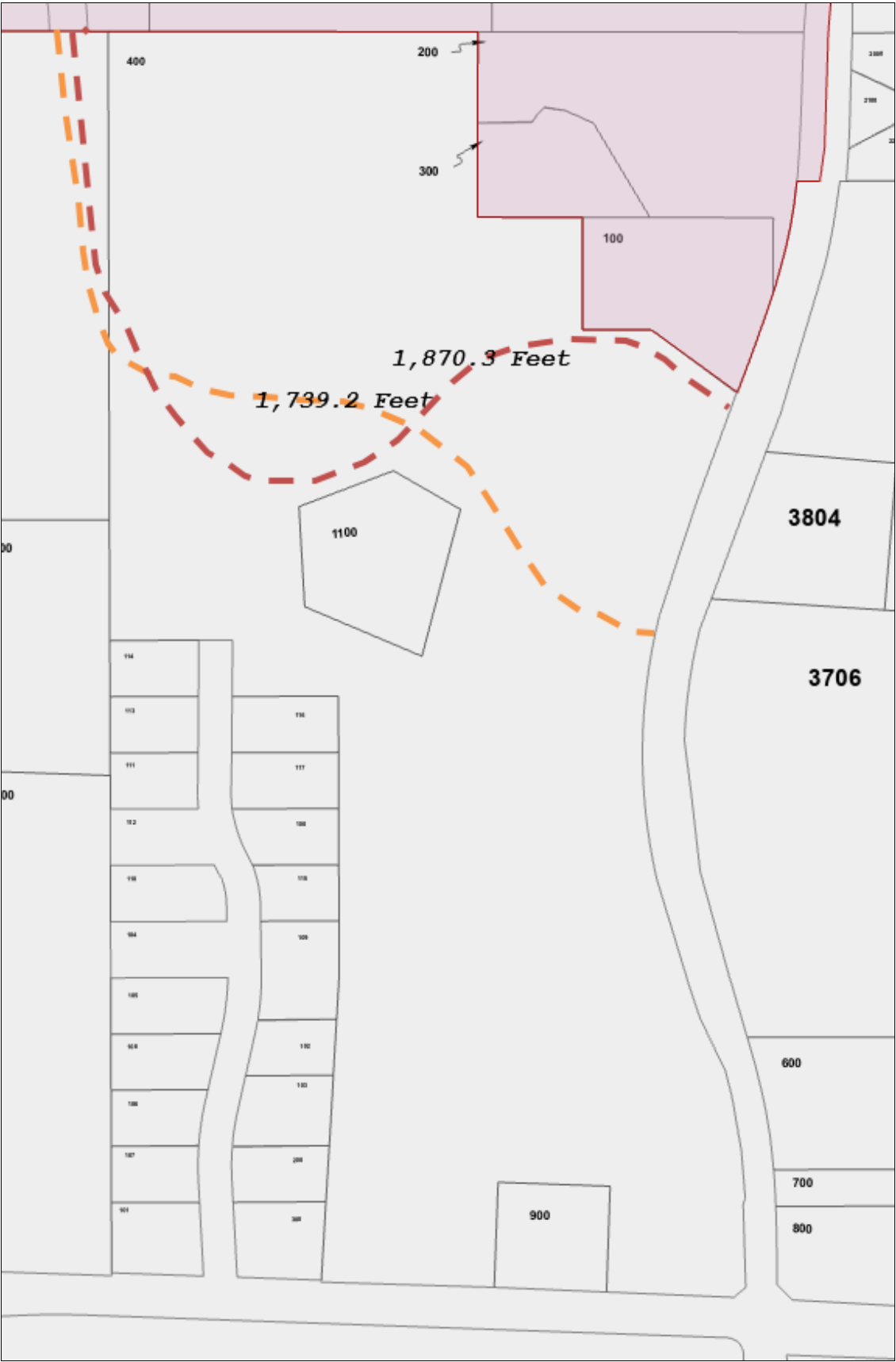


Figure 4. Blue line Colorado 8% Alignment on a Polk County ESRI Graphic

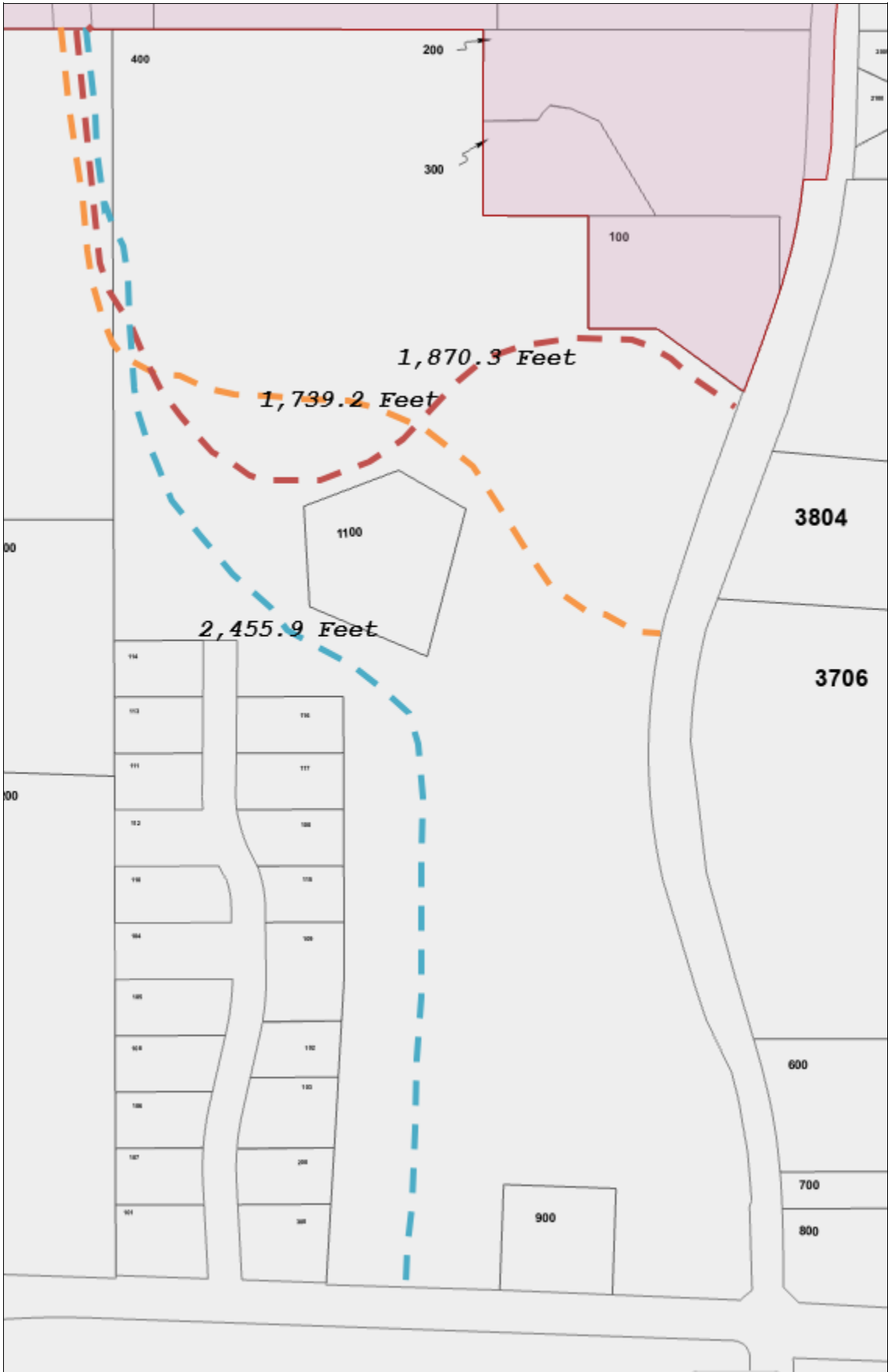
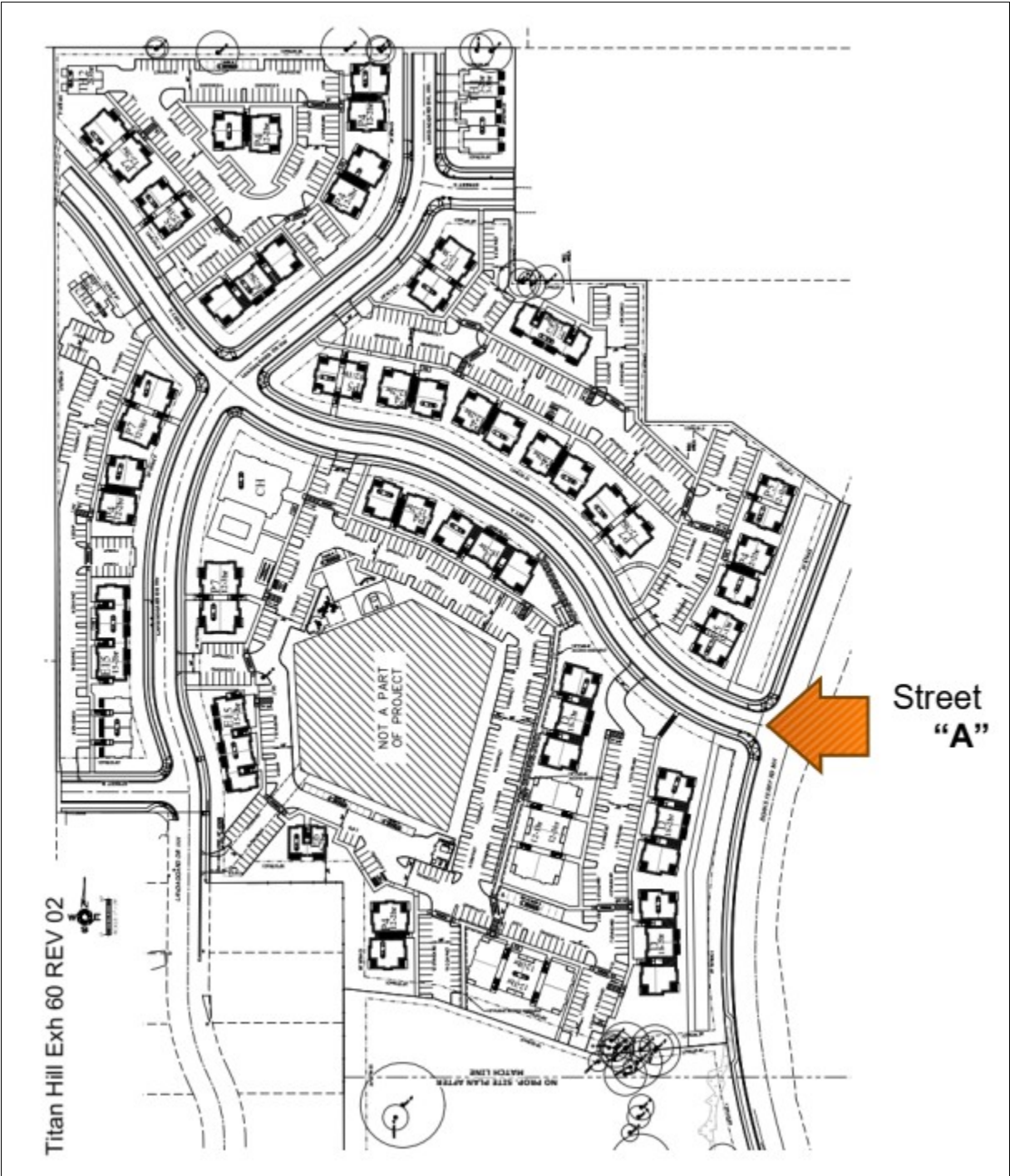


Figure 5. Tax Lot 400 Photo Graphic of Alternative Colorado Alignments



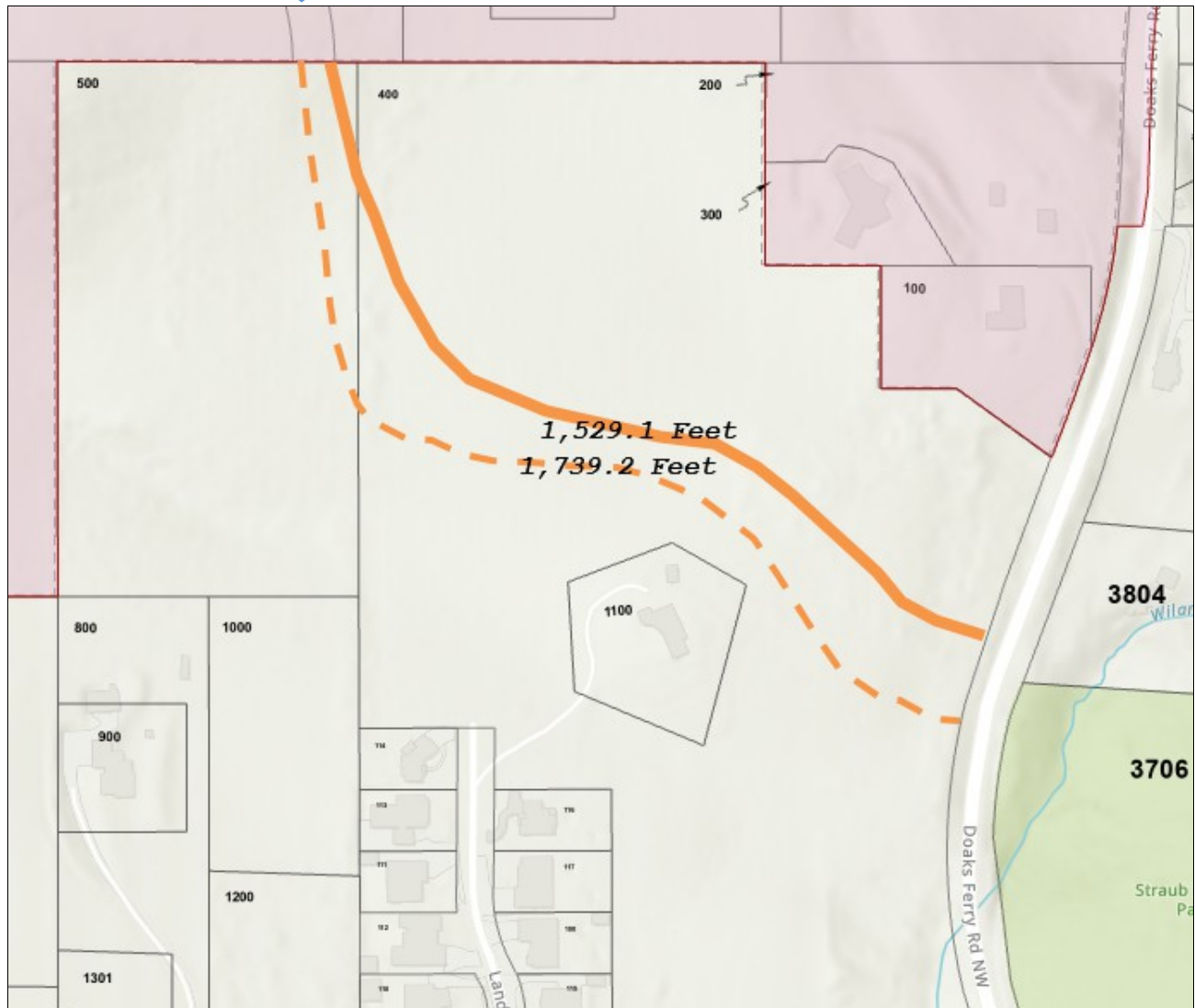
Figure 6. Tentatively Approved Titan Hill Subdivision Layout



Polk County Tax Lot Map Segment

Tentatively Approved Titan Hill Subdivision Proposed Colorado Drive Conflicting Alignments

Colorado Dr



Solid Orange Line – Approximate alignment of Street “A” in the tentatively approved Titan Hill Subdivision. See Map Appendix Figure 6.

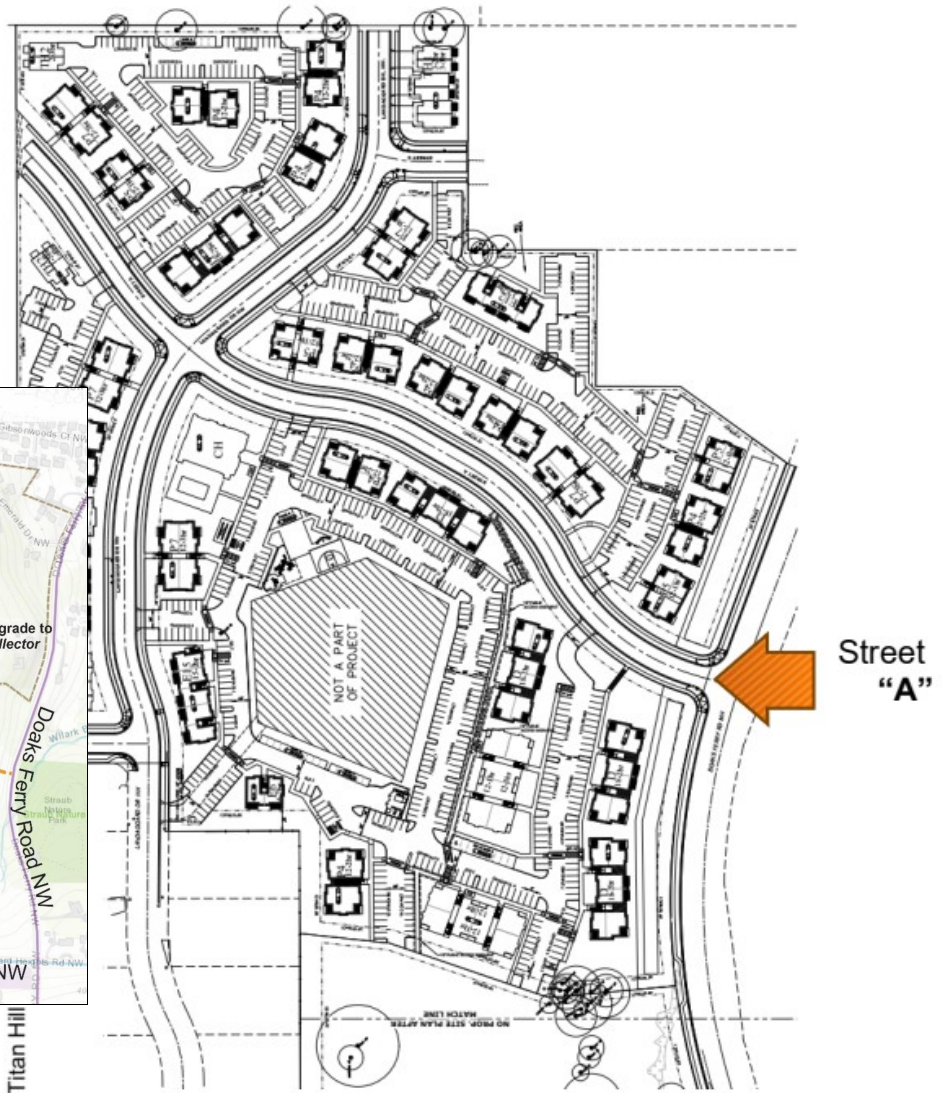
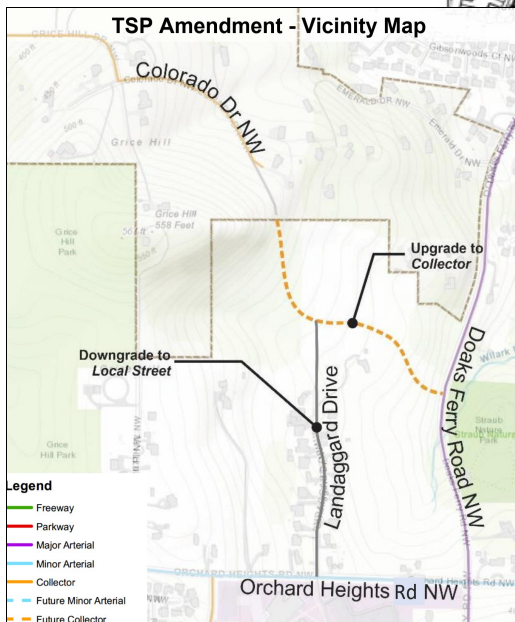
Dashed Orange Line – Approximate alignment of the future collector street Colorado Drive shown on **TSP Amendment - Vicinity Map**. See Map Appendix Figure 1.

- Which one of the two alignments will the Council's approval of the Salem Transportation System Plan (TSP) amendment becomes the actual approved Colorado Drive alignment?
- Will the approved alignment meet all Salem TSP legal requirements?

Map Appendix Figure Copies

Figure 6

Note: Street "A" does not connect to the surveyed but not built Colorado Drive which terminates at the northern border of TL 500.



Polk County photo thumb nail of the Tax Lot 400 proposed Titan Hill develop area that includes the Street "A" (solid orange line) alignment.

Note: The Titan Hill development is responsible for JUST the construction of Street "A" / Colorado Drive up to the border of Tax Lot 500. When and who will be responsible for completing the final connection to Colorado Drive remains unanswered.

E. M. Easterly