



555 Liberty Street SE / Room 305 • Salem OR 97301-3503 • Phone 503-588-6213 • Fax 503-588-6005
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Costco Remand

Case No. SPR-DAP18-15

Public Comments submitted prior to the Request for Remand

Please direct all comments to: planningcomments@cityofsalem.net

Direct mailed comments to the Case Manager listed below.

Please include the case number with comments.

Aaron Panko, Planner III, City of Salem Planning Division,
555 Liberty Street SE, Room 305, Salem, Oregon 97301.

Aaron Panko

From: Lisa Anderson-Ogilvie
Sent: Wednesday, March 11, 2020 4:26 PM
To: Aaron Panko
Subject: FW: Please approve Costco

- Lisa | 503-540-2381

-----Original Message-----

From: Anita Samaniego <anita7762@gmail.com>
Sent: Wednesday, March 11, 2020 2:05 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Please approve Costco

City council members,

Shopping is already limited in the City of Salem, If Costco leaves we will be relegated to shop only at Walmart and Amazon. For a state capital, the shopping choices are

Severely limited.

Please protect the residents of Salem that would like to stay in their own city to shop.

Sincerely,

Anita Samaniego
6077 Rolletti Dr SE
Salem, OR. 97306

480-209-3097

March 18, 2020

Mayor Chuck Bennett
Salem City Council

Re: TRAFFIC: Case #SPR DAP 18-15, Proposed Costco Relocation

Dear Mayor Bennett and Councilors:

As I testified at the December 10, 2018 public hearing, I believe the Kittelson & Associates' traffic impact analysis (TIA) for the proposed Costco relocation underestimates trip generation by as much as 18%, and ignores potentially significant traffic impacts to connecting streets in surrounding neighborhoods.

I base this on TIA's for six other Costco and two Walmart locations. Of the 6 Costco TIA's, 4 were done by Kittelson.

From each TIA I pulled three basic numbers:

- Store area (Costco = 168,550 square feet)
- Weekday net pm peak hour trips (Costco TIA = 701)
- Daily net new trips (Costco TIA = 7,210) (Net trips = total - bypass - internal trips)

From those numbers I calculated two ratios (see attached spreadsheet):

- Daily net new trips per net weekday peak hour trip
- Weekday net pm peak hour trips per thousand square feet (ksf) of store area

My conclusions:

- Kittelson's estimated daily net new trips = 7,210 = 10.3 daily trips per peak hour trip. The eight other studies average 12.2 daily trips per peak hour trip. $701 \times 12.2 = 8,552$ trips. Kittelson estimates 1,342 fewer trips, a 16% shortfall.
- Net daily trip estimate is 43 trips/ksf. The 8 other studies average 52 trips/ksf. $168.55 \times 52 = 8,765$ trips. Kittelson estimates 1,555 fewer trips, an 18% shortfall.
- A 16-18% under-estimation of trips is significant enough to raise concerns about the validity of Kittelson's assumptions and the scope and adequacy of traffic impact mitigation measures proposed in the TIA.

In addition, I am concerned that the TIA does not address the potential for increased cut-through traffic in the South Gateway and Morningside neighborhoods due to increased congestion on Kuebler Blvd. and Battle Creek Rd. Wickshire Ave. is already a popular cut-through route between South Commercial St. and Battle Creek Rd.

The TIA does not address south Morningside neighborhood access onto Battle Creek Rd. when it becomes a main thoroughfare leading to the new regional shopping center. Every Battle Creek intersection from Forsythe north to Sunland has limited sight distance along Battle Creek due to hills and curves. We may need a signal at some location (Independence?) for reasonable access onto Battle Creek.

The TIA takes a piecemeal approach to traffic impacts, addressing Costco in isolation and not the cumulative impacts of Costco plus two regional shopping centers plus Amazon plus the Boone Ridge retirement facility plus hundreds of apartments and houses either approved or in development.

Case #SPR DAP 18-15, Proposed Costco Relocation

Finally, evening rush hour westbound traffic on Kuebler often backs up almost to Turner Rd. Southbound Battle Creek traffic often backs up as far as Reed Rd. If this is normal commute-hour traffic, what will a large regional shopping center, including a Costco with 30 gas pumps, add to what is already near gridlock at times on these and other local roads? I believe these traffic concerns warrant further study based on real-world data and realistic assumptions. Thank you for your consideration.

Respectfully,

Bill Worcester
1935 Wickshire Ave. SE
Salem

503-371-9293
Willisw2001@aol.com

C: Glenn Baly

Attach: TIA comparison spreadsheet

3/18/2020			COSTCO TRIP GENERATION COMPARISON 4							
					Wkday net					
				Store	PM peak	Net PM peak	Daily net	Daily net trips/	Net new daily	Pass-by
<u>Project</u>	<u>Location</u>	<u>TIA Consultant</u>	<u>TIA date</u>	<u>Size (SF)</u>	<u>hour trips</u>	<u>hr trips/kSF</u>	<u>new trips</u>	<u>peak hr trips</u>	<u>trips/kSF</u>	<u>trips</u>
Costco + 30 gas pumps	27th/Kuebler	Kittelson & Assoc	5/31/2018	168,550	701	4.2	7,210	10.3	43	30-34%
<u>Other TIA's</u>										
Costco + gas	Elk Grove CA	Kittelson & Assoc	2/2016	150,548	1,096	7.3	10,978	10.0	73	Excluded
Costco + 24 gas pumps	Central Point OR	Kittelson & Assoc	10/2015	160,000	900	5.6	10,670	11.9	67	7-15%**
Costco + gas	E Vancouver WA	Kittelson & Assoc	10/2009	154,700	417	2.7	6,158	14.8	40	34-35%
Costco +12 gas pumps	Ukiah CA	W-Trans	6/2012	148,000	700	4.7	11,204	16.0	76	37%
Costco + gas	San Marcos CA	RBF Consulting	9/2009	148,200	926	6.2	9,248	10.0	62	22%
Costco + 12 gas*	Roseburg OR	Kittelson & Assoc	May-09	160,850	365	2.3	3,640	10.0	23	35%
Wal-Mart Expansion	North Salem	Transpo Group	9/2003	91,000	288	3.2	3,545	12.3	39	17%
Wal-Mart	South Salem	ATEP	6/1991	<u>144,000</u>	<u>452</u>	<u>3.1</u>	<u>5,651</u>	<u>12.5</u>	<u>39</u>	<u>40%</u>
			Averages for 8 TIAs	144,662	643	4.4	7,637	12.2	52	27-29%
*148 ksf Costco + 12.85 ksf future retail										
									**30-35% typical for Costco	
CONCLUSIONS: 1) Kittelson underestimates new Costco daily trips by 16% to 18% (1,342 to 1,555 trips). Understating new trips makes it easy to downplay/ignore										
traffic impacts on surrounding neighborhoods and existing infrastructure (eg. I-5/Kuebler interchange), and minimizes improvements required										
to maintain acceptable levels of service.										
>The TIA estimates new Costco net daily trips at 10.3 x weekday pm peak hour trips ; the average of 8 other studies is 12.2 x weekday pm peak										
hour trips. By this measure, new Costco net daily trips should be 701 x 12.2 = 8,552 = 1,342 more than Kittelson's 7,210 estimate.										
>The TIA estimates new Costco net daily trips at 43 per 1,000 square feet (kSF) ; the average of 8 other studies is 52 trips per kSF.										
By this measure, new Costco net daily trips should be 168.55 kSF x 52 trips/kSF = 8,765 = 1,555 more than Kittelson's 7,210 estimate.										
2) The TIA does not address increased cut-through traffic in the South Gateway and Morningside neighborhoods when Kuebler and/or Battle Creek										
inevitably back up more at peak hours than they do already.										
3) The TIA does not address increased difficulty of south Morningside residents in accessing Battle Creek Rd. when it becomes a main thoroughfare to										
Costco. The intersections with Sunland, Gladmar, Independence, Southampton, and Forsythe all have reduced sight distance north and south along										
Battle Creek, due to hills and curves, exacerbated by excessive speeds many vehicles travel on Battle Creek. We may need a signal at one of the										
intersections (Independence?) to make access onto Battle Creek by south Morningside residents reasonably convenient and safe.										
4) The TIA takes a piecemeal approach to traffic impacts , addressing Costco in isolation and not the cumulative impact of Costco + two adjacent regional										
shopping centers + the existing businesses on site + the million SF Amazon distribution center + the retirement facility now under construction +										
hundreds of apartment units and single-family residences now in the land use approval/development process.										

Aaron Panko

From: Lisa Anderson-Ogilvie
Sent: Wednesday, March 11, 2020 4:26 PM
To: Aaron Panko
Subject: FW: Traffic

Importance: High

- Lisa | 503-540-2381

From: Brandi Brogoitti <brandi.cpafirm@gmail.com>
Sent: Wednesday, March 11, 2020 1:36 PM
To: citycouncil <citycouncil@cityofsalem.net>
Cc: Chuck Bennett <CBennett@cityofsalem.net>
Subject: Traffic
Importance: High

We are asking you to continue to uphold the City Council's earlier denial of the PacTrust/Costco Site Plan Design for the PacTrust property on Kuebler between Battle Creek and 27th due to tree removal. Protecting ALL of the trees is very important for the environment in our south Salem neighborhoods. Additionally, LUBA allowed the City Council to address the issues raised by the Cross-Petitioners, such as traffic. We request that you ensure that any remand hearing or City Council action address traffic issues associated with the proposed development at the PacTrust property. We also believe that you need to request a TIA that is revised to **address the various flaws** that were previously presented at the original hearing by an engineering report submitted by Greenlight Engineering. Consider the adverse effects of the neighborhood that is literally across the street from Pac Trust property; the light pollution from the parking lot lights, the noise and air pollution from the multitude of delivery trucks in and out all day long, the congestion that will be created for the Fire Station #9 trying to exit their station. Consider the several cul-de-sac streets that could end up with residents having no way out when traffic gets backed up on the street running along the south side of the property. This property is TOO CLOSE to neighborhoods, period!! There are several empty properties along Mission St/Hwy 22 where gas tanks are already installed underground nearby. Fred Meyer does just fine with their gas station 'off site' in South Salem – it would not harm Costco any to move their gas station to one of the empty, ugly, untended-to eyesore properties along Hwy 22 near the existing Costco store, and it would help clean up that derelict looking stretch of road. Additionally, the revised TIA should address the Amazon facility and other development impacts on traffic on Kuebler near the interchange. We are asking you as Councilors to do what you can to lessen the impact of this development on the neighborhoods and traffic in south Salem. Thank you in advance for your time,

Brandi Brogoitti
Fort Rock Ave SE

Aaron Panko

From: Lisa Anderson-Ogilvie
Sent: Wednesday, March 11, 2020 6:42 PM
To: Aaron Panko
Subject: Fwd: Traffic

- Lisa | 503-540-2381

From: Carol Dare <cdare14@yahoo.com>
Sent: Wednesday, March 11, 2020 5:07:27 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Traffic

Please uphold the City Council's earlier denial of the PacTrust/Costco Site Plan Design for the PacTrust Property on Kuebler between Battle Creek and 27th due to tree removal.

Also, please address other issues raised by the Cross-Petitioners, such as traffic issues, a revised TIA request to address various flaws that were previously presented at the original hearing by an engineering report submitted by Greenlight Engineering, impacts on and by the Amazon facility, and other impacts on the neighborhoods and traffic in South Salem. Thank you.

Carol Dare
1843 Lexington SE
Salem, OR 97306

Aaron Panko

From: Lisa Anderson-Ogilvie
Sent: Wednesday, March 11, 2020 2:58 PM
To: Aaron Panko
Subject: FW: Trees & Kuebler Traffic

- Lisa | 503-540-2381

From: danka8@juno.com <danka8@juno.com>
Sent: Wednesday, March 11, 2020 11:09 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Trees & Kuebler Traffic

Frankly, I have little interest in any trees on the Costco/PacTrust property. My concern is Kuebler traffic, something that has an extraordinary impact on everyone living in south Salem.

In a previous submittal to this council I documented flaws in PacTrust's TIA. The rate of traffic growth on Kuebler is much greater than that used in the analysis. This should come as no surprise since PacTrust paid for the study. Common sense coupled with simple observation amply demonstrates the current state of Kuebler's traffic capacity.

The City has routinely approved random development on a piecemeal basis, the cumulative effect of which serves to load Kuebler. Little consideration has gone into long term planning. The Council needs to step back and initiate a long-term study of the traffic needs of south Salem for the next 30 years. Kuebler cannot be widened; it is a constraint we must live with. With or without Costco, Salem has another major traffic problem because foresight was absent.

At a neighborhood meeting addressing this topic, a resident who had moved to Salem from the Los Angeles area said he used to drive his wife to a dialysis center. Twenty years ago it took him about 30 minutes to make the trip. When he left LA a few years ago it was taking 90 minutes. I see the same trend at Kuebler. Please don't let his happen.

Dan Reid
Ward 3

All Natural CBD Oil Has Doctors Throwing out Prescriptions

365trks.com

<http://thirdpartyoffers.juno.com/TGL3132/5e692950382d329506c51st01vuc>

Sponsored Links 

Aaron Panko

From: Lisa Anderson-Ogilvie
Sent: Monday, March 16, 2020 6:06 PM
To: Aaron Panko
Subject: FW: Traffic

- Lisa | 503-540-2381

From: Dustin Wylam <dustinwylam@yahoo.com>
Sent: Monday, March 16, 2020 6:00 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Traffic

Dear Salem City Council,

We are asking you to continue to uphold the City Council's earlier denial of the PacTrust/Costco Site Plan Design for the PacTrust property on Kuebler between Battle Creek and 27th due to tree removal. Protecting ALL of the trees is very important for the environment in our south Salem neighborhoods. Additionally, LUBA allowed the City Council to address the issues raised by the Cross-Petitioners, such as traffic. We request that you ensure that any remand hearing or City Council action address traffic issues associated with the proposed development at the PacTrust property. We also believe that you need to request a TIA that is revised to address the various flaws that were previously presented at the original hearing by an engineering report submitted by Greenlight Engineering. Additionally, the revised TIA should address the Amazon facility and other development impacts traffic on Kuebler near the interchange. We are asking you as Councilors to do what you can to lessen the impact of this development on the neighborhoods and traffic in south Salem.

Thanks for your help.

Dustin Wylam DMD
South Salem business owner and resident

Sent from my iPhone

Aaron Panko

From: Lisa Anderson-Ogilvie
Sent: Thursday, March 12, 2020 1:07 PM
To: Aaron Panko
Subject: FW: Costco

- Lisa | 503-540-2381

-----Original Message-----

From: Garry Cosentino <gareyjoann@aol.com>
Sent: Thursday, March 12, 2020 12:30 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Costco

Please approve the Costco site plan.
The old Costco is small and congestive at current location.

Garey & JoAnn Cosentino
gareyjoann@aol.com

Sent from my iPad

Aaron Panko

From: Lisa Anderson-Ogilvie
Sent: Wednesday, March 11, 2020 4:28 PM
To: Aaron Panko
Subject: FW: Traffic

- Lisa | 503-540-2381

From: Roger Coakley <coaktek2@outlook.com>
Sent: Wednesday, March 11, 2020 4:27 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Traffic

Hi,
I'm Janelle Coakley and live at 2655 Foxhaven Dr SE, Salem, 97306.

I'm asking you to stand with the earlier City Council ruling to deny PacTrust/Costco from being able to build their facility in our backyard. My husband and I have lived at our property 21 years and our property has flooded five times in that period. We live at the bottom of the hill on Foxhaven, on a cul-de-sac, and our back yard connects to the houses on the cul-de-sac on Boone Rd. SE. (Where Costco proposes to build). We are one block off Boone Rd.

If Costco were to be allowed to build where they are proposing, that whole block would become asphalt and concrete and there would be no where for water run-off, especially during our rainy season. Our property and neighborhood, as well as 4 surrounding neighborhoods would be susceptible to flooding. We have informed the City of Salem of our flooding problem and they are working to prevent further flooding issues, but the problem has not been fully resolved. Adding Costco/asphalt/concrete to the situation would greatly magnify our problem.

Several years ago, studies were done by the Neighborhood Associations and the city when PacTrust and Costco first proposed this plan. Our studies included water/sewer, traffic, and first responder impacts. All our studies concluded the area was inadequate to sustain the huge impact Costco, or any big box store would make on the area. Since the PacTrust/Costco proposal, Amazon, Fed Ex. and Boone Ridge, a large nursing home have also moved into close proximity to this area. As it is now, in morning and evening rush hour traffic, we that live in the neighborhood, have to find alternate routes to even get on Kuebler Blvd.

I'm asking that you stand with the ruling of the LUBA to deny PacTrust/Costco the ability to build in this location.

Thank you,
Janelle Coakley

Sent from [Mail](#) for Windows 10

Aaron Panko

From: Lisa Anderson-Ogilvie
Sent: Thursday, March 12, 2020 1:35 PM
To: Aaron Panko
Subject: FW: Traffic on Kuebler

- Lisa | 503-540-2381

From: Jay Buswell <jbuzz48@gmail.com>
Sent: Thursday, March 12, 2020 1:32 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Traffic on Kuebler

“We are asking you to continue to uphold the City Council's earlier denial of the PacTrust/Costco Site Plan Design for the PacTrust property on Kuebler between Battle Creek and 27th due to tree removal. Protecting ALL of the trees is very important for the environment in our south Salem neighborhoods. Additionally, LUBA allowed the City Council to address the issues raised by the Cross-Petitioners, such as traffic. We request that you ensure that any remand hearing or City Council action address traffic issues associated with the proposed development at the PacTrust property. We also believe that you need to request a TIA that is revised to address the various flaws that were previously presented at the original hearing by an engineering report submitted by Greenlight Engineering. Additionally, the revised TIA should address the Amazon facility and other development impacts traffic on Kuebler near the interchange. We are asking you as Councilors to do what you can to lessen the impact of this development on the neighborhoods and traffic in south Salem. Thank you.”

Sent from my iPhone

Aaron Panko

From: Lisa Anderson-Ogilvie
Sent: Saturday, March 14, 2020 4:43 PM
To: Aaron Panko
Subject: Fwd: TRAFFIC

- Lisa | 503-540-2381

From: Kathryn Chambers <abbykats@hotmail.com>
Sent: Saturday, March 14, 2020 2:47:03 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: TRAFFIC

We ask you uphold the City Council's earlier denial of the PacTrust/Costco Site Plan Design for the PacTrust property on Kuebler between Battle Creek and 27th due to tree removal. Protecting ALL of the trees is very important for the environment in our south Salem neighborhoods. Additionally, LUBA allowed the City Council to address the issues raised by the Cross-Petitioners, such as traffic. We request that you ensure that any remand hearing or City Council action address traffic issues associated with the proposed development at the PacTrust property. We also believe that you need to request a TIA that is revised to address the various flaws that were previously presented at the original hearing by an engineering report submitted by Greenlight Engineering. Additionally, the revised TIA should address the Amazon facility and other development impacts traffic on Kuebler near the interchange. We are asking you as Councilors to do what you can to lessen the impact of this development on the neighborhoods and traffic in south Salem.

Kathryn Chambers
Member
South Gateway Neighborhood Association

Aaron Panko

From: Lisa Anderson-Ogilvie
Sent: Wednesday, March 11, 2020 4:27 PM
To: Aaron Panko
Subject: FW: Traffic

- Lisa | 503-540-2381

From: Kay Buswell <kathleenbuzz@gmail.com>
Sent: Wednesday, March 11, 2020 12:25 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Traffic

"We are asking you to continue to uphold the City Council's earlier denial of the PacTrust/Costco Site Plan Design for the PacTrust property on Kuebler between Battle Creek and 27th due to tree removal. Protecting ALL of the trees is very important for the environment in our south Salem neighborhoods. Additionally, LUBA allowed the City Council to address the issues raised by the Cross-Petitioners, such as traffic. We request that you ensure that any remand hearing or City Council action address traffic issues associated with the proposed development at the PacTrust property. We also believe that you need to request a TIA that is revised to address the various flaws that were previously presented at the original hearing by an engineering report submitted by Greenlight Engineering. Additionally, the revised TIA should address the Amazon facility and other development impacts traffic on Kuebler near the interchange. We are asking you as Councilors to do what you can to lessen the impact of this development on the neighborhoods and traffic in south Salem. Thank you."

Sent from my iPhone

Aaron Panko

From: Lisa Anderson-Ogilvie
Sent: Saturday, March 14, 2020 4:43 PM
To: Aaron Panko
Subject: Fwd: Traffic

- Lisa | 503-540-2381

From: becky ray <becky1217@centurylink.net>
Sent: Saturday, March 14, 2020 3:24:47 PM
To: Chuck Bennett <CBennett@cityofsalem.net>; citycouncil <citycouncil@cityofsalem.net>
Subject: Traffic

I request that you ensure that any remand hearing or City Council action address traffic issues associated with the proposed development at the PacTrust property. It is also believed that you need to request a TIA that is revised to address the various flaws that were previously presented at the original hearing by an engineering report submitted by Greenlight Engineering. Additionally, the revised TIA should address the Amazon facility and other developments' traffic on Kuebler near the interchange. South Salem between Commercial and Battle Creek is and will continue to be impacted by the number of multi-family and single family housing. Additionally, housing development has begun along Strong Rd. We are asking you as Councilors to do what you can to lessen the impact of this development on the neighborhoods and traffic in south Salem.

Please continue to uphold the City Council's earlier denial of the PacTrust/Costco Site Plan Design for the PacTrust property on Kuebler between Battle Creek and 27th due to tree removal. Protecting ALL of the trees is very important for the environment in our south Salem neighborhoods.

Thank you.

Nancy Ray
South Salem

Aaron Panko

From: Lisa Anderson-Ogilvie
Sent: Wednesday, March 11, 2020 2:57 PM
To: Aaron Panko
Subject: FW: TRAFFIC

- Lisa | 503-540-2381

From: Patrice Aiello <paiyellow@gmail.com>
Sent: Wednesday, March 11, 2020 10:35 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: TRAFFIC

To the City Council

I feel very strongly about the following. This is a quote from Glenn Baly and I am using it in order to cover all pertinent points.

I am furious over this proposed Costco and have written many letters and attended many meetings.

"We are asking you to continue to uphold the City Council's earlier denial of the PacTrust/Costco Site Plan Design for the PacTrust property on Kuebler between Battle Creek and 27th due to tree removal. Protecting ALL of the trees is very important for the environment in our south Salem neighborhoods. Additionally, LUBA allowed the City Council to address the issues raised by the Cross-Petitioners, such as traffic. We request that you ensure that any remand hearing or City Council action address traffic issues associated with the proposed development at the PacTrust property. We also believe that you need to request a TIA that is revised to address the various flaws that were previously presented at the original hearing by an engineering report submitted by Greenlight Engineering. Additionally, the revised TIA should address the Amazon facility and other development impacts traffic on Kuebler near the interchange. We are asking you as Councilors to do what you can to lessen the impact of this development on the neighborhoods and traffic in south Salem. Thank you."

Patrice Aiello
6067 Pikes Pass St SE
Salem 97306

Aaron Panko

From: Lisa Anderson-Ogilvie
Sent: Wednesday, March 11, 2020 4:25 PM
To: Aaron Panko
Subject: FW: Development of PacTrust property on the corner of Kuebler between Battlecreek and 27TH Ave.

- Lisa | 503-540-2381

From: Patricia Boschke <pmboschke@yahoo.com>
Sent: Wednesday, March 11, 2020 2:33 PM
To: citycouncil <citycouncil@cityofsalem.net>; Chuck Bennett <CBennett@cityofsalem.net>
Cc: Glenn Baly <glennbaly12345@gmail.com>
Subject: Development of PacTrust property on the corner of Kuebler between Battlecreek and 27TH Ave.

Please continue to uphold earlier denial of the PacTrust/Costco Plan Site for the Pac/Trust property on Kuebler between Battlecreek and 27th Ave due to tree removal. The environmental impact, including tree removal, affects the quality of life in our South Salem neighborhood. Traffic issues are also a great concern. We request that you ensure that any remand or city council action address traffic issues associated with proposed development at the PacTrust property. Please request a TIA that is revised to address various flaws that had been presented at the original hearing by an engineering report submitted by Greenlight Engineering. The revised TIA should address the Amazon facility and other development that impacts traffic on Kuebler near interchange. We are asking you as Councilors to do what you can to lessen impact of this development on the neighborhoods and traffic in south Salem.
Thank you.

Patricia Boschke
1582 Scotch Ave SE
Salem 97306

Aaron Panko

From: Lisa Anderson-Ogilvie
Sent: Tuesday, March 31, 2020 8:28 AM
To: Aaron Panko
Subject: FW: Traffic

- Lisa | 503-540-2381

From: Brandi Brogoitti <bbrigoitti@yahoo.com>
Sent: Monday, March 30, 2020 4:58 PM
To: Chuck Bennett <CBennett@cityofsalem.net>; citycouncil <citycouncil@cityofsalem.net>
Subject: Traffic

We are asking you to continue to uphold the City Council's earlier denial of the PacTrust/Costco Site Plan Design for the PacTrust property on Kuebler between Battle Creek and 27th due to tree removal. Protecting ALL of the trees is very important for the environment in our south Salem neighborhoods.

Additionally, LUBA allowed the City Council to address the issues raised by the Cross-Petitioners, such as traffic. We request that you ensure that any remand hearing or City Council action address traffic issues associated with the proposed development at the PacTrust property. We also believe that you need to request a TIA that is revised to **address the various flaws** that were previously presented at the original hearing by an engineering report submitted by Greenlight Engineering.

Consider the adverse effects of the neighborhood that is literally across the street from Pac Trust property; the light pollution from the parking lot lights, the noise and air pollution from the multitude of delivery trucks in and out all day long, the congestion that will be created for the Fire Station #9 trying to exit their station. Consider the several cul-de-sac streets that could end up with residents having no way out when traffic gets backed up on the street running along the south side of the property. This property is TOO CLOSE to neighborhoods, period!! There are several empty properties along Mission St/Hwy 22 where gas tanks are already installed underground nearby. Fred Meyer does just fine with their gas station 'off site' in South Salem – it would not harm Costco any to move their gas station to one of the empty, ugly, untended-to eyesore properties along Hwy 22 near the existing Costco store, and it would help clean up that derelict looking stretch of road.

Additionally, the revised TIA should address the Amazon facility and other development impacts on traffic on Kuebler near the interchange. We are asking you as Councilors to do what you can to lessen the impact of this development on the neighborhoods and traffic in south Salem. Thank you in advance for your time,

Brandi Brogoitti

Fort Rock Ave SE

Aaron Panko

From: Lisa Anderson-Ogilvie
Sent: Monday, June 22, 2020 10:44 AM
To: Aaron Panko
Subject: FW: Traffic

For the record.

- Lisa | 503-540-2381

From: Brandi Brogoitti <bbrigoitti@yahoo.com>
Sent: Monday, June 22, 2020 10:19 AM
To: citycouncil <citycouncil@cityofsalem.net>; Chuck Bennett <CBennett@cityofsalem.net>
Subject: Traffic

We are asking you to continue to uphold the City Council's earlier denial of the PacTrust/Costco Site Plan Design for the PacTrust property on Kuebler between Battle Creek and 27th due to tree removal. Protecting ALL of the trees is very important for the environment in our south Salem neighborhoods.

Additionally, LUBA allowed the City Council to address the issues raised by the Cross-Petitioners, such as traffic. We request that you ensure that any remand hearing or City Council action address traffic issues associated with the proposed development at the PacTrust property. We also believe that you need to request a TIA that is revised to **address the various flaws** that were previously presented at the original hearing by an engineering report submitted by Greenlight Engineering.

Consider the adverse effects of the neighborhood that is literally across the street from Pac Trust property; the light pollution from the parking lot lights, the noise and air pollution from the multitude of delivery trucks in and out all day long, the congestion that will be created for the Fire Station #9 trying to exit their station. Consider the several cul-de-sac streets that could end up with residents having no way out when traffic gets backed up on the street running along the south side of the property. This property is TOO CLOSE to neighborhoods, period!! There are several empty properties along Mission St/Hwy 22 where gas tanks are already installed underground nearby. Fred Meyer does just fine with their gas station 'off site' in South Salem – it would not harm Costco any to move their gas station to one of the empty, ugly, untended-to eyesore properties along Hwy 22 near the existing Costco store, and it would help clean up that derelict looking stretch of road.

Additionally, the revised TIA should address the Amazon facility and other development impacts on traffic on Kuebler near the interchange. We are asking you as Councilors to do what you can to lessen the impact of this development on the neighborhoods and traffic in south Salem. Thank you in advance for your time,

Brandi Brogoitti

Fort Rock Ave SE

Aaron Panko

From: Lisa Anderson-Ogilvie
Sent: Saturday, March 28, 2020 11:18 AM
To: Aaron Panko
Subject: Fwd: Costco/PacTrust

- Lisa | 503-540-2381

From: Julie Olson <olsonjulie82@gmail.com>
Sent: Saturday, March 28, 2020 11:14:37 AM
To: citycouncil <citycouncil@cityofsalem.net>; Chuck Bennett <CBennett@cityofsalem.net>
Subject: Costco/PacTrust

“We are asking you to continue to uphold the City Council's earlier denial of the PacTrust/Costco Site Plan Design for the PacTrust property on Kuebler between Battle Creek and 27th due to tree removal. Protecting ALL of the trees is very important for the environment in our south Salem neighborhoods. Additionally, LUBA allowed the City Council to address the issues raised by the Cross-Petitioners, such as traffic. We request that you ensure that any remand hearing or City Council action address traffic issues associated with the proposed development at the PacTrust property. We also believe that you need to request a TIA that is revised to address the various flaws that were previously presented at the original hearing by an engineering report submitted by Greenlight Engineering. Additionally, the revised TIA should address the Amazon facility and other development impacts traffic on Kuebler near the interchange. We are asking you as Councilors to do what you can to lessen the impact of this development on the neighborhoods and traffic in south Salem. Thank you.”

Dan and Julie Olson

Aaron Panko

From: Lisa Anderson-Ogilvie
Sent: Thursday, March 26, 2020 3:26 PM
To: Aaron Panko
Subject: FW: Traffic/Costco

- Lisa | 503-540-2381

From: Raelyn <beadsbyrae@aol.com>
Sent: Thursday, March 26, 2020 3:23 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Traffic/Costco

Let me first say I am a Costco Member I love the store and have no problem driving the short distance to where it is currently located. I live in the neighborhood where they are planning to relocate. I could walk to the store but that would be impossible to carry my purchases home. So I would be one of the 80,00000 customers driving to the store. I have no faith that this letter or any other letter you receive will make any difference with the City of Salem. I believe it will be pushed through and the neighborhood where I live will be a tangled mess of traffic 7 days a week. I think it is a terrible plan to move here why not on the other side of the freeway where there is large parcels of land? Please pursue another property that is not in a residential area. Thanks Raelyn Breslin

I have attended every meeting in regards to PacTrust/Costco from 1st meeting at local senior center to the Pac Trust/Costco Open House to meeting downtown City Council civic center/Library. Please review all aspects of the effects of this development in this South Salem location. From destroying the White Oak trees, traffic in and out of neighborhood and on Kuebler, Boone, 27th and Battlecreek Rd. This was never meant for a store classified as the largest warehouse chain in the world, more likely a small shopping center for local businesses.

A "We are asking you to continue to uphold the City Council's earlier denial of the PacTrust/Costco Site Plan Design for the PacTrust property on Kuebler between Battle Creek and 27th due to tree removal. Protecting ALL of the trees is very important for the environment in our south Salem neighborhoods. Additionally, LUBA allowed the City Council to address the issues raised by the Cross-Petitioners, such as traffic. We request that you ensure that any remand hearing or City Council action address traffic issues associated with the proposed development at the PacTrust property. We also believe that you need to request a TIA that is revised to address the various flaws that were previously presented at the original hearing by an engineering report submitted by Greenlight Engineering. Additionally, the revised TIA should address the Amazon facility and other development impacts traffic on Kuebler near the interchange. We are asking you as Councilors to do what you can to lessen the impact of this development on the neighborhoods and traffic in south Salem. Thank you."

Aaron Panko

From: Lisa Anderson-Ogilvie
Sent: Thursday, March 12, 2020 12:01 PM
To: Aaron Panko
Subject: FW: Traffic & New Costco Location

- Lisa | 503-540-2381

From: Richard Bontrager <richjbontrager@gmail.com>
Sent: Thursday, March 12, 2020 12:00 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Traffic & New Costco Location

To the City Council.

I just wanted to voice my support for the new Costco Location.

I feel traffic issues can be address and concerning trees, they are a renewable resource and as such the concern over cutting existing trees can be overcome by the planting of new trees. I'm sure the developer can plant more trees on the location than the number removed and increase the tree count overall.

Growth of business is vital to the growth of our economy.

Sincerely.

Rich Bontrager

--

Rich Bontrager | Broker

Licensed in the State of Oregon



WINDERMERE PACIFIC WEST PROPERTIES

4285 Commercial St. SE – Suite 100

Salem, OR 97302-4327

OFFICE 503.391.1350

CELL (Rich) 503.877.2660

WWW.BONTRAGERSERVICES.COM

Link to Oregon Initial Agency Disclosure Pamphlet:

<https://www.oregon.gov/rea/licensing/Documents/Initial-Agency-Disclosure-Pamphlet.pdf>

Aaron Panko

From: Lisa Anderson-Ogilvie
Sent: Wednesday, March 11, 2020 4:26 PM
To: Aaron Panko
Subject: FW: Traffic on Kuebler

- Lisa | 503-540-2381

From: Bob Myers <rj.myers@comcast.net>
Sent: Wednesday, March 11, 2020 1:33 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Traffic on Kuebler

Dear Salem Councilors:

I am asking you to continue to uphold the City Council's earlier denial of the PacTrust/Costco Site Plan Design for the PacTrust property on Kuebler between Battle Creek and 27th due to tree removal. Protecting ALL of the trees is very important for the environment in our south Salem neighborhoods. Additionally, LUBA allowed the City Council to address the issues raised by the Cross-Petitioners, such as traffic. We request that you ensure that any remand hearing or City Council action address traffic issues associated with the proposed development at the PacTrust property. I also believe that you need to request a TIA that is revised to address the various flaws that were previously presented at the original hearing by an engineering report submitted by Greenlight Engineering. Additionally, the revised TIA should address the Amazon facility and other development impacts to traffic on Kuebler near the interchange. i am asking you as Councilors to do what you can to lessen the impact of this development on the neighborhoods and traffic in south Salem.

Thank you,

Robert J Myers
5974 Pikes Pass St SE
Salem, OR 97306

Aaron Panko

From: Lisa Anderson-Ogilvie
Sent: Wednesday, March 11, 2020 4:23 PM
To: Aaron Panko
Subject: FW: Costco Ruling

- Lisa | 503-540-2381

From: Roger Coakley <coaktek2@outlook.com>
Sent: Wednesday, March 11, 2020 4:22 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Costco Ruling

Hi,
I'm Janelle Coakley and live at 2655 Foxhaven Dr SE, Salem, 97306.

I'm asking you to stand with the earlier City Council ruling to deny PacTrust/Costco from being able to build their facility in our backyard. My husband and I have lived at our property 21 years and our property has flooded five times in that period. We live at the bottom of the hill on Foxhaven, on a cul-de-sac, and our back yard connects to the houses on the cul-de-sac on Boone Rd. SE. (Where Costco proposes to build). We are one block off Boone Rd.

If Costco were to be allowed to build where they are proposing, that whole block would become asphalt and concrete and there would be no where for water run-off, especially during our rainy season. Our property and neighborhood, as well as 4 surrounding neighborhoods would be susceptible to flooding. We have informed the City of Salem of our flooding problem and they are working to prevent further flooding issues, but the problem has not been fully resolved. Adding Costco/asphalt/concrete to the situation would greatly magnify our problem.

Several years ago, studies were done by the Neighborhood Associations and the city when PacTrust and Costco first proposed this plan. Our studies included water/sewer, traffic, and first responder impacts. All our studies concluded the area was inadequate to sustain the huge impact Costco, or any big box store would make on the area. Since the PacTrust/Costco proposal, Amazon, Fed Ex. and Boone Ridge, a large nursing home have also moved into close proximity to this area. As it is now, in morning and evening rush hour traffic, we that live in the neighborhood, have to find alternate routes to even get on Kuebler Blvd.

I'm asking that you stand with the ruling of the LUBA to deny PacTrust/Costco the ability to build in this location.

Thank you,
Janelle Coakley

Sent from [Mail](#) for Windows 10

Aaron Panko

From: Lisa Anderson-Ogilvie
Sent: Wednesday, March 11, 2020 4:21 PM
To: Aaron Panko
Subject: FW: Traffic

- Lisa | 503-540-2381

From: Stacy Swiderski <stacyswiderski@hotmail.com>
Sent: Wednesday, March 11, 2020 3:54 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Traffic

Good afternoon City Council of Salem,

I have lived in SE Salem for 11 years now and plan to reside here in perpetuity. I love Salem and the good people that live here. I am a business owner and own a few different properties - all of them located in SE Salem.

I am asking you to continue to uphold the City Council's earlier denial of the PacTrust/Costco Site Plan Design for the PacTrust property on Kuebler between Battle Creek and 27th due to tree neighborhoods. I have personally seen several trees removed, even trees that were protected and removed "by accident", during construction projects and I feel that we need to protect the trees we have.

Additionally, I'm very concerned about traffic in SE Salem and the traffic study that was performed at the PacTrust property. We already have traffic issues that have gotten worse since the new Amazon facility was built as well as other developments near the Keubler interchange. I believe you need to request a TIA that is revised to address the various flaws that were previously presented at the original hearing by an engineering report submitted by Greenlight Engineering.

I'm asking you as Councilors to do what you can to lesson the impact of this development on the neighborhoods and traffic in SE Salem.

Sincerely,

Stacy Swiderski

Aaron Panko

From: Lisa Anderson-Ogilvie
Sent: Wednesday, March 11, 2020 2:56 PM
To: Aaron Panko
Subject: FW: Traffic & Trees

- Lisa | 503-540-2381

From: Sylvia <ladymachado@gmail.com>
Sent: Wednesday, March 11, 2020 9:57 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Traffic & Trees

Dear City Council:

We, the citizens of South Salem, are requesting the Council to continue to uphold the earlier denial, because of tree removal, of the PacTrust/Costco Site Plan Design for the PacTrust property on Kuebler between Battle Creek and 27th St. Protecting our environment in South Salem, which means protecting ALL of the trees in South Salem, is vital and must be done.

Also, the Land Use Board of Appeals (LUBA) has allowed the City Council to address the issues raised by the Cross-Petitioners, such as traffic. It is very important that the City Council makes sure that any remand hearing or City Council action addresses traffic issues associated with the proposed development at the PacTrust property, as any development on Kuebler will greatly affect the traffic in South Salem. It is hoped that you will request a TIA that is revised to address the various flaws that were previously presented at the original hearing by a report submitted by Greenlight Engineering. The revised TIA MUST address the Amazon facility and other future developments that will dramatically impact traffic on Kuebler near the interchange.

We are counting on you as our City Councilors to do what you can to lessen the impact of this development on the neighborhoods and traffic in our beautiful South Salem.

Thank you very much.

Best regards,
Sylvia Machado

Aaron Panko

From: Lisa Anderson-Ogilvie
Sent: Saturday, March 14, 2020 2:14 PM
To: Aaron Panko
Subject: Fwd: Costco

- Lisa | 503-540-2381

From: Vikki Cosentino <b4vrr00t3d@icloud.com>
Sent: Saturday, March 14, 2020 8:53:27 AM
To: citycouncil <citycouncil@cityofsalem.net>; Chuck Bennett <CBennett@cityofsalem.net>
Subject: Costco

City Council & Mayor Bennett

I am writing to let you know that I am in favor of Costco moving to Kuebler Road SE. This location has the proper zoning for Costco. The current Costco location a [1010 Hawthorne Ave. SE](#) has been outgrown for many years. There is only one driveway in and out. The traffic back up on Hawthorne is terrible, many times traffic can get backed up to the freeway.

At the Hawthorne location, they have also added a fuel station. This makes movement around Costco even more difficult. The tire center is another challenge, this is at the side of the Hawthorne location. Both the fueling station and tire center add to the parking difficulty when you need to visit Costco. Parking at the Hawthorn Costco is always at a premium. Many times you drive around Costco multiple times before you find a place to park.

The employees at Costco have said multiple times, "we have outgrown this location." What the employees say should matter to the City Council and Mayor. Citizen needs should be taken into consideration as well. Not everyone is opposed to Costco moving to Kuebler.

Costco on Kuebler would bring more jobs to South Salem. Individuals in South Salem would have a more vibrant economy. Due to more entrances and exits, the freeway would not be backed up. Parking would be easier in particular at busy times. Costco overall would have more room in their warehouse. A win-win for Costco as a business and for the consumer.

Thank you for your time and consideration.

Respectfully,

Vikki Cosentino

Aaron Panko

From: Lisa Anderson-Ogilvie
Sent: Thursday, March 12, 2020 11:23 AM
To: Aaron Panko
Subject: FW: Please stick to your decisions. You did the right thing once before. Do it again. Please don't let PacTrust and Costco ruin our neighborhoods.

- Lisa | 503-540-2381

From: WD Smith <wds81028@gmail.com>
Sent: Thursday, March 12, 2020 11:21 AM
To: citycouncil <citycouncil@cityofsalem.net>; Chuck Bennett <CBennett@cityofsalem.net>
Subject: Please stick to your decisions. You did the right thing once before. Do it again. Please don't let PacTrust and Costco ruin our neighborhoods.

"We are asking you to continue to uphold the City Council's earlier denial of the PacTrust/Costco Site Plan Design for the PacTrust property on Kuebler between Battle Creek and 27th due to tree removal. Protecting ALL of the trees is very important for the environment in our south Salem neighborhoods. Additionally, LUBA allowed the City Council to address the issues raised by the Cross-Petitioners, such as traffic. We request that you ensure that any remand hearing or City Council action address traffic issues associated with the proposed development at the PacTrust property. We also believe that you need to request a TIA that is revised to address the various flaws that were previously presented at the original hearing by an engineering report submitted by Greenlight Engineering. Additionally, the revised TIA should address the Amazon facility and other development impacts traffic on Kuebler near the interchange. We are asking you as Councilors to do what you can to lessen the impact of this development on the neighborhoods and traffic in south Salem. Thank you." WD and Sharon Smith 4774 Bradford Loop S.E. Salem OR 97302

Aaron Panko

From: Lisa Anderson-Ogilvie
Sent: Friday, March 13, 2020 3:29 PM
To: Aaron Panko
Subject: Fwd: Costco moving to Kuebler

- Lisa | 503-540-2381

From: bpmck@comcast.net <bpmck@comcast.net>
Sent: Friday, March 13, 2020 3:22:19 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Costco moving to Kuebler

To Salem Council:

Please start to read the PacTrust site plan and the \$9 millions they have spent to improve to Kuebler for the City of Salem. Logical is allowing Costco make a new building to support the Salem area. If this does not happen, Costco will move to Keizer, and Salem will again lose.

Please be logical!
Thank you,
Betty P. McKinney (living at Battlecreek Commons)



555 Liberty Street SE / Room 305 • Salem OR 97301-3503 • Phone 503-588-6213 • Fax 503-588-6005
www.cityofsalem.net/planning • www.cityofsalem.net

Costco Remand

Case No. SPR-DAP18-15

Public Comments submitted between

July 1, 2020 - July 8, 2020

- Initial Comment Period: July 1, 2020 – July 28, 2020 at 5:00 P.M.
- Public Rebuttal Period: July 29, 2020 – August 12, 2020 at 5:00 P.M.
(to rebut comments submitted during initial comment period)

Please direct all comments to: planningcomments@cityofsalem.net

Direct mailed comments to the Case Manager listed below.

Please include the case number with comments.

Aaron Panko, Planner III, City of Salem Planning Division,
555 Liberty Street SE, Room 305, Salem, Oregon 97301.

Shelby Guizar

From: Comcast <rrosenau@comcast.net>
Sent: Wednesday, July 1, 2020 4:07 PM
To: Planning Comments
Subject: SPR-DAP18-15; REMAND

I am a 49 year resident of South Salem and absolutely APPROVE Costco relocating to the location. It will enhance the community's livability. The location proposed is very close to the freeway interchange and will not cause undue traffic to the sparsely populated residents in this corridor.

Please allow Costco to relocate.
Richard Rosenau

Sent from my iPhone

Shelby Guizar

From: Aaron Panko
Sent: Thursday, July 2, 2020 7:07 AM
To: Planning Comments
Subject: FW: Comments on City of Salem Proposed Kuebler Gateway Shopping Center

-Aaron | 503-540-2356

From: James Black <jwblack49@gmail.com>
Sent: Wednesday, July 1, 2020 4:26 PM
To: Aaron Panko <APanko@cityofsalem.net>
Subject: Comments on City of Salem Proposed Kuebler Gateway Shopping Center

Dear Mr. Panko,

Thank you for the opportunity to comment on the proposed development. I am a concerned property owner, located within a mile of the development.

I am most supportive of planned growth and in the further development of the economic base of the city. My issue with this plan as proposed is the apparent lack of assessment of impacts to the surrounding neighborhoods beyond the few roads adjacent the development. The design as submitted addresses the flow of traffic in the immediate area as one might expect, however, the City has seemingly ignored the impacts to traffic in the surrounding areas. These are already being impacted by unchecked residential development in the south. Now, as Costco so effectively, yet unintentionally demonstrated, they draw from a large regional customer base. I would suggest that due to a serious lack of investment in roads in the south Salem area, many people will find their way to Costco via Battle Creek, Landau, Barnes and Boone roads none of which are adequate to accommodate the increased traffic already being impacted by large new residential areas opening up with minimal if any improvements to the roadways. To support the Kuebler Gateway Shopping Center a further east-west arterial is required to the south of Kuebler.

It is my opinion that if the City does approve the development it must concurrently accelerate the already approved improvements to the Transportation Master Plan with respect to the widening and extension of Fabry from its intersection with Commercial all the way to a new traffic light at Battle Creek. From thence, Battle Creek should be widened and improved down to the intersection with Boone. This would provide a more direct arterial between Commercial and Battle Creek thus alleviating traffic on nearby residential streets.

As a resident of one of the roads in the immediate vicinity I can attest to large and increasing numbers of vehicles traveling at speeds well in excess of posted speed limits. Unless action is taken the Costco development will further aggravate the situation resulting in further deterioration of road safety in the area.

Respectfully submitted,

James Black

Shelby Guizar

From: Kirsten Straus
Sent: Thursday, July 2, 2020 10:40 AM
To: Planning Comments
Subject: Fw: Costco at Kubler and Boone

Kirsten Straus

Planner I

City of Salem | Community Development
555 Liberty St SE, Ste 305, Salem OR 97301
kstraus@cityofsalem.net | 503-540-2347
[Facebook](#) | [Twitter](#) | [YouTube](#) | [CityofSalem.net](#)

From: James Miller <jcsaturn@gmail.com>
Sent: Thursday, July 2, 2020 10:27 AM
To: Kirsten Straus <KStraus@cityofsalem.net>
Subject: Costco at Kubler and Boone

As a resident of the area.

Based on the construction traffic we had 4 years ago and General holiday traffic We Do Not Want Costco to go into this location.

My understanding from long time residents this property was originally designated with a different zoning use. Now it has been changed to allow Costco to go in.

Please do not allow this to happen.

James Miller
Fort Rock Ct owner.

Shelby Guizar

From: noreply@cityofsalem.net on behalf of iehdzine@aol.com
Sent: Friday, July 3, 2020 10:57 AM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	Ingrid Hansen
Your Email	iehdzine@aol.com
Your Phone	5034094412
Street	2671 Eastlake Dr. SE
City	Salem
State	OR
Zip	97306
Message	I just wanted to say I'm in full support of this plan going through. I am a longtime resident of this neighborhood and I believe this will be a great addition. Thank you.

This email was generated by the dynamic web forms contact us form on 7/3/2020.

Shelby Guizar

From: Greg B Felker <gregfelker@gmail.com>
Sent: Saturday, July 4, 2020 4:49 PM
To: Planning Comments
Subject: regarding case SPR-DAP-18-15

Dear City of Salem Planners:

I write to object to the application by the developer Pacific Reality Associates LLC (PacTrust) to site a Costco retail outlet at the property located between Boone Rd. SE, Kuebler Blvd., Battlecreek Rd. SE, and 27th Ave. SE.

In remanding the decision back to the city, the Land Use Board of Appeals ruled that the City may not hold PacTrust to honor the many pledges the developer made in 2006 as part of its application to have the City re-zone the property from "Developing Residential" to "Commercial". Specifically, PacTrust pledged to develop a "community shopping and services" center with retail and medical operations serving the local neighborhoods which it said were an "underserved base of consumers for community commercial services". In its re-zoning application, PacTrust stated that, " We're not creating something drawing for ten miles, we are responding to a market that exists... This idea that we are pulling from all over Salem just isn't going to happen."

In a form of bait-and-switch, PacTrust's current proposal is to locate one of the largest retail operations in the city, Costco, one that draws not only from "all over Salem", but from a wider region. They propose to locate this massively traffic-generating big-box retail operation at a transportation choke-point, where the vast majority of ingress and egress transit from southern Salem to I-5 must pass. Traffic congestion at this location will be intensified for decades to come, imposing tremendous private costs and costs on the community. The traffic impact estimates offered by Kittelson are simply not credible. In sum, PacTrust has dis-honored the pledges it made in 2007 as to its intended use of the property. If the City allows unscrupulous business practices like this to prevail, then honest development practices will be crowded-out of Salem's growth by competitive pressure. The tremendous negative impact on transportation in this part of the city will impose great costs on local homeowners and many tens of thousands of daily commuters.

The LUBA decision holds that the City may not consider these substantive points in its reconsideration of the PacTrust proposal, because the original pledges made by PacTrust were not itemized in the 2007 document formally approving the rezoning of the property in agreement with the developer. Thus, LUBA says that, if PacTrust has a vested interest, the City can only make an approval decision based on specific criteria mentioned in that rezoning approval document, and must ignore all the broken promises made by PacTrust. However, LUBA ruled that the city policy protecting oak trees may be applied to the decision to approve or reject the development plan.

I urge the City to uphold its decision to reject the development plan. The tree preservation policy is sufficient for rejection, contrary to PacTrust's most recent submission. Indeed, in its original site plan submission, PacTrust acknowledged that the City could rule that the property's protected oak trees must be preserved, and the developer submitted plans that would preserve the trees by re-situating the Costco building. They have subsequently changed their position, in yet another indication of bad-faith, and claim that the City may not apply its tree preservation standards to deny the proposed shopping center. This is false: the LUBA remand decision explicitly states that the City may certainly apply its tree preservation standards.

Please apply the tree preservation standards to deny the current site plan application.

Thank you for your attention.

Greg Felker
503-364-1835
gregfelker@gmail.com

Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Sunday, July 5, 2020 2:23 PM
To: Planning Comments
Subject: Fwd: Costco on Kuebler?

- Lisa | 503-540-2381

From: Verona Johnson <verona08@comcast.net>
Sent: Sunday, July 5, 2020 2:21:42 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Costco on Kuebler?

To whom it may concern,
Our family lives just off Battlecreek rd and kuebler, near the proposed location for Costco to move to. I've been following some news online and it seems that the city is still considering that a Costco be built in my neighborhood.
I wanted to let you know that I do not want Costco to move to the location on Kuebler, with perimeter streets of Boone and Battlecreek rd. The traffic in this area is already congested and adding a store like Costco with its gas station, that draws shoppers from the whole region, will overrun the roads in the area and make it challenging for those who live nearby to get around. Also, consider the look of a warehouse right in a neighborhood, it is not appealing.
I attended the City Council meetings last year on this topic and had hoped that the City government would stand by it's citizens against the developer who said they would build a "neighborhood shopping area". Costco, as much as I love it, does not fit this description! Please find another location for them to move to and don't ruin our neighborhood in South Salem with the traffic that a giant warehouse store would create.

Sincerely,
a concerned homeowner,
David & Verona Johnson

Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Sunday, July 5, 2020 2:24 PM
To: Planning Comments
Subject: Fwd: Costco

- Lisa | 503-540-2381

From: Fred Walker <fredwalker56@gmail.com>
Sent: Sunday, July 5, 2020 8:53:21 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Costco

Costco needs to move elsewhere kuebler is a horrible location for Costco please don't allow them to ruin south salem
,

Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Sunday, July 5, 2020 2:25 PM
To: Planning Comments
Subject: Fwd: Costco

From: Kay Buswell <kathleenbuzz@gmail.com>
Sent: Sunday, July 5, 2020 8:22 AM
To: citycouncil
Subject: Costco

Please stand firm on your decision to stop Costco from being built on Kuebler. Pac Trust lied! They were granted approval for a grocery store, not a big box store. This will greatly effect this beautiful neighborhood. The traffic on Kuebler and Battlecreek is already a nightmare at peak times. 11,000 more cars a day will be unlivable. Please, please consider all of us living in this neighborhood and using these crowded streets. Remember we are voters, and taxpayers. Sent from my iPhone

Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Sunday, July 5, 2020 2:24 PM
To: Planning Comments
Subject: Fwd: Costco

- Lisa | 503-540-2381

From: Sean Hyatt <seanhyatt@hotmail.com>
Sent: Sunday, July 5, 2020 10:01:28 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Costco

To whom it may concern,

The Kuebler site for Costco is a completely unsuitable for a store with the amount of traffic it attracts.. In addition from what I understand it violates the zoning agreement made when the land was sold and requires oak trees to be cut down. If they move in and cut down the trees can I cut the oak trees down on my property?

Best Regards,
Sean Hyatt

Sent from my iPad

Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Sunday, July 5, 2020 2:24 PM
To: Planning Comments
Subject: Fwd: Costco appeal

- Lisa | 503-540-2381

From: BRENT JENNIFER WATKINS <jlwhome18@msn.com>
Sent: Sunday, July 5, 2020 8:56:27 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Costco appeal

Please do not support a large box office store placed in our small neighborhood. Please uphold the decision to deny this request. I understand that PacTrust has invested money for the Kuebler expansion. That money will not be wasted on a small shopping center as was approved by voters. There is no way our small neighborhood can support this monstrosity being built. It will ruin our wonderful quality of life we have enjoyed living in South Salem.

Respectfully,
Jennifer Watkins

Sent from my iPhone

Shelby Guizar

From: WD Smith <wds81028@gmail.com>
Sent: Monday, July 6, 2020 11:37 AM
To: Planning Comments
Subject: Proposed Costco Shopping Center Keubler

Nothing has changed since previous submissions except more traffic on Keubler and BattleCreek. The proposed neighborhood shopping center is still a regional center not a neighborhood center. Approval of the proposed Costco will inundate the neighborhood with traffic. The Costco center will ruin the adjacent neighborhoods. The project continues to be a terrible idea.
William D. and Sharon C. Smith 4774 Bradford Loop SE Salem 97302

Shelby Guizar

From: Kirsten Straus
Sent: Tuesday, July 7, 2020 7:45 AM
To: Planning Comments
Subject: Fw: Notice of Remand - Case No. SPR-DAP18-15 for 2500-2600 Blk Boone Rd SE (Costco)

Kirsten Straus

Planner I

City of Salem | Community Development
555 Liberty St SE, Ste 305, Salem OR 97301
kstraus@cityofsalem.net | 503-540-2347
[Facebook](#) | [Twitter](#) | [YouTube](#) | [CityofSalem.net](#)

From: nancyholman51 <nancyholman51@gmail.com>
Sent: Saturday, July 4, 2020 9:03 PM
To: Kirsten Straus <KStraus@cityofsalem.net>
Subject: Re: Notice of Remand - Case No. SPR-DAP18-15 for 2500-2600 Blk Boone Rd SE (Costco)

So, the greedy people still want to disrupt our nice neoghorhood and take away our peace and quiet. Make it more like Portland and Seattle. Thanks. You ruined downtown Salem with the bums and the needkes and drugs. Can't /won't shop there anymore. Glad I'm at the end of my life. Much more of this and it will be almost better to pull the trigger than have to watch our community go down the drain with the rest of the country. Sad times. Money speaks more loudly than a person's wish for peace and quiet, many cars, trash tossed out of cars, our nice streets turned into thorfares of racing cars, etc. Just, thanks. ☹️

Sent via the Samsung Galaxy Note8, an AT&T 4G LTE smartphone

----- Original message -----

From: Kirsten Straus <KStraus@cityofsalem.net>
Date: 7/1/20 3:01 PM (GMT-08:00)
To: Kirsten Straus <KStraus@cityofsalem.net>
Cc: Aaron Panko <APanko@cityofsalem.net>, Planning Comments <PlanningComments@cityofsalem.net>
Subject: Notice of Remand - Case No. SPR-DAP18-15 for 2500-2600 Blk Boone Rd SE (Costco)

Good afternoon,

Please find attached the Notice of Remand for Case No. SPR-DAP18-15 for 2500-2600 Blk Boone Rd SE (Costco). You will find information about the case and instructions on how to comment.

Case materials and this notice are also available at the following link: <https://www.cityofsalem.net/Pages/proposed-kuebler-gateway-shopping-center-costco.aspx>

Summary: A remand from the Land Use Board of Appeals (LUBA) on the City Council's decision on an application for development of the Kuebler Gateway Shopping Center, including a Costco store, a retail fueling station, and four new retail shell buildings. The scope of the City Council's review and decision will be limited to LUBA's remand that requires

the City Council to reconsider its denial of the application for site plan review and, if site plan review is approved, the City Council will also consider the application for a Driveway Approach Permit.

Thank you,

Kirsten Straus

Planner I

City of Salem | Community Development
555 Liberty St SE, Ste 305, Salem OR 97301

kstraus@cityofsalem.net | 503-540-2347

[Facebook](#) | [Twitter](#) | [YouTube](#) | CityofSalem.net

Shelby Guizar

From: Bradley Cunningham <b43229@yahoo.com>
Sent: Wednesday, July 8, 2020 1:02 PM
To: Planning Comments
Subject: Costco proposal SPR-DAP18-15; remand - DISAPPROVAL

Hello -

I am writing with concern and my household disapproval for the proposed Costco development. Reason cited below:

1. Overwhelming public disapproval for a Costco (box store) development the last time this was proposed and denied by the city council.
2. Apparent PacTrust disregard for the intended use of the property (non-box store style) upon their initial land purchase.
3. Severe lack of unbiased traffic plan and probability of high traffic counts in surrounding neighborhoods and connector roads (like Battle Creek).
4. Development proposal has housing on 3 sides and not in a typical commercial area to have extremely high volumes of traffic.
5. Wide variety of potential land (some already owned by Pac Trust) in the Mill Creek vicinity less than 1 mile from the proposed site.
6. Costco is a destination retail outlet, prime location is not essential for this type of business, making Mill Creek area more suitable.
7. Unnecessary removal of white oak trees.

This development of a box store, especially with very high traffic volume like a Costco, is terrible for this location. We are not opposed to proper development of this site, however due to the lack of road infrastructure and neighborhoods in close proximity, it is a very unwise development.

Thank you
Brad Cunningham

Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Wednesday, July 8, 2020 2:17 PM
To: Planning Comments
Subject: FW: Costco

-----Original Message-----

From: Jon Eicher <jmefishin@msn.com>
Sent: Wednesday, July 8, 2020 1:49 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Costco

7/8/2020

VIA EMAIL
City Council
City of Salem
555 Liberty St SE, RM 220 Salem, OR 97301 citycouncil@cityofsalem.net

Re: Kuebler Gateway Shopping Center Salem, Oregon

Dear City Council Members:

My wife and I are Registered Nurses and homeowners in the Rockridge Estates Development located in the Southern part of the City of Salem. A nice area of high end custom homes. We bought here for many reasons. The rural feeling, a planned neighborhood with street lights, sidewalks, fire hydrants, street sweeping and maintenance etc. One additional plus was a promise of a nice neighborhood friendly shopping area and services to be built soon off Kuebler that we now know as Gateway Shopping Center.

We use the Healthcare Center near the site and wish there were more services and shopping there due to the congestion of Commercial and the other areas of the City for us to get to in relation to where we live. This area can use the additional services as the newer residential homes, including high end development of residential properties, have moved south and away from the other traditional areas. Kuebler is certainly a "Gateway" to the city and has great potential for a high end shopping neighborhood friendly center. The developer should do well there with the right design and retailers.

We are familiar with the proceedings that resulted in the December 2007 City Council Decision approving development of a retail shopping center and related medical/office buildings. I don't know if there was a true meeting of the minds though with the development. A neighborhood shopping area is NOT A BIG BOX COSTCO. The amount of traffic would paralyze this area with people coming 45 plus miles to shop. It would ruin and/or decrease the values of the homes and properties in the area. It would be a mistake to put such a place at that location. Don't be responsible for this mistake that will stay with us and the City forever.

It's our understanding that the developer paid for all or at least much of cost for the improvements on the Kuebler exchange. This was in anticipation of their development. A good deal for the public agencies and taxpayers but really taxpayer dollars should, could and needed to be committed to continue to develop this part of the City. The work needed to be done eventually at taxpayers expense.

Here is a comment from one of my neighbors that I don't agree with. "All the City Council cares about is city revenue generated by Costco being in the city limits. They don't give a flying fig about neighborhoods or traffic".

I don't believe this... Most local folks I speak with don't want a Box there but do want the original intent, a neighborhood development. A great opportunity for the City to have many needs met with the right development.

Another comment. "Kuebler is already impossible during peak hours. Where Costco is now there are 8 lanes plus 3 turning lanes from the west for traffic, Kuebler has just 4. You obviously don't travel Kuebler much. 2 traffic lights on Battlecreek within a block of each other and Battlecreek gets backed up now. How the "H" do you think 11,000 people on those roads A DAY is going to be better. THIS ISN'T ROCKET SCIENCE".

Don't let this Developer strong arm and threaten the people. The wrong decision will ruin it forever. WE SAY NO TO A BIG BOX COSTCO NIGHTMARE. Considerate development will be a Citywide winner.

Regards,

Jon and Stephanie Eicher
5870 Greenstone Court SE
Salem, OR 97306

Sent from my iPhone

Shelby Guizar

From: noreply@cityofsalem.net on behalf of lesaa@msn.com
Sent: Wednesday, July 8, 2020 11:12 PM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	Lesa Archibald
Your Email	lesaa@msn.com
Your Phone	5039493444
Street	5496 Mallard St SE
City	Salem
State	OR
Zip	97306
Message	<p>I DEFINITELY and VIGOROUSLY WANT Costco In S Salem and to move to Keubler Boulevard!!! The parking lot and space there for their members is so hectic and stressful where they are. By the time you get through the line, you're exhausted. The proposed New layout is more than enough to mitigate any problems with the neighborhoods surrounding the site on three sides! Lots of green spaces, WAY more than is required! Park spaces between the neighborhoods. Costco is a GREAT NEIGHBOR to the surrounding neighborhoods! Increasing home valuations! You people should do your homework!!! Just look at Albany! There's only walking paths on Boon! The planned entrance/exit is on 27th with a traffic circle for two lanes each way With TWO turning lanes into Costco from both directions. Before the traffic gets into the neighborhoods. With green spaces between ALL neighborhoods! And the receiving dock is located AWAY from the neighborhoods on two sides, away from the neighbors. After Costco closes they have security patrol the parking lots. They close earlier than most retail establishments and they close early and they plant trees in the parking lots. WAY more than is required. Their standards are way above average. They've done everything to mitigate any neighbor problems with parkways They aren't going to accept receiving deliveries starting before opening. Albany, Oregon neighbors Near the property for Costco, before it was built, were very unsure but it's been beneficial for them. Home values have risen there. And there's a great barrier and parkways for them and Only a walkway from their property To the parking lot. It's better than it was before Costco went in. You people should look at the plans there's so much mitigating of neighborhoods affect. They're good neighbors where they locate. They have good , limited, hours then make sure there's nothing going on Around them or inside there you wouldn't want in your Neighborhood! They're a very conscientious to the neighbors. It's worked out very well for the neighborhood by the Albany, Oregon Costco I love my local eateries and look forward to a new place going in near them! Please recommend this to go through Their plan has everything that is needed to be great neighbors Vote YES for letting Costco build on Keubler and 27th!!! This is from three voters in my household and we all have lots of friends on Facebook, as well as my two daughters that don't live with us anymore. We deserve a better experience going to a great, community supporting business. It's a great benefit to Salem. I live nearby Keubler, and travel it often. The traffic will flow smoothly into Costco and won't affect nearby neighborhoods Lots of greenery Around it and great hours of operation as neighbors sounds great!!! I can't wait for Costco to move to Keubler and 27th!!!</p>



555 Liberty Street SE / Room 305 • Salem OR 97301-3503 • Phone 503-588-6213 • Fax 503-588-6005
www.cityofsalem.net/planning • www.cityofsalem.net

Costco Remand

Case No. SPR-DAP18-15

Public Comments submitted between

July 9, 2020 - July 15, 2020

- Initial Comment Period: July 1, 2020 – July 28, 2020 at 5:00 P.M.
- Public Rebuttal Period: July 29, 2020 – August 12, 2020 at 5:00 P.M.
(to rebut comments submitted during initial comment period)

Please direct all comments to: planningcomments@cityofsalem.net

Direct mailed comments to the Case Manager listed below.

Please include the case number with comments.

Aaron Panko, Planner III, City of Salem Planning Division,
555 Liberty Street SE, Room 305, Salem, Oregon 97301.

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Thursday, July 09, 2020 9:42 AM
To: Planning Comments
Subject: FW: *****NO TO COSTCO ON KUEBLER ****

-----Original Message-----

From: Kristin Roisen <roisen@msn.com>
Sent: Thursday, July 9, 2020 9:13 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: *****NO TO COSTCO ON KUEBLER ****

I was told this property was sold to Pac Trust as a neighborhood shopping not big box from the sellers . Costco will ruin my home value and every person we built homes for in Woodscape area. Traffic already is gridlocked if this is allowed traffic will not only back up on I-5 north and south but getting out of my neighborhood on Reed will be impossible . We already line up going east next to John Millers office at the four way stop no light will be put in too close to Kuebler .

This basically is the first exit going north for travelers with no gas station only Costco membership allowed so will have to go to Commercial to gas up. WHO HAS A BIG BOX MEMBERSHIP ON A INTEGRAL EXIT OFF I-5 . No one .

The traffic will come from JEFFERSON, TURNER, AUMSVILLE, STAYTON, NORTH SALEM, WEST SALEM, KEIZER, SILVERTON, WOODBURN, DALLAS, AMITY, MONMOUTH, INDEPENDENCE, TO NAME A FEW, Also on a Lincoln city Facebook group they have people coming in vans every weekend to gas up, buy bulk .. is this okay .??

This is prime land that should service our neighbors not the valley . I want to see a Market of Choice, Local bakery sitting under protected oak trees, coffee shop, etc . Not a wholesale bulk buying who allowed this to happen it makes no sense .WE NEED A GAS STATION CLOSE TO THE FREEWAY A PLACE FOR PEOPLE TO REST DRIVING STOPPING FOR DINNER NOT BUY 100 bulk hotdogs.

I urge you to vote against this ATROCITY IT WILL RUIN OUR SOUTH END AND COMMERCIAL STREET GOING NORTH AND SOUTH.

MAKE IT RIGHT VOTE NOOOOOO

Kristin Roisen
Woodscape resident .

from my iPad

Zachery Cardoso

From: Aaron Panko
Sent: Friday, July 10, 2020 7:27 AM
To: Planning Comments
Subject: FW: Costco Remand Request by Applicants M & T Partners, Inc. and Pacific Realty Associates, L.P. aka PacTrust
Attachments: 7-10-20 Response to Remand Request.pdf; Salem Costco Review Greenlight 7-2-20.pdf

-Aaron | 503-540-2356

From: Legal Assistant LOKGA <legalasstlokga@integra.net>
Sent: Friday, July 10, 2020 6:58 AM
To: Dan Atchison <DAtchison@cityofsalem.net>; Aaron Panko <APanko@cityofsalem.net>
Cc: 'Karl Anuta' <kga@integra.net>
Subject: Costco Remand Request by Applicants M & T Partners, Inc. and Pacific Realty Associates, L.P. aka PacTrust

Good morning,

Enclosed is a correspondence from Mr. Anuta.

Emily Valeno, Legal Assistant
Law Office of Karl G. Anuta, P.C.
735 SW First Avenue, Second Floor
Portland, Oregon 97204
Phone: (503) 827-0320
Fax: (503) 228-6551



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OREGON & WASHINGTON

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FACSIMILE (503) 228-6551

E-MAIL
KGA@INTEGRA.NET

July 10, 2020

Via Email

Members of the Salem City Council
c/o Dan Atchison, City Attorney
Aaron Panko
555 Liberty St SE, Room 205
Salem, OR 97301

RE: Costco Remand Request by Applicants M & T Partners, Inc. and
Pacific Realty Associates, L.P. aka PacTrust

Dear Honorable Mayor and Members of the City Council:

This office represents Lora Meisner, William Dalton, and John D. Miller. We recently obtained a copy of the PacTrust attorney letter to you dated June 16, 2020 – which presents extensive arguments and requests that the City commence a Remand proceeding.

We agree a Remand proceeding makes sense, and that the scope of the Remand is important. However, the scope proposed by PacTrust is not appropriate. It ignores one of the key issues that LUBA specifically indicated was a topic that the City can address on Remand – TRAFFIC.

As you may recall, we previously submitted a detailed Greenlight Engineering Report which highlighted the inadequacy of the PacTrust Traffic Impact Analysis (TIA) to meet the Site Plan Review requirements. Since the PacTrust TIA was based on what is now completely stale data, we commissioned additional traffic counts at some of the key intersections. Attached is a Report from Greenlight that discusses the results of those new traffic counts, and what they tell us about the now outdated TIA.

As to the remainder of the PacTrust legal brief, we will respond in detail as part of the Remand process. Here are short responses to the various issues raised:

- Vested Rights – PacTrust does have **some** vested rights, but that does not include the right to do whatever they want on this site. They previously got a rezone, not an approved Site Plan. The physical characteristics of the development are still limited and controlled by Salem Revised Code (SRC) Chapters 220.005(f)(3) – Class 3 Site Plan Review, and SRC 804.025(d) – Class 2 Driveway Approach Permit;

- Tree Preservation Code – LUBA already ruled that this Code **does** apply;¹
- Lack Of Necessity – The **desire** to build a bigger store, or the **unwillingness** to tell its planners to reduce the scope of the development (by eliminating the fueling depot for example), does not somehow magically make it “necessary” to remove the ancient Oaks;
- Transplanting - Claiming that removing mature ancient trees from one place, and moving them (most likely to die) to another location does not constitute “removal” of a tree is, at best, semantics game; and
- Traffic – The prior TIA is now completely out of date, and as the Greenlight original report showed it was already inadequate to meet the Code. Adding speed bumps on side streets won’t cure the intersection problems that would be created by this overly large project.

We strongly recommend and request a public hearing by the City Council to consider the matters remanded to it by the final Opinion and Order in LUBA No. 2018-143.

This development will have profound effects on the South Gateway neighborhood. Re-locating the biggest regional retailer in the City of Salem to this site will have equally profound effects on the entire city. The citizens of Salem deserve to have this matter carefully considered – in a fully transparent manner. The Council should schedule a public hearing of sufficient length to cover all outstanding issues in this Remand in full detail.

Sincerely,

/s/ Karl G. Anuta

Karl G. Anuta

C: clients

¹ LUBA Opinion Slip Op *29 (“The city responds, and we agree, that the 2007 Decision considered different criteria and was not required to consider SRC 808.030(a)(2)(L), which applies only to site plan review, or any other site plan review criteria. The city’s decision applying SRC 808.030(a)(2)(L) in this decision is not a collateral attack on the 2007 Decision.”).



GREENLIGHT ENGINEERING

TRAFFIC ENGINEERING/TRANSPORTATION PLANNING

July 2, 2020

Karl Anuta
Law Office of Karl G. Anuta
735 SW First Avenue
Portland, OR 97204

RE: Salem Costco Traffic Analysis

Mr. Anuta,

Greenlight Engineering has been asked to evaluate the transportation related impacts of the proposed Salem Costco, gas station and other retail pads project.

On December 10, 2018, we submitted a review of the transportation related documents in a letter to the City of Salem (see Appendix G). In that letter, we primarily reviewed the applicant's various transportation analyses, collectively referred to in that document as well as this document as the applicant's Traffic Impact Analysis (the "TIA").

Executive Summary

- The purpose of this report is to address a number of the errors of the applicant's TIA as originally described in our December 10, 2018 letter.
- Since the applicant's TIA is based on traffic counts that are now 2.5 years old, we had new traffic counts collected. The analysis described in this report is based upon these recent traffic counts collected in February and March of 2020.
- This report illustrates that there are unmitigated capacity issues at three intersections:
 - I-5 SB offramp/Kuebler Boulevard
 - Kuebler Boulevard/Battle Creek Road
 - Kuebler Boulevard/Commercial Street
- The City of Salem and ODOT mobility standards are not met as a result of the proposed project as it is currently proposed.
- Additionally, there are a number of other issues raised in our December 10, 2018 letter that remain unaddressed by the applicant. These issues may further affect the analysis and traffic impacts of this project.

Introduction

Our December 10, 2018 comments address the faults in the applicant's TIA. To date, the faults of the TIA and clear violations of city and ODOT standards and requirements remain unaddressed by the applicant.

This report provides evidence that several intersections within the TIA study area will not operate adequately when several of the major errors in the TIA are addressed. Even by addressing these issues, there are numerous other errors in the TIA that, if addressed, may further degrade operations.

The applicant's TIA reported that the operations at the intersections of I-5 SB offramp/Kuebler Boulevard and Kuebler Boulevard/Battle Creek Road would operate exactly at the mobility standards of the City of Salem and ODOT, leaving no room for error.

One of the purposes of this report is to quantify the impacts in addressing some, but not all, of the errors of the applicant's TIA. Based on the new traffic count data as well as the analysis provided herein that address just some of the major criticisms of the TIA. It is clear that the intersections of I-5 SB offramp/Kuebler Boulevard, Kuebler Boulevard/Battle Creek Road and Kuebler Boulevard/Commercial Street will not operate within City of Salem and ODOT mobility standards. Based on the evidence provided herein, additional mitigation is needed at these three intersections that has not yet been considered as part of the applicant's TIA. With a revised TIA, the applicant should propose mitigation at these intersections while also addressing the other shortcomings of the TIA that have so far been identified.

Summary of TIA Issues Addressed

The following errors of the TIA are addressed herein:

- Inclusion of the Kuebler Boulevard/Commercial Street intersection during the weekday PM peak hour period as required by the City of Salem.
- Use of default, appropriate saturation flow rates at the I-5 SB offramp/Kuebler Boulevard, Kuebler Boulevard/Battle Creek Road (except for the movements where the applicant's TIA established that 1900 pcphgl saturation flow rate is appropriate) and Kuebler Boulevard/Commercial Street intersections as required by the City of Salem.
- Analysis of a more realistic development opening year of 2022 at the earliest.
- Use of seasonal adjustments at the I-5 SB offramp/Kuebler Boulevard intersection as required by ODOT.
- Inclusion of Mid-Willamette Valley Council of Governments ("MWVCOG") growth rate at the I-5 SB offramp/Kuebler Boulevard, Kuebler Boulevard/Battle Creek Road and Kuebler Boulevard/Commercial Street intersections as required by the City of Salem.
- Use of default methodology for southbound right turning maneuvers at the I-5 SB offramp/Kuebler Boulevard intersection as the applicant's TIA provides no evidence that 42% of turns occur on a red signal indication as reported in their TIA.

Issues of the TIA Not Addressed with this Analysis

This report does not address or resolve the following criticisms of the applicant's TIA as described in our December 10, 2018 report including:

- Lack of compliance with trip generation standards required by Salem standards that read "[t]rips shall be calculated using the adopted Institute of Transportation Engineer's *Trip Generation Manual*" nor evidence of alternative trip generation estimate and pass-by trips used in the applicant's TIA. The applicant's trip

generation estimate cannot be replicated with the evidence in the record and cannot be peer reviewed.

- Inclusion of all intersections required to be analyzed as required by Salem standards. There are many intersections within Salem that should have been analyzed that were not.
- The trip distribution does not follow the MWVCOG transportation model as required by Salem standards.
- The applicant's original TIA states that the project will be phased and constructed over a number of years but provides no timeline and fails to provide an analysis based upon the final year of opening as required by City of Salem standards.
- The Kuebler driveway is not permitted by City of Salem standards and no adjustments have been made within the applicant's TIA to redistribute the traffic to account for the required removal of this driveway.
- The lack of a weekday AM peak hour analysis as required by City of Salem standards.
- All other issues as detailed in our December 10, 2018 letter not listed above.

Mobility Standards

As noted in the applicant's TIA, the City of Salem and ODOT mobility standards are as follows:

“The City of Salem, which has jurisdiction over all of the study intersections except for the freeway ramp terminals at the I-5/Kuebler Boulevard interchange, has the following intersection operating standards:

Unsignalized intersections: a maximum Level-of-Service (LOS) standard of LOS “E” and average delay of less than 50 seconds, and

Signalized intersections: a maximum LOS “E”, average delay of less than 80 seconds, and/or a volume-to-capacity (v/c) ratio at or below 0.90...

The ramp terminal intersections at the I-5/Kuebler Boulevard interchange are under the jurisdiction of ODOT and subject to the mobility standards defined in the *1999 Oregon Highway Plan*...According to the OHP, both the southbound and northbound signalized ramp terminal intersections are required to operate at or below a volume-to-capacity ratio of 0.85 during the peak hour.”

Existing Traffic Volumes

As the traffic counts presented in the applicant's TIA are now over 2.5 years old, our analysis included the collection of new traffic counts. Manual turning movement counts were collected in late February and early March of 2020 during the weekday PM peak hour at the I-5 SB offramp/Kuebler Boulevard, Kuebler Boulevard/Battle Creek Road and Kuebler Boulevard/Commercial Street intersections.

The traffic counts were taken prior to the March 8, 2020 statewide emergency declaration and the Stay Home, Save Lives executive order associated with the COVID-19 pandemic¹. ODOT has not published information regarding any traffic volume decreases at the time when our traffic counts were collected, but have reported that I-5 traffic volumes had decreased by 21% to 42% as early approximately two weeks after our traffic counts²

As required by the City of Salem, yet not provided in the applicant's TIA, three hour auto, bus, truck, bicycles, and pedestrians, with 15-minute breakdowns during the weekday PM (3-6 pm) peak period were collected.

Based on the traffic counts at these three intersections, a system peak hour of 4:40-5:40 PM was selected for the weekday PM peak hour period.

The I-5 SB offramp/Kuebler Boulevard raw traffic volumes were seasonally adjusted per ODOT's *Analysis Procedures Manual* ("APM") to develop 30 highest hour volumes (30HV). The applicant's TIA failed to seasonally adjust the traffic volumes at this intersection. The Kuebler Boulevard/Battle Creek Road and Kuebler Boulevard/Commercial Street intersections are under the jurisdiction of the City of Salem. The City of Salem does not require adjustments to account for seasonal variations.

The *APM* provides the methodology for developing seasonally adjusted 30HV. The preferred method for seasonally adjusting raw traffic counts is the "On-Site ATR Method." The *APM* notes that "Interchange ramps mix characteristics of the mainline freeway and the intersecting cross-roads, so seasonal factors for ramps should be created by averaging mainline and cross-road factors." As the I-5 SB offramp/Kuebler Boulevard intersection is an interchange ramp, an average of seasonal factors were utilized per the *APM*.

To develop the I-5 SB offramp seasonal factor, the "On-Site ATR Method" was used per the *APM*. On I-5, approximately 0.02 mile north of the Turner Road overcrossing, or approximately 0.8 miles north of Kuebler Boulevard, there is an automatic traffic recorder (ATR) Salem-Kuebler (24-021).

To develop the Kuebler Boulevard seasonal factor, the "ATR Characteristic Table Method" presented in the *APM* was utilized as the next preferred method as Kuebler Boulevard is not equipped with an ATR. It was determined that two sites in the Portland area have similar characteristics to Kuebler Boulevard and were used to create the seasonal adjustment for Kuebler Boulevard as provided in the *APM*.

The I-5 and Kuebler Boulevard factors were then averaged per the *APM* to develop a seasonal factor for the I-5 SB offramp/Kuebler Boulevard intersection. Based on these calculations, a seasonal factor of 1.11 was used for the weekday PM peak hour period.

Appendix A includes the new, raw traffic counts. Appendix B includes the 30th highest hour volume seasonal adjustment worksheet. Appendix C includes the Transportation Volume Tables utilized in the "ATR On-Site Method" calculations. The application of the seasonal

¹ https://govsite-assets.s3.amazonaws.com/jkAULYKcSh6DoDF8wBM0_EO%2020-12.pdf

² https://www.oregon.gov/odot/Data/Documents/ODOT_TrafficReport_May8_2020.pdf

adjustment factor on existing traffic volumes is illustrated in a traffic volumes worksheet in Appendix D. Figure 1 of Appendix E illustrates the seasonally adjusted 30HV for the I-5 SB offramp/Kuebler Boulevard intersection and the raw, unadjusted traffic volumes for the Kuebler Boulevard/Battle Creek Road and Kuebler Boulevard/Commercial Street intersections.

Comparison with TIA Traffic Counts

Tables 1 and 2 provide a comparison of the traffic counts utilized in the applicant's TIA versus the seasonally adjusted and traffic counts utilized in this analysis.

In the case of the I-5 SB offramp/Kuebler Boulevard intersection, the field observed traffic counts collected in February and March of 2020 were higher than the applicant's TIA traffic counts. When adjusting for seasonal variations per the APM, the volumes are significantly different.

Table 1. I-5 SB Offramp/Kuebler Blvd Intersection Counts Comparison

Scenario	Applicant's TIA December 2017 Counts	Applicant's TIA July 2018 Count	Greenlight February/ March 2020 Counts	Greenlight Seasonally Adjusted Volumes	Greenlight Seasonally Adjusted Volumes Increase from TIA Counts (%)
Weekday PM Peak Hour	3680	3648	3810	4228	14.89

"Counts" refer to the unadjusted, field observed turning movement volumes.

At the Kuebler Boulevard/Battle Creek Road intersection, the field observed traffic counts collected in February and March of 2020 were slightly lower in the weekday PM peak hour than the December 2017 counts of the applicant's TIA. No seasonal adjustment is required per City of Salem requirements.

Table 2. Kuebler Boulevard/Battle Creek Road Intersection Counts Comparison

Scenario	Applicant's TIA December 2017 Counts	Greenlight February/ March Counts	Greenlight Counts Increase from TIA Counts (%)
Weekday PM Peak Hour	3995	3959	-0.90

"Counts" refer to the unadjusted, field observed turning movement volumes.

2022 Background Traffic Volumes

The applicant's TIA, originally dated May 2018, assumed a build-out year of 2019 with a build-out period of 1.5 years. Now, more than midway into 2020 there is no indication that the proposed development is approaching land use entitlement much less approaching

construction or store opening. The TIA failed to establish a construction date for all of the retail pads and all of the fueling positions of the fueling facility. Rather than speculate on the date of the opening of these facilities, we assumed all would open by 2022, so a background year of 2022 was assumed although even this may be unlikely given the applicant's previous indication that this development would be phased.

In addition to the proposed development, there are a number of public transportation improvements described in the TIA that have also not advanced to construction. Some of these improvements may require the acquisition of right-of-way which may further delay these projects. The TIA relies on these improvements to be constructed at the opening of the development. For the purposes of this analysis, the 2019 assumed build-out year has been extended to a build-out year of 2022, however likely or unlikely that may be.

Background traffic conditions typically represent the conditions at the year of full occupancy of the development without considering the impacts of the development itself. Background traffic volumes are typically based on existing traffic conditions plus an annual traffic growth rate over the build-out period of the site and “in-process traffic.” In-process traffic is traffic related to development projects that are approved, yet not constructed or occupied. In order to be conservative, it was assumed that the all of the in-process developments described in the applicant's TIA have been constructed.

In reality, it is known that a number of the in-process developments are not completed and occupied. Additionally, while this project has failed to progress for over two years from the date of the original TIA, several other projects have since been approved in the area. None of these developments are considered herein. In reality, the anticipated traffic volumes may be higher than presented herein based on these in-process developments that are unaccounted for in the applicant's TIA as well as this analysis.

The City of Salem requires the utilization of traffic growth factors from the MWVCOG's travel demand model. The applicant's TIA assumed a growth rate of 1% without evidence to support that assumption. As reported in our December 10, 2018 report, the anticipated growth from 2010 to 2035 along Kuebler Boulevard is approximately 1.8% per year according to MWVCOG's travel demand model, or almost double the growth rate considered in the TIA. Therefore, in developing background traffic volumes, 2020 traffic counts were adjusted to 2022 traffic volumes by applying a 1.8% growth rate for two years.

The calculation of background traffic volumes is illustrated in a traffic volumes worksheet in Appendix D. The background traffic utilized in this analysis is presented in Figure 2 of Appendix E.

Trip Generation

While the trip generation presented in the applicant's TIA is not based on the ITE *Trip Generation Manual* as required by the City of Salem nor based on evidence in the record, our analysis does rely on the TIA trip generation. The purpose of this analysis was not to address each and every deficiency of the applicant's TIA, but instead address just a few of the items to evaluate if the intersections of I-5 SB offramp/Kuebler Boulevard, Kuebler Boulevard/Battle Creek Road and Kuebler Boulevard/Commercial Street would operate

beyond the mobility standards of the City of Salem and/or ODOT. Trip generation based upon the ITE *Trip Generation Manual*, as required by the City of Salem, may result in worse operations than presented in the applicant's TIA and herein.

Trip Distribution

While the trip distribution presented in the applicant's TIA is not based on the MWVCOG travel demand model as required by the City of Salem nor based on evidence in the record, this analysis relies on the TIA trip distribution with one notable exception. The TIA failed to provide analysis of intersections west of the Kuebler Boulevard/Battle Creek Road intersection. Figures 8 and 9a of the applicant's TIA illustrate that the development will distribute 465 new weekday PM peak hour trips and 600 Saturday peak hour towards the Kuebler Boulevard/Commercial Street. Although the City of Salem's threshold for study intersection inclusion is just 50 peak hour trips, the TIA inexplicably fails to include any intersections west of Battle Creek Road although those intersections will be significantly affected.

For the purposes of our analysis, trips were distributed based upon existing traffic flows and engineering judgment west of the Kuebler Boulevard/Battle Creek intersection. When the applicant revises their analysis, they should be required to base their analysis on the MWVCOG travel demand model as required by the City of Salem.

The trip distribution utilized in this analysis is presented in Figure 3 of Appendix E.

2022 Total Traffic Volumes

Total traffic volumes are the result of the summation of background traffic and site generated traffic of the proposed project. Total traffic volumes represent the traffic conditions that can be expected with the full build-out of the development.

The calculation of total traffic volumes is illustrated in a traffic volumes worksheet in Appendix D. The total traffic utilized in this analysis is presented in Figure 4 of Appendix E.

Traffic Operations Analysis

Capacity analysis for 2022 background and 2022 total traffic conditions has been performed at the I-5 SB offramp/Kuebler Boulevard, Kuebler Boulevard/Battle Creek Road and Kuebler Boulevard/Commercial Street during the weekday PM peak hour.

The City of Salem's most recent Synchro model of the Kuebler Boulevard corridor was provided by the City of Salem and used in the analysis but was updated to utilize the existing traffic signal timing, also provided by the City of Salem.

Section 109-006-633(b)(1) of the Salem Revised Code requires that “ideal saturation flow rates greater than 1,800 vehicles per hour should not be used unless a separate flow rate analysis has been completed.”

In our analysis, a saturation flow rate of 1900 passenger cars per hour of green per lane (pcphgl) was utilized for the southbound right turn movement at the I-5 SB offramp/Kuebler Boulevard and the westbound and eastbound movements at the Kuebler Boulevard/Battle Creek Road intersections during the weekday PM peak hour only. The applicant's TIA provided evidence that a 1900 pcphgl saturation flow rate is appropriate at those intersections for those movements during the weekday PM peak hour only. However, the applicant's TIA inappropriately assumed the use of 1900 pcphgl for every movement at those intersections for each study period, again without evidence. Contrary to what was presented in the applicant's TIA, there is no evidence that the use of a 1900 pcphgl is appropriate at any other intersection, movement, or time period. Therefore, the remainder of our analysis relied upon a 1800 pcphgl saturation flow rate in compliance with City of Salem standards.

Synchro 10 software was utilized in our analysis.

The applicant's TIA relies upon the assumption that 42% of southbound right turns at the I-5 SB offramp/Kuebler Boulevard occur on a red signal indication. However, the TIA provides no evidence that 42% of the southbound right turns at this intersection occur on red. Therefore, in our analysis, we rely upon the default methodology of Synchro 10 for right turns on red.

Tables 3 to 5 provide a summary of the intersection capacity results compared with the results of the applicant's TIA. The Synchro software capacity summary reports are included in Appendix F.

Table 3. I-5 SB Offramp/Kuebler Blvd

Traffic Scenario	2000 HCM Methodology	
	Weekday PM Peak Hour	
	Intersection LOS/Delay	Intersection V/C
2019 Background Traffic (from TIA)	C/25.5	0.76
2022 Background Traffic	C/27.5	0.84
2019 Total Traffic (from TIA)	C/21.6	0.84
2022 Total Traffic	D/36.2	0.97

Note: 2000 Highway Capacity Manual methodology used in analysis.

Table 4. Kuebler Blvd/Battle Creek Road

Traffic Scenario	2000 HCM Methodology	
	Weekday PM Peak Hour	
	Intersection LOS/Delay	Intersection V/C
2019 Background Traffic (from TIA)	C/31.3	0.85
2022 Background Traffic	C/31.0	0.83
2019 Total Traffic (from TIA)	D/44.0	0.90
2022 Total Traffic	D/43.4	0.96

Note: 2000 Highway Capacity Manual methodology used in analysis.

Table 5. Kuebler Blvd/Commercial Street

Traffic Scenario	2000 HCM Methodology	
	Weekday PM Peak Hour	
	Intersection LOS/Delay	Intersection V/C
2022 Background Traffic	D/47.2	0.90
2022 Total Traffic	D/53.3	0.94

Note: 2000 Highway Capacity Manual methodology used in analysis.

As referenced previously, the applicant's TIA provides that:

“The City of Salem, which has jurisdiction over all of the study intersections except for the freeway ramp terminals at the I-5/Kuebler Boulevard interchange, has the following intersection operating standards:

Unsignalized intersections: a maximum Level-of-Service (LOS) standard of LOS “E” and average delay of less than 50 seconds, and

Signalized intersections: a maximum LOS “E”, average delay of less than 80 seconds, and/or a volume-to-capacity (v/c) ratio at or below 0.90...

The ramp terminal intersections at the I-5/Kuebler Boulevard interchange are under the jurisdiction of ODOT and subject to the mobility standards defined in the 1999 Oregon Highway Plan...According to the OHP, both the southbound and northbound signalized ramp terminal intersections are required to operate at or below a volume-to-capacity ratio of 0.85 during the peak hour.”

As seen above, by addressing just a few of the errors evident in the applicant's TIA, the results presented in the TIA would change substantially. This report provides evidence that the three intersections, reported in the applicant's TIA to function adequately, will not function adequately with the build-out of this project.

As a result, the results of the applicant's TIA should be rejected and a new TIA submitted to address those errors and provide mitigation, as necessary, to ensure that City of Salem and ODOT intersections operate per the required mobility standards.

Conclusion

As established herein, by addressing just a few of the errors in the applicant's TIA, the intersections of I-5 SB offramp/Kuebler Boulevard, Kuebler Boulevard/Battle Creek Road and Kuebler Boulevard/Commercial Street are expected to operate beyond the City of Salem or ODOT mobility standards and require mitigation. As noted in our December 10, 2018 and this report, there remain a number of other unaddressed issues in the applicant's TIA that may further illustrate worse operations than reported herein.

Should you have any questions, please contact me at rick@greenlightengineering.com or 503-317-4559.

Sincerely,



Rick Nys, P.E.
Principal Traffic Engineer



EXPIRES: 12/31/2020

APPENDICES

- A) Traffic Counts**
- B) I-5 SB offramp/Kuebler Boulevard Seasonal Adjustment**
- C) Excerpts of ODOT Transportation Volume Tables**
- D) Traffic Volume Worksheet**
- E) Traffic Volume Figures**
 - **Figure 1: 2020 Existing Traffic Volumes**
 - **Figure 2: 2022 Background Traffic Volumes**
 - **Figure 3: Trip Distribution at Kuebler Blvd/Commercial Street Intersection**
 - **Figure 4: 2022 Total Traffic Volumes**
- F) Synchro Output Sheets**
- G) December 10, 2018 Greenlight Engineering Letter**

Appendix A

Traffic Counts



Traffic Counts - Motorized Vehicles

5:20 PM	0	0	110	3	0	0	65	25	0	0	0	0	0	9	0	105	317
5:25 PM	0	0	98	10	0	0	66	22	0	0	0	0	0	9	0	103	308
5:30 PM	0	0	124	11	0	0	64	22	0	0	0	0	0	7	0	112	340
5:35 PM	0	0	106	5	0	0	59	16	0	0	0	0	0	9	0	90	285
5:40 PM	0	0	109	4	0	0	53	12	0	0	0	0	0	13	0	89	280
5:45 PM	0	0	124	7	0	0	56	18	0	0	0	0	0	4	0	119	328
5:50 PM	0	0	99	3	0	0	60	12	0	0	0	0	0	8	0	95	277
5:55 PM	0	0	87	1	0	0	48	10	0	0	0	0	0	7	0	76	229
Count Total	0	0	3,846	345	0	0	2,126	628	0	0	0	0	0	287	0	3,573	10,805
Peak Hour	0	0	1,335	143	0	0	711	263	0	0	0	0	0	100	0	1,258	3,810

Traffic Counts - Heavy Vehicles, Bicycles on Road, and Pedestrians/Bicycles on Crosswalk

Interval Start Time	Heavy Vehicles					Interval Start Time	Bicycles on Roadway					Interval Start Time	Pedestrians/Bicycles on Crosswalk				
	EB	NB	WB	SB	Total		EB	NB	WB	SB	Total		EB	NB	WB	SB	Total
3:00 PM	6	0	6	3	15	3:00 PM	0	0	0	0	0	3:00 PM	0	0	0	0	0
3:05 PM	1	0	1	3	5	3:05 PM	0	0	0	0	0	3:05 PM	0	0	0	0	0
3:10 PM	2	0	2	2	6	3:10 PM	0	0	0	0	0	3:10 PM	0	0	0	0	0
3:15 PM	2	0	1	2	5	3:15 PM	0	0	0	0	0	3:15 PM	0	0	0	0	0
3:20 PM	2	0	4	3	9	3:20 PM	0	0	0	0	0	3:20 PM	0	0	0	0	0
3:25 PM	6	0	0	2	8	3:25 PM	0	0	0	0	0	3:25 PM	0	0	0	0	0
3:30 PM	4	0	3	1	8	3:30 PM	0	0	0	0	0	3:30 PM	0	0	0	0	0
3:35 PM	1	0	4	3	8	3:35 PM	0	0	0	0	0	3:35 PM	0	0	0	0	0
3:40 PM	6	0	2	3	11	3:40 PM	0	0	0	0	0	3:40 PM	0	0	0	0	0
3:45 PM	6	0	4	2	12	3:45 PM	0	0	0	0	0	3:45 PM	0	0	0	0	0
3:50 PM	7	0	2	0	9	3:50 PM	0	0	0	0	0	3:50 PM	0	0	0	0	0
3:55 PM	8	0	2	3	13	3:55 PM	0	0	0	0	0	3:55 PM	0	0	0	0	0
4:00 PM	7	0	1	5	13	4:00 PM	0	0	0	0	0	4:00 PM	0	0	0	0	0
4:05 PM	3	0	4	5	12	4:05 PM	0	0	0	0	0	4:05 PM	0	0	0	0	0
4:10 PM	6	0	6	1	13	4:10 PM	0	0	0	0	0	4:10 PM	0	0	0	0	0
4:15 PM	2	0	2	2	6	4:15 PM	0	0	0	0	0	4:15 PM	0	0	0	0	0
4:20 PM	8	0	1	4	13	4:20 PM	0	0	0	0	0	4:20 PM	0	0	0	0	0
4:25 PM	6	0	2	3	11	4:25 PM	0	0	0	0	0	4:25 PM	0	0	0	0	0
4:30 PM	2	0	2	5	9	4:30 PM	0	0	0	0	0	4:30 PM	0	0	0	0	0
4:35 PM	0	0	2	2	4	4:35 PM	0	0	0	0	0	4:35 PM	0	0	0	0	0
4:40 PM	2	0	1	3	6	4:40 PM	0	0	0	0	0	4:40 PM	0	0	0	0	0
4:45 PM	3	0	0	3	6	4:45 PM	0	0	0	0	0	4:45 PM	0	0	0	0	0
4:50 PM	1	0	2	4	7	4:50 PM	0	0	0	0	0	4:50 PM	0	0	0	0	0
4:55 PM	6	0	1	3	10	4:55 PM	0	0	0	0	0	4:55 PM	0	0	0	0	0
5:00 PM	2	0	0	0	2	5:00 PM	0	0	0	0	0	5:00 PM	0	0	0	0	0
5:05 PM	3	0	1	0	4	5:05 PM	0	0	0	0	0	5:05 PM	0	0	0	0	0
5:10 PM	0	0	2	1	3	5:10 PM	0	0	0	0	0	5:10 PM	0	0	0	0	0
5:15 PM	3	0	2	2	7	5:15 PM	0	0	0	0	0	5:15 PM	0	0	0	0	0
5:20 PM	2	0	1	0	3	5:20 PM	0	0	0	0	0	5:20 PM	0	0	0	0	0
5:25 PM	1	0	2	2	5	5:25 PM	0	0	1	0	1	5:25 PM	0	0	0	0	0
5:30 PM	1	0	2	2	5	5:30 PM	0	0	0	0	0	5:30 PM	0	0	0	0	0
5:35 PM	1	0	0	1	2	5:35 PM	0	0	0	0	0	5:35 PM	0	0	0	0	0
5:40 PM	2	0	1	3	6	5:40 PM	0	0	0	0	0	5:40 PM	0	0	0	0	0
5:45 PM	0	0	2	1	3	5:45 PM	0	0	0	0	0	5:45 PM	0	0	0	0	0
5:50 PM	1	0	2	0	3	5:50 PM	0	0	0	0	0	5:50 PM	0	0	0	0	0
5:55 PM	1	0	2	1	4	5:55 PM	0	0	0	0	0	5:55 PM	0	0	0	0	0
Count Total	114	0	72	80	266	Count Total	0	0	1	0	1	Count Total	0	0	0	0	0
Peak Hour	24	0	16	22	62	Peak Hour	0	0	1	0	1	Peak Hour	0	0	0	0	0



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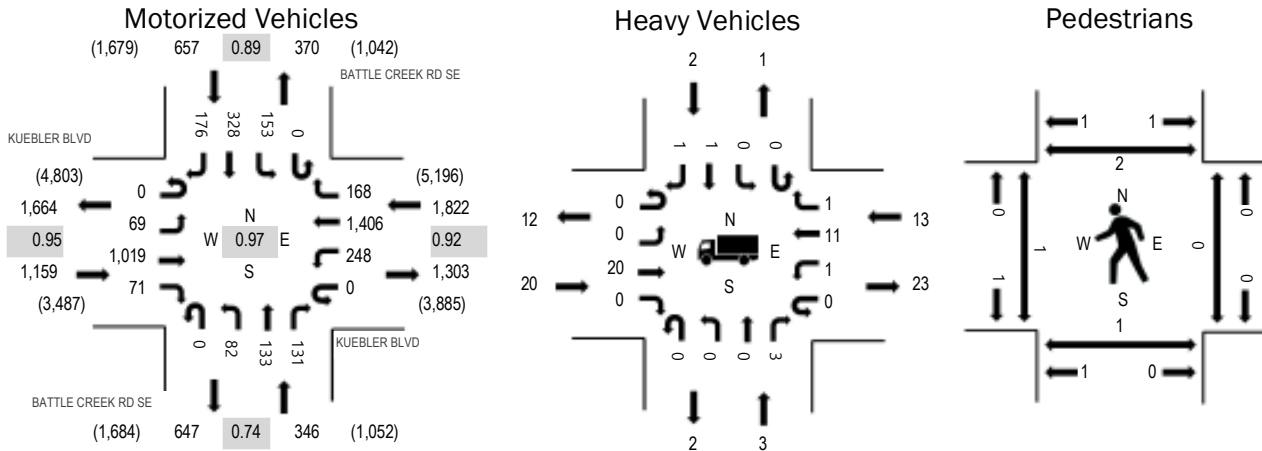
Location: BATTLE CREEK RD SE & KUEBLER BLVD PM

Date: Thursday, February 27, 2020

Peak Hour: 04:45 PM - 05:45 PM

Peak 15-Minutes: 05:30 PM - 05:45 PM

Peak Hour



Note: Total study counts contained in parentheses.

	HV%	PHF
EB	1.7%	0.95
WB	0.7%	0.92
NB	0.9%	0.74
SB	0.3%	0.89
All	1.0%	0.97

Traffic Counts - Motorized Vehicles

Interval Start Time	KUEBLER BLVD Eastbound				KUEBLER BLVD Westbound				BATTLE CREEK RD SE Northbound				BATTLE CREEK RD SE Southbound				Total	Rolling Hour
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right		
3:00 PM	0	9	93	3	0	13	81	6	0	8	4	14	0	12	12	8	263	3,669
3:05 PM	0	5	73	8	0	12	97	13	0	6	10	13	1	10	15	13	276	3,678
3:10 PM	0	8	68	4	0	13	97	8	0	6	14	11	0	6	26	8	269	3,698
3:15 PM	0	4	73	10	0	17	91	15	0	8	11	5	0	13	16	6	269	3,798
3:20 PM	0	9	84	10	0	26	117	20	0	0	5	10	0	5	17	6	309	3,880
3:25 PM	0	7	99	11	0	11	98	9	0	11	10	7	0	9	13	13	298	3,876
3:30 PM	0	6	85	8	0	18	95	8	0	5	11	15	0	6	18	11	286	3,897
3:35 PM	0	9	78	8	0	18	115	14	0	9	13	16	0	11	19	17	327	3,957
3:40 PM	0	6	96	5	0	15	135	13	0	8	14	14	0	12	14	16	348	3,915
3:45 PM	0	3	87	5	0	19	138	9	0	18	15	23	0	12	11	8	348	3,871
3:50 PM	0	8	67	5	0	18	114	9	0	12	19	14	0	14	17	15	312	3,881
3:55 PM	0	5	100	11	0	24	150	14	0	5	15	6	0	15	11	8	364	3,905
4:00 PM	0	4	96	6	0	15	82	13	0	8	12	10	0	9	6	11	272	3,857
4:05 PM	0	2	79	3	0	16	89	13	0	9	12	13	0	15	25	20	296	3,916
4:10 PM	0	10	111	4	0	28	127	10	0	5	4	13	0	13	24	20	369	3,925
4:15 PM	0	4	109	5	0	20	135	9	0	6	7	15	0	10	22	9	351	3,878
4:20 PM	0	6	77	3	0	14	107	6	0	9	13	10	0	13	31	16	305	3,858
4:25 PM	0	10	79	7	0	12	121	19	0	8	7	6	0	10	27	13	319	3,895
4:30 PM	0	7	94	2	0	18	140	16	0	3	6	10	0	13	25	12	346	3,895
4:35 PM	0	5	69	4	0	20	98	10	0	6	6	15	0	15	20	17	285	3,880
4:40 PM	0	4	73	4	0	23	113	10	0	3	6	16	0	16	22	14	304	3,959
4:45 PM	0	4	109	7	0	17	144	10	0	6	9	7	0	13	25	7	358	3,984
4:50 PM	0	2	79	4	0	23	132	22	0	8	6	9	0	16	20	15	336	3,934
4:55 PM	0	7	79	3	0	16	112	2	0	5	9	20	0	8	37	18	316	3,919
5:00 PM	0	7	76	8	0	18	122	9	0	8	18	12	0	15	18	20	331	3,888
5:05 PM	0	7	88	6	0	16	93	21	0	4	11	5	0	16	21	17	305	
5:10 PM	0	4	73	6	0	15	96	10	0	4	18	16	0	13	42	25	322	
5:15 PM	0	9	75	9	0	30	121	21	0	8	14	5	0	8	24	7	331	

5:20 PM	0	5	97	5	0	21	123	14	0	9	8	11	0	13	25	11	342
5:25 PM	0	7	68	3	0	20	93	17	0	10	9	18	0	18	35	21	319
5:30 PM	0	5	86	7	0	32	120	13	0	8	12	7	0	6	25	10	331
5:35 PM	0	4	105	6	0	22	137	19	0	4	9	9	0	12	27	10	364
5:40 PM	0	8	84	7	0	18	113	10	0	8	10	12	0	15	29	15	329
5:45 PM	0	10	68	6	0	29	103	9	0	7	9	17	0	7	31	12	308
5:50 PM	0	10	80	12	0	18	121	12	0	7	10	9	0	10	21	11	321
5:55 PM	0	6	84	5	0	13	105	10	0	10	6	8	0	14	15	9	285
Count Total	0	226	3,041	220	0	678	4,075	443	0	259	372	421	1	423	786	469	11,414
Peak Hour	0	69	1,019	71	0	248	1,406	168	0	82	133	131	0	153	328	176	3,984

Traffic Counts - Heavy Vehicles, Bicycles on Road, and Pedestrians/Bicycles on Crosswalk

Interval Start Time	Heavy Vehicles					Interval Start Time	Bicycles on Roadway					Interval Start Time	Pedestrians/Bicycles on Crosswalk				
	EB	NB	WB	SB	Total		EB	NB	WB	SB	Total		EB	NB	WB	SB	Total
3:00 PM	6	0	0	3	9	3:00 PM	0	0	0	0	0	3:00 PM	0	0	0	0	0
3:05 PM	0	1	3	0	4	3:05 PM	0	0	1	0	1	3:05 PM	0	0	0	0	0
3:10 PM	1	0	2	0	3	3:10 PM	0	0	1	0	1	3:10 PM	0	0	0	0	0
3:15 PM	0	0	0	1	1	3:15 PM	0	0	0	0	0	3:15 PM	0	0	0	0	0
3:20 PM	4	1	2	0	7	3:20 PM	0	0	0	1	1	3:20 PM	0	0	0	0	0
3:25 PM	4	2	3	1	10	3:25 PM	0	0	0	0	0	3:25 PM	0	0	0	0	0
3:30 PM	2	1	0	0	3	3:30 PM	0	0	0	0	0	3:30 PM	0	0	0	0	0
3:35 PM	6	1	3	1	11	3:35 PM	0	0	0	0	0	3:35 PM	0	0	0	0	0
3:40 PM	2	0	1	1	4	3:40 PM	0	0	0	0	0	3:40 PM	0	0	0	0	0
3:45 PM	5	7	2	0	14	3:45 PM	0	0	0	0	0	3:45 PM	0	0	0	0	0
3:50 PM	4	6	1	1	12	3:50 PM	0	0	0	0	0	3:50 PM	0	0	0	0	0
3:55 PM	5	2	3	1	11	3:55 PM	0	0	0	0	0	3:55 PM	0	0	0	0	0
4:00 PM	6	3	0	1	10	4:00 PM	0	0	0	0	0	4:00 PM	0	0	0	0	0
4:05 PM	5	2	5	0	12	4:05 PM	0	0	0	0	0	4:05 PM	0	1	0	0	1
4:10 PM	5	1	2	1	9	4:10 PM	0	0	0	0	0	4:10 PM	0	0	0	0	0
4:15 PM	2	0	1	0	3	4:15 PM	0	0	0	0	0	4:15 PM	0	0	0	0	0
4:20 PM	5	2	3	1	11	4:20 PM	0	0	0	0	0	4:20 PM	0	0	0	0	0
4:25 PM	1	2	0	0	3	4:25 PM	0	0	0	0	0	4:25 PM	0	0	0	0	0
4:30 PM	1	0	2	0	3	4:30 PM	0	0	0	0	0	4:30 PM	0	0	0	0	0
4:35 PM	2	0	1	0	3	4:35 PM	0	0	0	1	1	4:35 PM	0	0	0	0	0
4:40 PM	1	0	4	0	5	4:40 PM	0	0	0	0	0	4:40 PM	0	0	0	0	0
4:45 PM	2	0	1	1	4	4:45 PM	0	0	0	0	0	4:45 PM	0	0	0	0	0
4:50 PM	5	1	2	1	9	4:50 PM	0	0	0	0	0	4:50 PM	0	0	0	0	0
4:55 PM	2	2	0	0	4	4:55 PM	0	0	0	0	0	4:55 PM	0	0	0	0	0
5:00 PM	1	0	1	0	2	5:00 PM	0	0	0	0	0	5:00 PM	0	0	0	0	0
5:05 PM	2	0	1	0	3	5:05 PM	0	0	0	0	0	5:05 PM	1	0	0	1	2
5:10 PM	1	0	0	0	1	5:10 PM	0	0	0	0	0	5:10 PM	0	0	0	0	0
5:15 PM	1	0	1	0	2	5:15 PM	0	0	0	0	0	5:15 PM	0	0	0	0	0
5:20 PM	2	0	1	0	3	5:20 PM	0	0	0	0	0	5:20 PM	0	1	0	0	1
5:25 PM	0	0	1	0	1	5:25 PM	0	0	0	0	0	5:25 PM	0	0	0	0	0
5:30 PM	0	0	2	0	2	5:30 PM	0	0	0	0	0	5:30 PM	0	0	0	0	0
5:35 PM	3	0	2	0	5	5:35 PM	0	0	0	0	0	5:35 PM	0	0	0	0	0
5:40 PM	1	0	1	0	2	5:40 PM	0	2	0	0	2	5:40 PM	0	0	0	1	1
5:45 PM	0	1	1	0	2	5:45 PM	0	0	0	0	0	5:45 PM	0	0	0	0	0
5:50 PM	2	1	0	1	4	5:50 PM	0	0	0	1	1	5:50 PM	0	0	0	0	0
5:55 PM	1	1	0	0	2	5:55 PM	0	0	0	0	0	5:55 PM	0	0	0	0	0
Count Total	90	37	52	15	194	Count Total	0	2	2	3	7	Count Total	1	2	0	2	5
Peak Hour	20	3	13	2	38	Peak Hour	0	2	0	0	2	Peak Hour	1	1	0	2	4



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Peak 15-Minutes: 04:20 PM - 04:35 PM

Interval Start Time	KUEBLER BLVD				KUEBLER BLVD				COMMERCIAL ST SE				COMMERCIAL ST SE				Total	Rolling Hour
	Eastbound				Westbound				Northbound				Southbound					
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right		
3:00 PM	0	12	48	26	0	20	49	28	0	20	41	19	0	14	52	9	338	4,908
3:05 PM	0	10	44	26	0	29	66	20	0	19	60	19	0	14	66	9	382	4,987
3:10 PM	0	15	42	25	0	23	58	22	0	14	68	17	0	28	87	7	406	5,047
3:15 PM	0	22	57	14	0	26	68	19	0	31	55	15	0	24	69	12	412	5,085
3:20 PM	0	16	56	29	0	21	78	31	0	21	63	20	0	15	80	3	433	5,064
3:25 PM	0	6	49	24	0	25	53	18	0	23	63	18	0	26	69	6	380	5,064
3:30 PM	0	13	65	13	0	19	41	24	0	23	50	21	0	27	103	12	411	5,124
3:35 PM	0	15	48	16	0	18	100	30	0	14	54	16	0	27	75	8	421	5,166
3:40 PM	0	13	41	17	0	24	65	41	0	22	67	26	0	21	73	15	425	5,150
3:45 PM	0	7	39	28	0	31	63	24	0	16	54	15	0	14	106	8	405	5,156
3:50 PM	0	8	67	28	0	20	87	32	0	26	55	23	0	22	76	8	452	5,201
3:55 PM	0	13	48	10	0	16	82	28	0	33	69	26	0	26	84	8	443	5,170
4:00 PM	0	12	46	18	0	37	65	30	0	15	57	8	0	17	104	8	417	5,175
4:05 PM	0	8	74	17	0	22	67	26	0	21	69	26	0	22	85	5	442	5,200
4:10 PM	0	9	45	27	0	24	79	28	0	16	70	33	0	33	73	7	444	5,186
4:15 PM	0	10	48	16	0	28	66	31	0	13	54	19	0	15	83	8	391	5,164
4:20 PM	0	9	61	23	0	34	70	22	0	25	47	32	0	22	78	10	433	5,198
4:25 PM	0	7	38	27	0	20	97	30	0	22	59	14	0	38	76	12	440	5,177
4:30 PM	0	14	43	27	0	29	61	34	0	12	84	15	0	24	98	12	453	5,136
4:35 PM	0	9	48	14	0	37	63	28	0	32	45	17	0	8	91	13	405	5,131
4:40 PM	0	8	61	13	0	28	70	21	0	24	60	19	0	33	81	13	431	5,135
4:45 PM	0	17	47	21	0	24	60	38	0	20	79	20	0	24	86	14	450	5,099
4:50 PM	0	10	45	24	0	31	56	24	0	19	61	30	0	17	92	12	421	5,065
4:55 PM	0	9	55	19	0	32	78	25	0	35	70	17	0	30	72	6	448	5,067
5:00 PM	0	13	36	27	0	26	82	26	0	23	66	15	0	20	86	22	442	5,008
5:05 PM	0	11	44	20	0	25	58	21	0	23	62	18	0	23	111	12	428	
5:10 PM	0	9	63	31	0	28	74	18	0	36	45	11	0	22	77	8	422	
5:15 PM	0	12	38	17	0	24	90	22	0	17	63	10	0	35	82	15	425	

5:20 PM	0	9	48	17	0	22	61	26	0	17	54	17	0	18	113	10	412
5:25 PM	0	9	65	18	0	26	59	20	0	21	54	8	0	22	93	4	399
5:30 PM	0	15	51	23	0	26	94	16	0	24	52	17	0	34	87	9	448
5:35 PM	0	13	44	24	0	22	64	16	0	20	63	19	0	18	98	8	409
5:40 PM	0	11	56	21	0	18	65	15	0	29	58	18	0	15	83	6	395
5:45 PM	0	10	55	22	0	16	88	14	0	31	63	8	0	30	65	14	416
5:50 PM	0	8	43	23	0	15	73	37	0	17	73	16	0	19	90	9	423
5:55 PM	0	7	42	21	0	32	58	27	0	18	48	16	0	22	92	6	389
Count Total	0	399	1,800	766	0	898	2,508	912	0	792	2,155	658	0	819	3,036	348	15,091
Peak Hour	0	124	626	241	0	319	867	348	0	259	748	252	0	284	1,015	118	5,201

Traffic Counts - Heavy Vehicles, Bicycles on Road, and Pedestrians/Bicycles on Crosswalk

Interval Start Time	Heavy Vehicles					Interval Start Time	Bicycles on Roadway					Interval Start Time	Pedestrians/Bicycles on Crosswalk				
	EB	NB	WB	SB	Total		EB	NB	WB	SB	Total		EB	NB	WB	SB	Total
3:00 PM	4	2	0	1	7	3:00 PM	0	0	0	0	0	3:00 PM	2	0	1	0	3
3:05 PM	2	2	3	0	7	3:05 PM	0	0	0	0	0	3:05 PM	0	0	1	1	2
3:10 PM	3	1	0	2	6	3:10 PM	0	0	1	0	1	3:10 PM	0	0	1	0	1
3:15 PM	5	2	1	0	8	3:15 PM	0	0	0	0	0	3:15 PM	0	2	2	0	4
3:20 PM	2	1	0	1	4	3:20 PM	0	1	0	0	1	3:20 PM	1	0	0	0	1
3:25 PM	3	2	3	0	8	3:25 PM	0	0	0	0	0	3:25 PM	1	0	6	0	7
3:30 PM	1	1	0	2	4	3:30 PM	0	0	0	0	0	3:30 PM	1	0	2	0	3
3:35 PM	5	2	2	2	11	3:35 PM	0	0	0	0	0	3:35 PM	0	3	0	3	6
3:40 PM	2	2	2	3	9	3:40 PM	0	0	0	2	2	3:40 PM	1	0	4	0	5
3:45 PM	3	1	1	2	7	3:45 PM	0	0	0	0	0	3:45 PM	0	0	0	0	0
3:50 PM	4	4	2	0	10	3:50 PM	0	0	0	0	0	3:50 PM	0	0	0	0	0
3:55 PM	6	2	3	4	15	3:55 PM	0	0	0	0	0	3:55 PM	1	0	2	0	3
4:00 PM	3	3	4	2	12	4:00 PM	0	0	0	0	0	4:00 PM	1	1	0	0	2
4:05 PM	3	3	4	1	11	4:05 PM	0	0	0	0	0	4:05 PM	2	2	2	0	6
4:10 PM	4	1	4	3	12	4:10 PM	0	0	0	0	0	4:10 PM	0	1	1	0	2
4:15 PM	2	2	1	1	6	4:15 PM	0	0	0	0	0	4:15 PM	0	0	1	0	1
4:20 PM	2	2	4	2	10	4:20 PM	0	0	0	0	0	4:20 PM	0	0	0	0	0
4:25 PM	1	0	1	2	4	4:25 PM	0	0	0	0	0	4:25 PM	0	0	2	0	2
4:30 PM	0	2	1	2	5	4:30 PM	0	0	0	0	0	4:30 PM	1	0	3	0	4
4:35 PM	2	0	1	0	3	4:35 PM	0	0	0	0	0	4:35 PM	0	0	0	1	1
4:40 PM	2	0	2	2	6	4:40 PM	0	0	0	0	0	4:40 PM	2	1	0	1	4
4:45 PM	1	2	3	3	9	4:45 PM	0	0	0	0	0	4:45 PM	1	1	2	0	4
4:50 PM	2	2	3	1	8	4:50 PM	0	0	0	1	1	4:50 PM	2	0	1	1	4
4:55 PM	1	2	0	0	3	4:55 PM	0	0	0	0	0	4:55 PM	0	1	4	1	6
5:00 PM	1	1	1	1	4	5:00 PM	0	0	0	0	0	5:00 PM	0	0	2	0	2
5:05 PM	1	0	0	1	2	5:05 PM	0	0	0	0	0	5:05 PM	0	0	2	0	2
5:10 PM	2	1	1	1	5	5:10 PM	0	0	0	0	0	5:10 PM	0	0	0	1	1
5:15 PM	1	1	1	0	3	5:15 PM	0	0	0	0	0	5:15 PM	0	0	3	0	3
5:20 PM	0	0	1	1	2	5:20 PM	0	0	0	0	0	5:20 PM	0	0	1	0	1
5:25 PM	0	0	1	0	1	5:25 PM	0	0	0	0	0	5:25 PM	0	0	1	0	1
5:30 PM	2	1	1	1	5	5:30 PM	0	0	0	0	0	5:30 PM	0	0	0	0	0
5:35 PM	1	0	0	0	1	5:35 PM	0	0	0	0	0	5:35 PM	0	0	1	0	1
5:40 PM	0	0	1	0	1	5:40 PM	0	0	0	0	0	5:40 PM	0	2	0	0	2
5:45 PM	1	2	1	2	6	5:45 PM	0	0	0	0	0	5:45 PM	0	2	0	0	2
5:50 PM	1	1	1	1	4	5:50 PM	0	0	0	0	0	5:50 PM	0	0	0	0	0
5:55 PM	0	0	0	0	0	5:55 PM	0	0	0	0	0	5:55 PM	0	0	0	0	0
Count Total	73	48	54	44	219	Count Total	0	1	1	3	5	Count Total	16	16	45	9	86
Peak Hour	30	21	30	22	103	Peak Hour	0	0	0	0	0	Peak Hour	8	6	13	2	29

Appendix B

I-5 SB offramp/Kuebler Boulevard Seasonal Adjustment

I-5 Adjustment via On-Site ATR Method

Weekday PM Count (March 3, 2020) – from ODOT TVT tables

	2018	2017	2016	2015	2014	Average
Peak Month (August)	108	109	110	107	112	109
Count Month (March)	97	96	97	97	97	
Previous Month (February)	91	92	93	92	83	
Daily Difference	0.2	0.133333333	0.133333333	0.166666667	0.466666667	
Adjusted for Count Date (March 3)	94.6	94.4	95.4	95	91.4	94.666667

Seasonal Adjustment **1.1514085**

Saturday Count (February 29, 2020) - – from ODOT TVT tables

	2018	2017	2016	2015	2014	Average
Peak Month (August)	108	109	110	107	112	109
Count Month (March)	97	96	97	97	97	
Previous Month (February)	91	92	93	92	83	
Daily Difference	0.2	0.133333333	0.133333333	0.166666667	0.466666667	
Adjusted for Count Date (Feb 29)	93.8	93.86666667	94.8666667	94.33333333	89.53333333	94

Seasonal Adjustment **1.1595745**

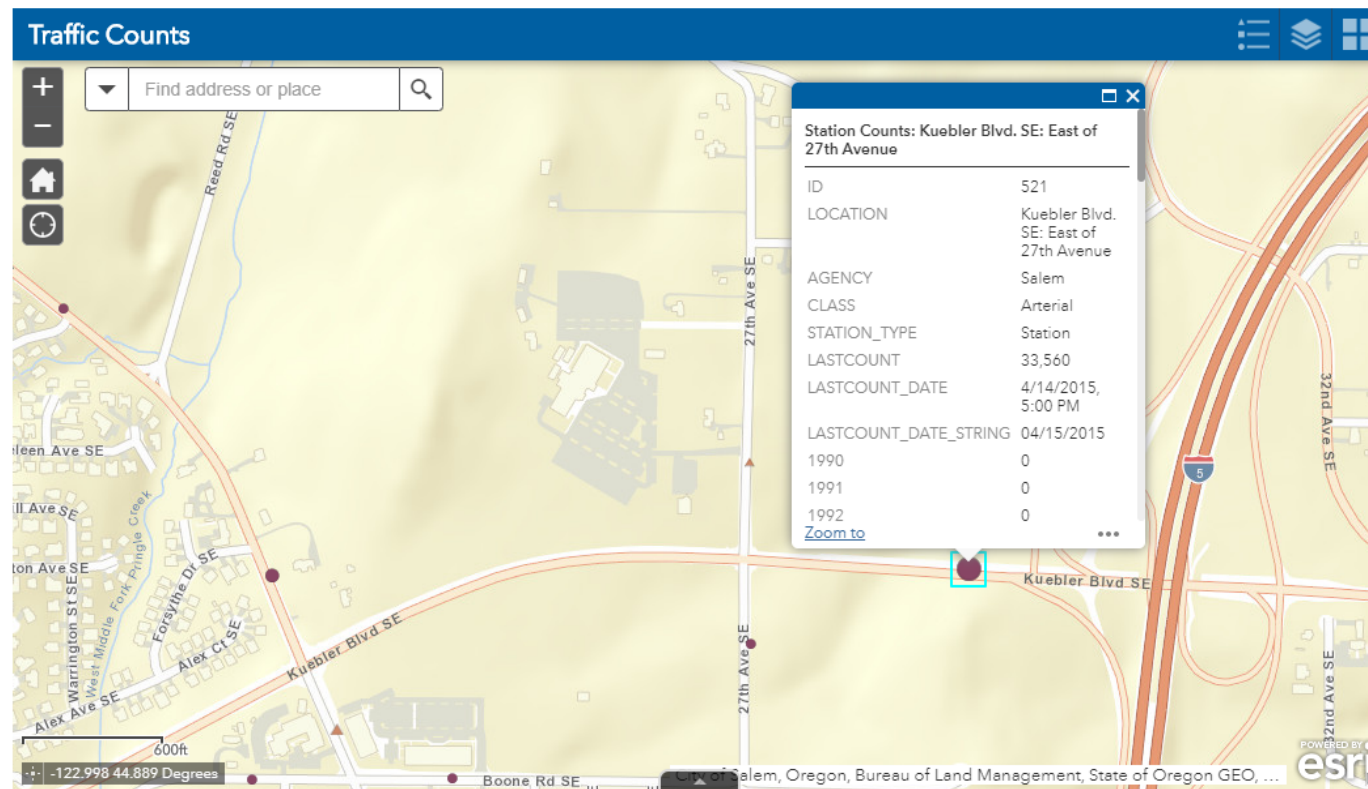
Kuebler Blvd Adjustment via ATR Characteristic Table Method

Historical Kuebler Boulevard Traffic Count

view traffic counts

Categories: [Maps](#) [Traffic and Road Conditions](#) [Transportation and Getting Around](#)

A traffic count shows you how much traffic there is for specific locations around the City. This data helps the City to monitor traffic growth and to perform studies to help determine appropriate roadway design. It also helps to inform restrictions for lane or road closures.



Each marked site on the map takes into account both directions of traffic and reflects the total count.

Accessed at <https://www.cityofsalem.net/Pages/view-traffic-counts.aspx>

[Contact us](#)

ATR w/ similar characteristics #1

2018 SEASONAL TRAFFIC TREND	AREA TYPE	# OF LANES	WEEKLY TRAFFIC TREND	2018 AADT	OHP CLASSIFICATION	ATR NUMBER	COUNTY	HIGHWAY ROUTE, NAME, & LOCATION	MP	STATE HWY NUMBER
COM	URBANIZED	4	WEEKDAY	35200	STATEWIDE HWY	34-009	WASHINGTON	OR8, TUALATIN VALLEY HIGHWAY, 0.28 MILE WEST OF N.W. 334TH AVENUE	14.84	29

Weekday PM Count (March 3, 2020)

	2018	2017	2016	2015	2014	Average
Peak Month (May)	103	104	104	102	103	103.33333
Count Month (March)	101	101	100	99	101	
Previous Month (February)	98	102	99	99	94	
Daily Difference	0.1	-0.033333333	0.033333333	0	0.233333333	
Adjusted for Count Date (March 3)	99.8	101.4	99.6	99	98.2	99.466667

Seasonal Adjustment 1.038874

Saturday Count (February 29, 2020)

	2018	2017	2016	2015	2014	Average
Peak Month (May)	103	104	104	102	103	103.33333
Count Month (March)	101	101	100	99	101	
Previous Month (February)	98	102	99	99	94	
Daily Difference	0.1	-0.033333333	0.033333333	0	0.233333333	
Adjusted for Count Date (Feb 29)	99.4	101.5333333	99.4666667	99	97.266666667	99.288889

Seasonal Adjustment 1.0407341

ATR w/ similar characteristics #2

2018 SEASONAL TRAFFIC TREND	AREA TYPE	# OF LANES	WEEKLY TRAFFIC TREND	2018 AADT	OHP CLASSIFICATION	ATR NUMBER	COUNTY	HIGHWAY ROUTE, NAME, & LOCATION	MP	STATE HWY NUMBER
COM	URBANIZED	4	WEEKDAY	33400	STATEWIDE HWY	26-003	MULTNOMAH	US26, MT. HOOD HIGHWAY, 0.18 MILE SOUTHEAST OF S.E. POWELL VALLEY ROAD	14.36	26

Weekday PM Count (March 3, 2020)

	2018	2017	2016	2015	2014	Average
Peak Month (August)	112	107	106	104	108	107
Count Month (March)	99	99	98	97	99	
Previous Month (February)	93	98	99	96	91	
Daily Difference	0.2	0.033333333	-0.033333333	0.033333333	0.266666667	
Adjusted for Count Date (March 3)	96.6	98.6	98.4	96.6	95.8	97.2

Seasonal Adjustment 1.100823

Saturday Count (February 29, 2020)

	2018	2017	2016	2015	2014	Average
Peak Month (August)	112	107	106	104	108	107
Count Month (March)	99	99	98	97	99	
Previous Month (February)	93	98	99	96	91	
Daily Difference	0.2	0.033333333	-0.033333333	0.033333333	0.266666667	
Adjusted for Count Date (Feb 29)	95.8	98.4666667	98.53333333	96.4666667	94.733333333	96.911111

Seasonal Adjustment 1.1041046

Kuebler Seasonal Adjustment

PM Saturday
1.06984852 1.072419336

I-5 SB Offramp/Kuebler Boulevard Seasonal Adjustment

1.11062849 1.11599690

Appendix C

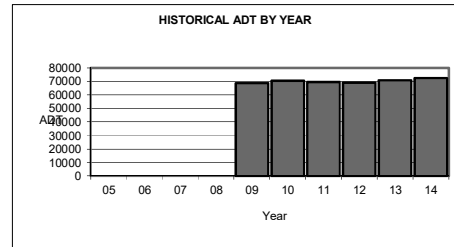
Excerpts of ODOT Transportation Volume Tables

Location: I-5; MP 252.20; PACIFIC HIGHWAY NO. 1; 0.02 mile north of Turner Road Overcrossing

Site Name: Salem-Kuebler (24-021)
Installed: August, 2008

HISTORICAL TRAFFIC DATA

Year	ADT	Percent of ADT				
		Max Day	Max Hour	10TH Hour	20TH Hour	30TH Hour
2005	***	***	***	***	***	***
2006	***	***	***	***	***	***
2007	***	***	***	***	***	***
2008	***	***	***	***	***	***
2009	68542	134	10.2	9.8	9.6	9.4
2010	70265	130	10.1	9.7	9.6	9.4
2011	69484	130	9.9	9.6	9.5	9.4
2012	69134	134	10.2	9.6	9.5	9.4
2013	70819	133	10.1	9.6	9.4	9.4
2014	72422	132	10.0	9.6	9.4	9.3



2014 TRAFFIC DATA

	Average Weekday Traffic	Percent of ADT	Average Daily Traffic	Percent of ADT
January	63963	88	63753	88
February	63775	88	59912	83
March	70350	97	70515	97
April	71771	99	72316	100
May	72616	100	73490	101
June	77643	107	78369	108
July	80541	111	79549	110
August	80136	111	80997	112
September	74092	102	75570	104
October	71719	99	72610	100
November	71649	99	72158	100
December	70629	98	69825	96

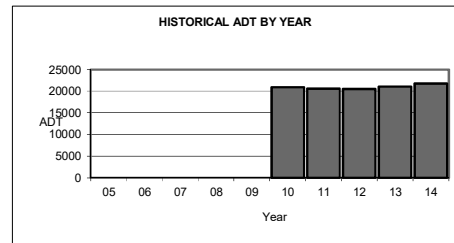
Classification Breakdown	Percent of ADT
Motorcycles	0.2
Passenger cars	58.4
Light Trucks	23.9
Buses	0.6
Single unit trucks (2 axles)	5.3
Single unit trucks (3 axles)	0.6
Single unit trucks (4 or more axles)	0.1
Single trailer trucks (4 or less axles)	0.0
Single trailer trucks (5 axles)	7.9
Single trailer trucks (6 or more axles)	1.5
Multi trailer trucks (5 or less axles)	0.1
Multi trailer trucks (6 axles)	0.1
Multi trailer trucks (7 or more axles)	1.5

Location: OR99EBUS; MP 0.67; SALEM HIGHWAY NO. 72; 0.87 mile north of Hyacinth Street N.E.

Site Name: Salem Parkway (24-022)
Installed: June, 2009

HISTORICAL TRAFFIC DATA

Year	ADT	Percent of ADT				
		Max Day	Max Hour	10TH Hour	20TH Hour	30TH Hour
2005	***	***	***	***	***	***
2006	***	***	***	***	***	***
2007	***	***	***	***	***	***
2008	***	***	***	***	***	***
2009	***	***	***	***	***	***
2010	20881	125	10.8	10.2	10.1	10.0
2011	20597	123	11.2	10.2	10.0	9.9
2012	20467	133	11.3	10.5	10.0	10.0
2013	21018	121	10.5	9.9	9.8	9.7
2014	21702	121	10.8	9.8	9.7	9.6



2014 TRAFFIC DATA

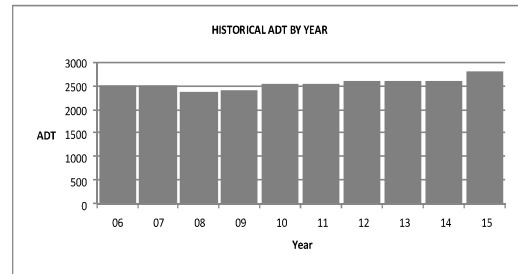
	Average Weekday Traffic	Percent of ADT	Average Daily Traffic	Percent of ADT
January	20397	94	19471	90
February	20910	96	18746	86
March	22514	104	21458	99
April	23175	107	22316	103
May	23092	106	22356	103
June	23667	109	22758	105
July	24119	111	22786	105
August	24181	111	23181	107
September	23612	109	22822	105
October	23075	106	22257	103
November	22108	102	21013	97
December	22325	103	21256	98

Classification Breakdown	Percent of ADT
Motorcycles	0.9
Passenger cars	71.2
Light Trucks	17.9
Buses	0.6
Single unit trucks (2 axles)	3.0
Single unit trucks (3 axles)	1.0
Single unit trucks (4 or more axles)	0.0
Single trailer trucks (4 or less axles)	0.4
Single trailer trucks (5 axles)	2.3
Single trailer trucks (6 or more axles)	1.7
Multi trailer trucks (5 or less axles)	0.1
Multi trailer trucks (6 axles)	0.1
Multi trailer trucks (7 or more axles)	0.9

Location:	OR219; MP 31.88; HILLSBORO-SILVERTON HIGHWAY NO. 140; 1.85 miles south of St. Paul Highway N.E.	Site Name:	St. Paul (24-020)
		Installed:	January, 1958

HISTORICAL TRAFFIC DATA

Year	ADT	Percent of ADT				
		Max Day	Max Hour	10TH Hour	20TH Hour	30TH Hour
2006	2526	263	25.6	18.0	14.8	13.0
2007	2523	276	23.4	16.3	14.5	13.2
2008	2376	293	29.4	17.6	14.1	12.8
2009	2425	279	28.7	18.3	15.4	13.4
2010	2543	282	29.1	18.1	15.9	14.4
2011	2539	260	26.4	19.5	16.4	14.5
2012	2607	315	31.1	20.6	16.2	14.4
2013	2606	260	24.4	16.6	14.8	13.3
2014	2627	259	23.5	17.1	15.0	13.5
2015	2800	230	20.2	15.6	14.1	13.1



2015 TRAFFIC DATA

	Average Weekday Traffic	Percent of ADT	Average Daily Traffic	Percent of ADT
January	2323	83	2152	77
February	2504	89	2395	86
March	2701	96	2626	94
April	2897	103	2838	101
May	2908	104	2981	106
June	3067	110	3110	111
July	3368	120	3494	125
August	3124	112	3093	110
September	3042	109	3101	111
October	2893	103	2875	103
November	2655	95	2493	89
December	2608	93	2438	87

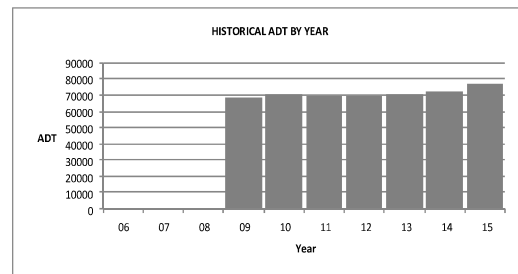
For Vehicle Classification data near this ATR, please go to the following web page:

<https://gis.odot.state.or.us/TransGIS/>

Location:	I-5; MP 252.20; PACIFIC HIGHWAY NO. 1; 0.02 mile north of Turner Road Overcrossing	Site Name:	Salem-Kuebler (24-021)
		Installed:	August, 2008

HISTORICAL TRAFFIC DATA

Year	ADT	Percent of ADT				
		Max Day	Max Hour	10TH Hour	20TH Hour	30TH Hour
2006	***	***	***	***	***	***
2007	***	***	***	***	***	***
2008	***	***	***	***	***	***
2009	68542	134	10.8	9.6	9.3	9.2
2010	70265	130	10.1	9.7	9.6	9.4
2011	69484	130	9.9	9.6	9.5	9.4
2012	69134	134	10.2	9.6	9.5	9.4
2013	70819	133	10.1	9.6	9.4	9.4
2014	72422	132	10.0	9.6	9.4	9.3
2015	77191	128	9.7	9.2	9.0	8.9



2015 TRAFFIC DATA

	Average Weekday Traffic	Percent of ADT	Average Daily Traffic	Percent of ADT
January	67091	87	66939	87
February	71186	92	71028	92
March	74374	96	74806	97
April	75559	98	76391	99
May	77121	100	78075	101
June	83064	108	83959	109
July	85392	111	84221	109
August	83538	108	83885	109
September	79575	103	81807	106
October	75488	98	76325	99
November	75921	98	76193	99
December	74905	97	72658	94

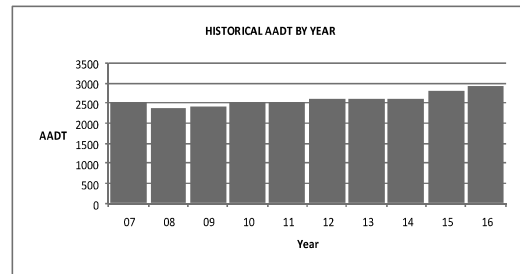
For Vehicle Classification data near this ATR, please go to the following web page:

<https://gis.odot.state.or.us/TransGIS/>

Location:	OR219; MP 31.88; HILLSBORO-SILVERTON HIGHWAY NO. 140; 1.85 miles south of St. Paul Highway N.E.	Site Name:	St. Paul (24-020)
		Installed:	January, 1958

HISTORICAL TRAFFIC DATA

Year	AADT	Percent of AADT				
		Max Day	Max Hour	10TH Hour	20TH Hour	30TH Hour
2007	2523	276	23.4	16.3	14.5	13.2
2008	2376	293	29.4	17.6	14.1	12.8
2009	2425	279	28.7	18.3	15.4	13.4
2010	2543	282	29.1	18.1	15.9	14.4
2011	2539	260	26.4	19.5	16.4	14.5
2012	2607	315	31.1	20.6	16.2	14.4
2013	2606	260	24.4	16.6	14.8	13.3
2014	2627	259	23.5	17.1	15.0	13.5
2015	2800	230	20.2	15.6	14.1	13.1
2016	2942	221	21.1	15.2	14.2	13.5



2016 TRAFFIC DATA

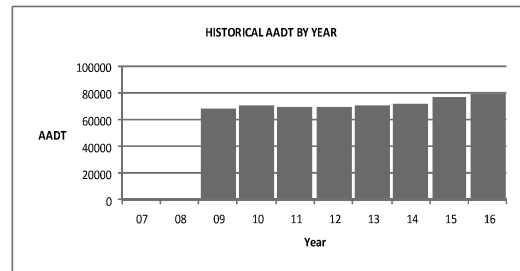
	Average Weekday Traffic	Percent of AADT	Average Daily Traffic	Percent of AADT
January	2483	84	2303	78
February	2691	91	2573	87
March	2841	97	2728	93
April	3190	108	3174	108
May	3104	106	3132	106
June	3293	112	3356	114
July	3564	121	3629	123
August	3325	113	3302	112
September	3324	113	3294	112
October	2927	99	2851	97
November	2836	96	2638	90
December	2520	86	2322	79

For Vehicle Classification data near your project, please go to the following web page:
<https://gis.odot.state.or.us/TransGIS/>

Location:	I-5; MP 252.20; PACIFIC HIGHWAY NO. 1; 0.02 mile north of Turner Road Overcrossing	Site Name:	Salem-Kuebler (24-021)
		Installed:	August, 2008

HISTORICAL TRAFFIC DATA

Year	AADT	Percent of AADT				
		Max Day	Max Hour	10TH Hour	20TH Hour	30TH Hour
2007	***	***	***	***	***	***
2008	***	***	***	***	***	***
2009	68542	134	10.8	9.6	9.3	9.2
2010	70265	130	10.1	9.7	9.6	9.4
2011	69484	130	9.9	9.6	9.5	9.4
2012	69134	134	10.2	9.6	9.5	9.4
2013	70819	133	10.1	9.6	9.4	9.4
2014	72422	132	10.0	9.6	9.4	9.3
2015	77191	128	9.7	9.2	9.0	8.9
2016	79661	132	9.6	9.1	9.0	8.9



2016 TRAFFIC DATA

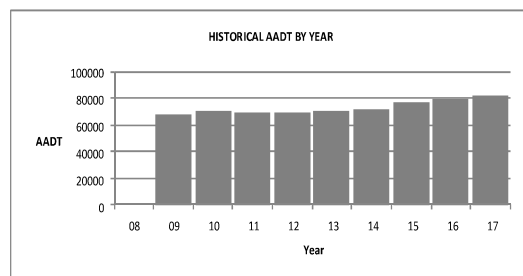
	Average Weekday Traffic	Percent of AADT	Average Daily Traffic	Percent of AADT
January	69394	87	68059	85
February	73755	93	73902	93
March	77200	97	77400	97
April	78500	99	79400	100
May	79500	100	80000	100
June	86876	109	87269	110
July	87084	109	87514	110
August	87635	110	87716	110
September	83370	105	84768	106
October	78919	99	79094	99
November	79517	100	79370	100
December	74008	93	71444	90

For Vehicle Classification data near your project, please go to the following web page:
<https://gis.odot.state.or.us/TransGIS/>

Location:	I-5; MP 252.20; PACIFIC HIGHWAY NO. 1; 0.02 mile north of Turner Road Overcrossing	Site Name:	Salem-Kuebler (24-021)
		Installed:	August, 2008

HISTORICAL TRAFFIC DATA

Year	AADT	Percent of AADT				
		Max Day	Max Hour	10TH Hour	20TH Hour	30TH Hour
2008	***	***	***	***	***	***
2009	68542	134	10.8	9.6	9.3	9.2
2010	70265	130	10.1	9.7	9.6	9.4
2011	69484	130	9.9	9.6	9.5	9.4
2012	69134	134	10.2	9.6	9.5	9.4
2013	70819	133	10.1	9.6	9.4	9.4
2014	72422	132	10.0	9.6	9.4	9.3
2015	77191	128	9.7	9.2	9.0	8.9
2016	79661	132	9.6	9.1	9.0	8.9
2017	82504	128	9.8	9.2	9.1	9.0



2017 TRAFFIC DATA

	Average Weekday Traffic	Percent of AADT	Average Daily Traffic	Percent of AADT
January	68181	83	65895	80
February	75888	92	74906	91
March	79616	96	79254	96
April	82667	100	82845	100
May	84667	103	85172	103
June	90100	109	89962	109
July	90601	110	90517	110
August	90429	110	89907	109
September	85037	103	86313	105
October	83988	102	84369	102
November	83339	101	82633	100
December	80570	98	78280	95

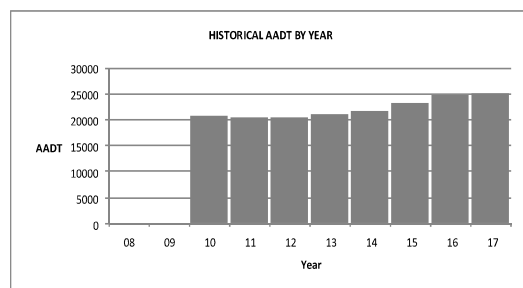
For Vehicle Classification data near your project, please go to the following web page:

https://www.oregon.gov/ODOT/Data/Documents/TVT_2017.xlsx

Location:	OR99E BUS; MP 0.67; SALEM HIGHWAY NO. 72; 0.87 mile north of Hyacinth Street N.E.	Site Name:	Salem Parkway (24-022)
		Installed:	June, 2009

HISTORICAL TRAFFIC DATA

Year	AADT	Percent of AADT				
		Max Day	Max Hour	10TH Hour	20TH Hour	30TH Hour
2008	***	***	***	***	***	***
2009	***	***	***	***	***	***
2010	20881	125	10.8	10.2	10.1	10.0
2011	20597	123	11.2	10.2	10.0	9.9
2012	20467	133	11.3	10.5	10.0	10.0
2013	21018	121	10.5	9.9	9.8	9.7
2014	21702	121	10.8	9.8	9.7	9.6
2015	23374	121	10.9	9.6	9.4	9.4
2016	24944	126	10.8	9.8	9.6	9.5
2017	25147	119	10.4	9.3	9.2	9.2



2017 TRAFFIC DATA

	Average Weekday Traffic	Percent of AADT	Average Daily Traffic	Percent of AADT
January	22063	88	20663	82
February	25482	101	24136	96
March	26015	103	24909	99
April	26862	107	25868	103
May	27042	108	26353	105
June	27866	111	26697	106
July	27264	108	26326	105
August	27568	110	26431	105
September	26516	105	25784	103
October	26628	106	25743	102
November	26058	104	24701	98
December	25356	101	24155	96

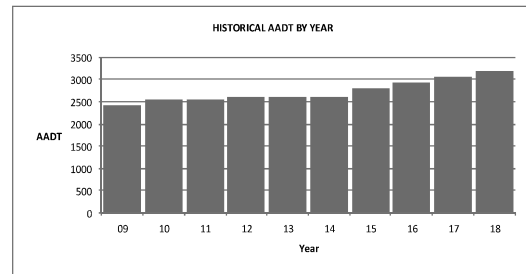
For Vehicle Classification data near your project, please go to the following web page:

https://www.oregon.gov/ODOT/Data/Documents/TVT_2017.xlsx

Location:	OR219; MP 31.88; HILLSBORO-SILVERTON HIGHWAY NO. 140; 1.85 miles south of St. Paul Highway N.E.	Site Name:	St. Paul (24-020)
		Installed:	January, 1958

HISTORICAL TRAFFIC DATA

Year	AADT	Percent of AADT				
		Max Day	Max Hour	10TH Hour	20TH Hour	30TH Hour
2009	2425	279	28.7	18.3	15.4	13.4
2010	2543	282	29.1	18.1	15.9	14.4
2011	2539	260	26.4	19.5	16.4	14.5
2012	2607	315	31.1	20.6	16.2	14.4
2013	2606	260	24.4	16.6	14.8	13.3
2014	2627	259	23.5	17.1	15.0	13.5
2015	2800	230	20.2	15.6	14.1	13.1
2016	2942	221	21.1	15.2	14.2	13.5
2017	3048	230	27.7	16.5	15.1	13.9
2018	3202	221	20.9	15.5	14.6	14.0



2018 TRAFFIC DATA

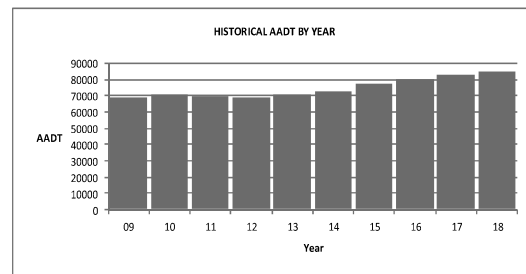
	Average Weekday Traffic	Percent of AADT	Average Daily Traffic	Percent of AADT
January	2400	75	2200	69
February	2846	89	2690	84
March	3077	96	2914	91
April	3356	105	3197	100
May	3434	107	3418	107
June	3514	110	3489	109
July	4143	129	4007	125
August	3987	125	3894	122
September	3689	115	3626	113
October	3379	106	3355	105
November	3095	97	2902	91
December	2885	90	2733	85

For Vehicle Classification data near your project, please go to the following web page:
https://www.oregon.gov/ODOT/Data/Documents/TVT_2018.xlsx

Location:	I-5; MP 252.20; PACIFIC HIGHWAY NO. 1; 0.02 mile north of Turner Road Overcrossing	Site Name:	Salem-Kuebler (24-021)
		Installed:	August, 2008

HISTORICAL TRAFFIC DATA

Year	AADT	Percent of AADT				
		Max Day	Max Hour	10TH Hour	20TH Hour	30TH Hour
2009	68542	134	10.8	9.6	9.3	9.2
2010	70265	130	10.1	9.7	9.6	9.4
2011	69484	130	9.9	9.6	9.5	9.4
2012	69134	134	10.2	9.6	9.5	9.4
2013	70819	133	10.1	9.6	9.4	9.4
2014	72422	132	10.0	9.6	9.4	9.3
2015	77191	128	9.7	9.2	9.0	8.9
2016	79661	132	9.6	9.1	9.0	8.9
2017	82504	128	9.8	9.2	9.1	9.0
2018	85105	127	9.5	9.1	8.9	8.9



2018 TRAFFIC DATA

	Average Weekday Traffic	Percent of AADT	Average Daily Traffic	Percent of AADT
January	76007	89	74996	88
February	78055	92	77605	91
March	83456	98	82501	97
April	85170	100	84851	100
May	86933	102	87227	102
June	92531	109	92257	108
July	91368	107	91554	108
August	92211	108	92160	108
September	87526	103	88385	104
October	85512	100	85801	101
November	85070	100	84501	99
December	80414	94	79425	93

For Vehicle Classification data near your project, please go to the following web page:
https://www.oregon.gov/ODOT/Data/Documents/TVT_2018.xlsx

Appendix D

Traffic Volume Worksheet

Traffic Volumes Worksheet

Weekday PM Peak Hour (System Peak Hour 4:40 PM – 5:40 PM)

I-5 & Kuebler Blvd												
Scenario	EBLT	EBTH	EBRT	WBLT	WBTH	WBRT	NBLT	NBTH	NBRT	SBLT	SBTH	SBRT
2020 Existing Volumes	0	1339	140	0	720	254	0	0	0	99	0	1258
Seasonal Adjustment	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11
2020 30th Highest Hour Volume	0	1486	155	0	799	282	0	0	0	110	0	1396
Growth (1.8%/Yr for 2 Yrs)	0	54	6	0	29	10	0	0	0	4	0	51
2022 Background Traffic	0	1540	161	0	828	292	0	0	0	114	0	1447
Kittelson Site Gen Figure 8	0	207	26	0	56	0	0	0	0	0	0	196
Kittelson Site Gen Figure 9a	0	30	5	0	19	0	0	0	0	0	0	14
2022 Total Traffic	0	1777	192	0	903	292	0	0	0	114	0	1657

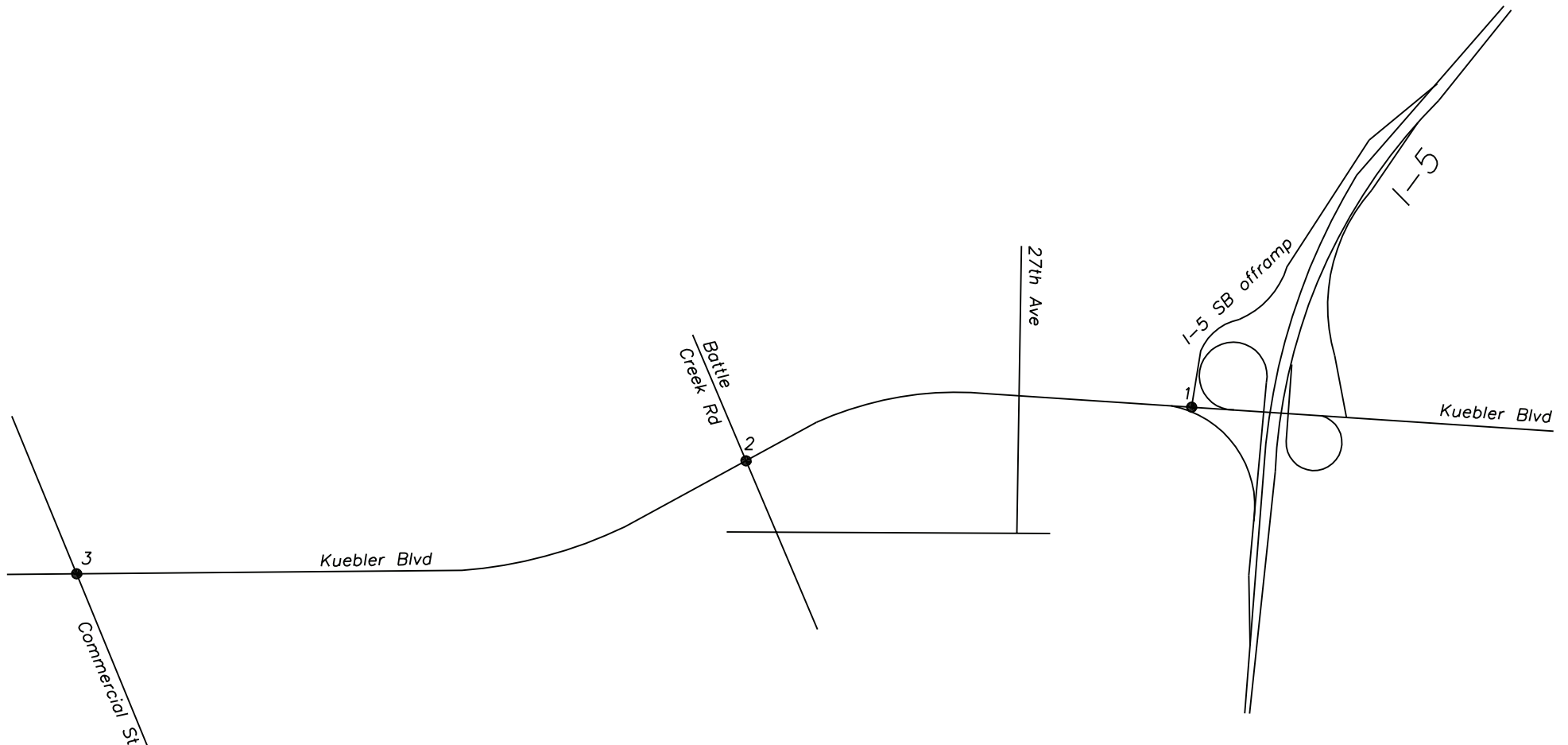
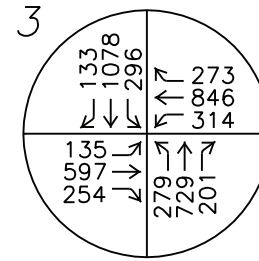
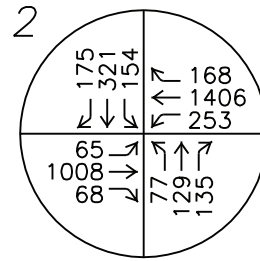
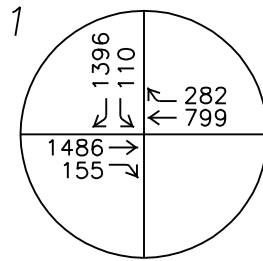
Kuebler Blvd & Battle Creek Rd												
Scenario	EBLT	EBTH	EBRT	WBLT	WBTH	WBRT	NBLT	NBTH	NBRT	SBLT	SBTH	SBRT
2020 Existing Volumes	65	1008	68	253	1406	168	77	129	135	154	321	175
Growth (1.8%/Yr for 2 Yrs)	2	37	2	9	51	6	3	5	5	6	12	6
2022 Background Traffic	67	1045	70	262	1457	174	80	134	140	160	333	181
Kittelson Site Gen Figure 8	0	179	45	0	24	8	170	18	47	22	6	0
Kittelson Site Gen Figure 9a	0	22	0	0	0	0	25	15	0	14	0	0
2022 Total Traffic	67	1246	115	262	1481	182	275	167	187	196	339	181

Kuebler Blvd & Commercial Street												
Scenario	EBLT	EBTH	EBRT	WBLT	WBTH	WBRT	NBLT	NBTH	NBRT	SBLT	SBTH	SBRT
2020 Existing Volumes	135	597	254	314	846	273	279	729	201	296	1078	133
Growth (1.8%/Yr for 2 Yrs)	5	22	9	11	31	10	10	26	7	11	39	5
2022 Background Traffic	140	619	263	325	877	283	289	755	208	307	1117	138
Kittelson Site Gen Figure 8	0	94	0	39	108	49	0	0	34	43	0	0
Kittelson Site Gen Figure 9a	0	11	0	4	10	5	0	0	4	5	0	0
2022 Total Traffic	140	724	263	368	995	337	289	755	246	355	1117	138

Appendix E

Traffic Volume Figures

Weekday PM
Peak Hour



GREENLIGHT ENGINEERING
TRAFFIC ENGINEERING/TRANSPORTATION PLANNING

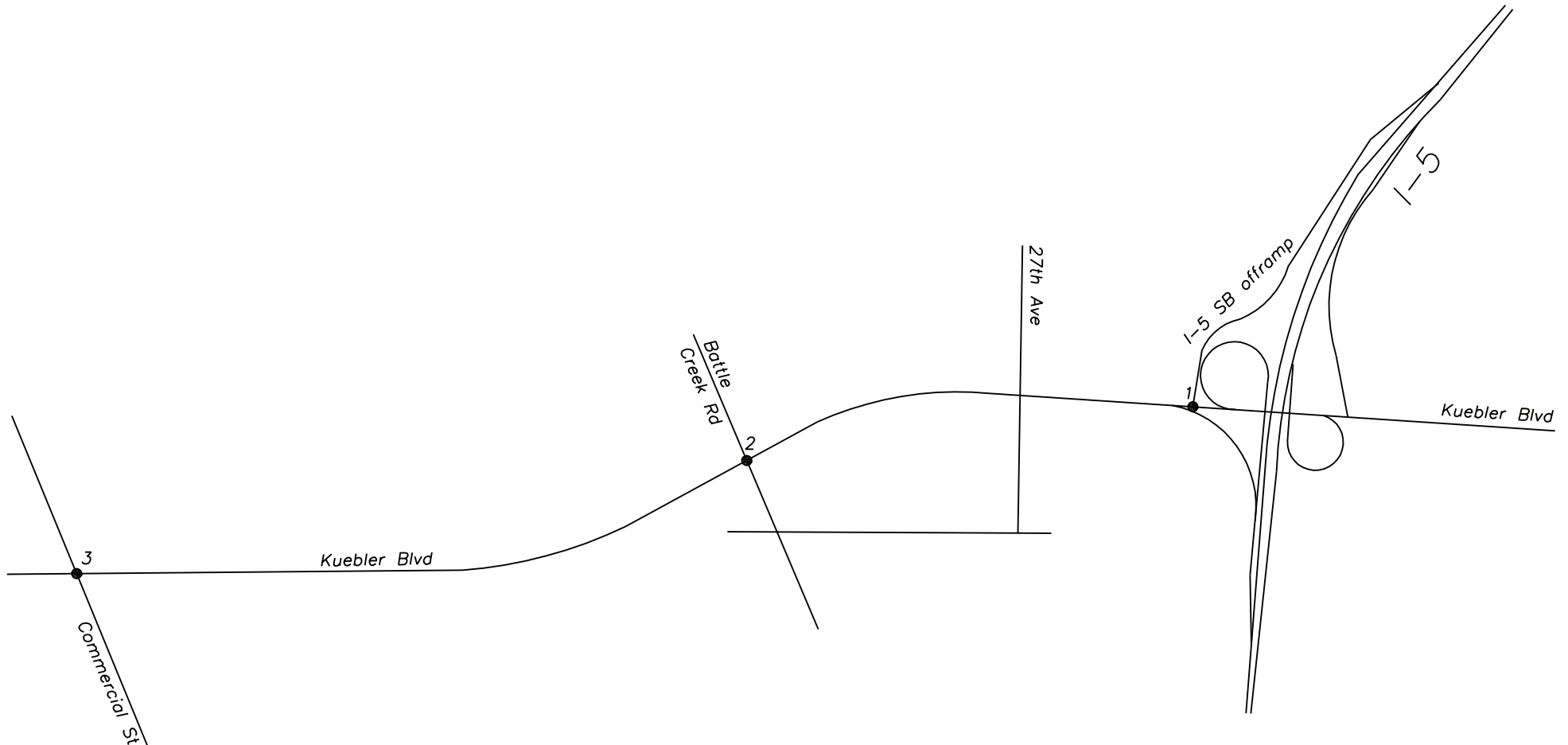
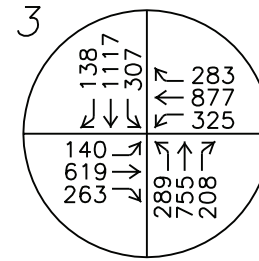
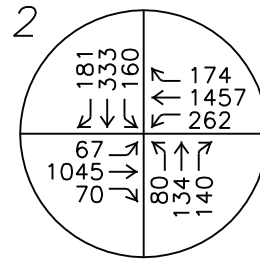
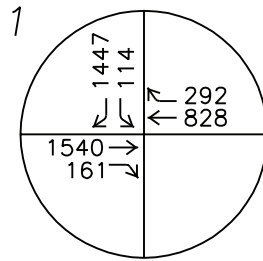
NOTES: Counts from 2/2020 and 3/2020;
I-5 SB offramp/Kuebler Blvd intersection
seasonally adjusted

2020 Existing Traffic
Weekday PM Peak Hour

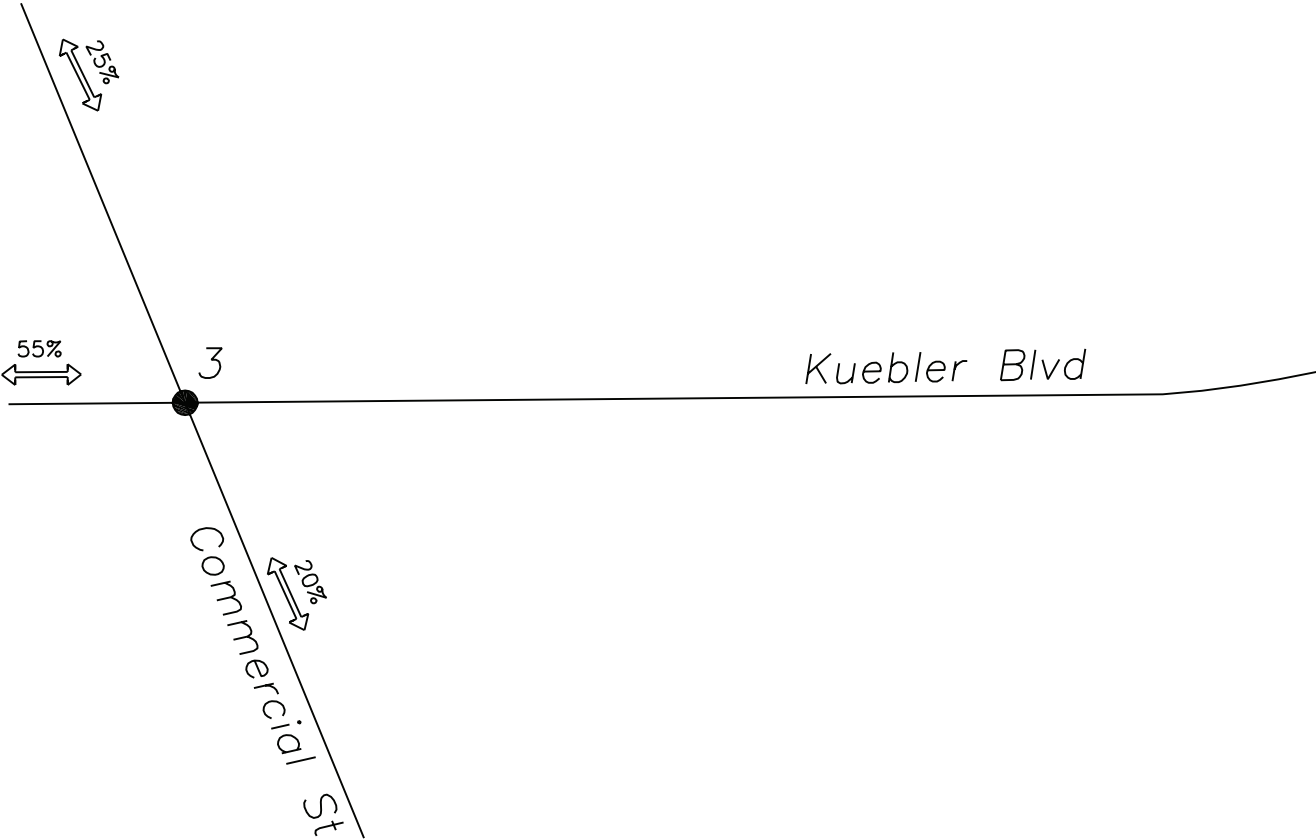
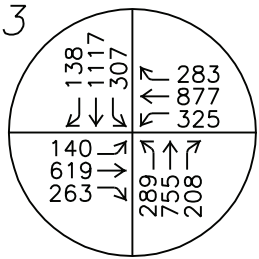
FIGURE

1

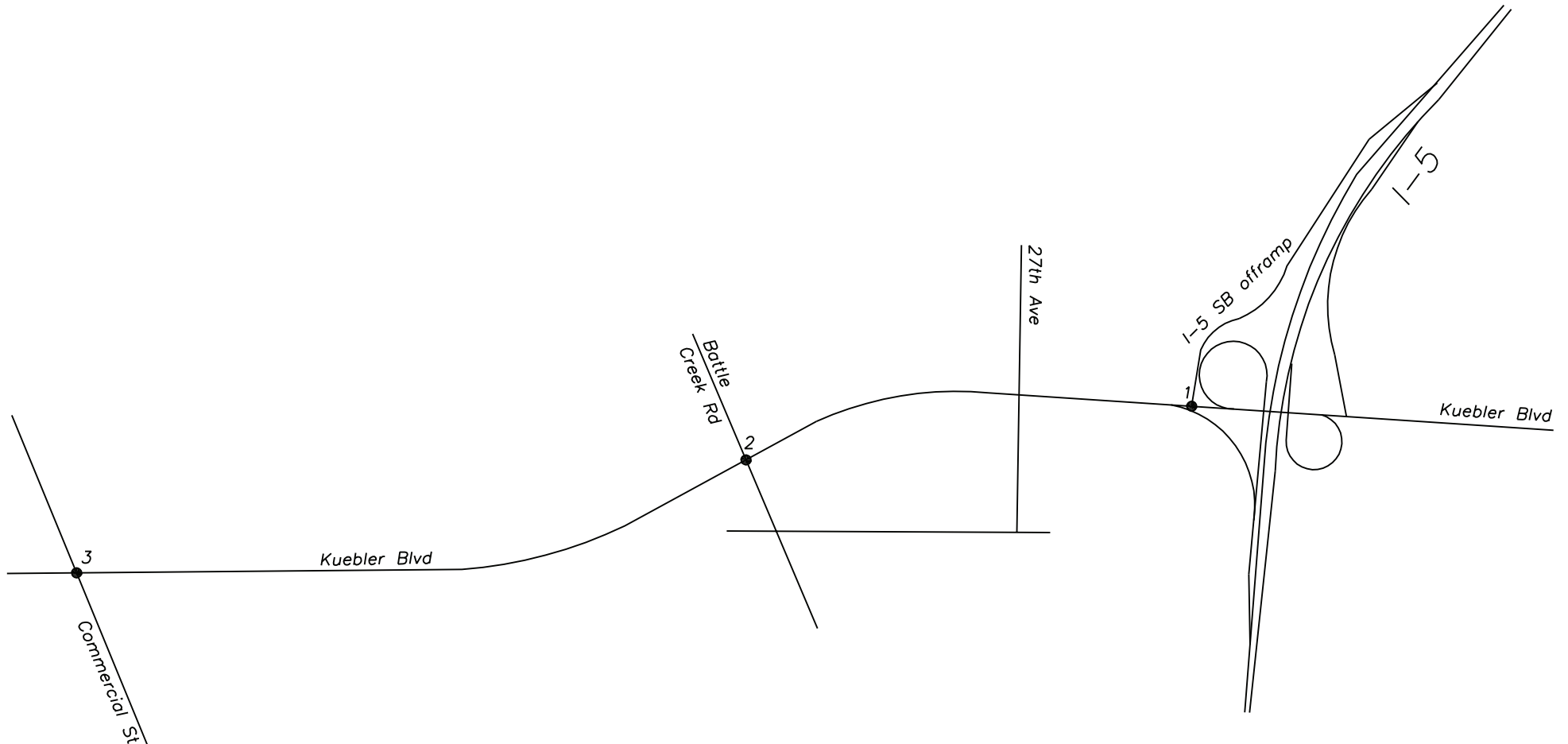
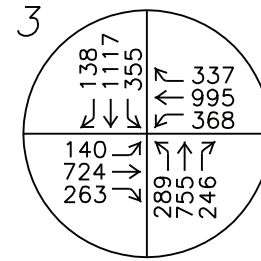
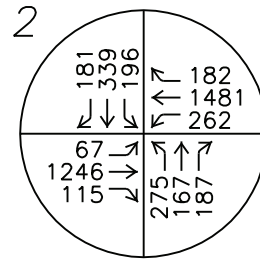
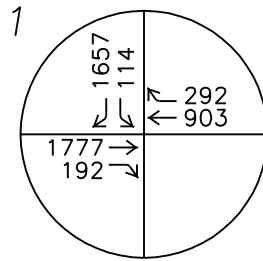
Weekday PM
Peak Hour



Weekday PM
Peak Hour



Weekday PM
Peak Hour















Appendix F

Synchro Output Sheets

HCM Signalized Intersection Capacity Analysis

30: Kuebler Blvd & I-5 SB ramp

























05/31/2020

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↑↑	↗		↑↑	↗				↗		↗↗
Traffic Volume (vph)	0	1540	161	0	828	292	0	0	0	114	0	1447
Future Volume (vph)	0	1540	161	0	828	292	0	0	0	114	0	1447
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1900
Total Lost time (s)		5.0	4.0		5.0	4.0				4.0		1.5
Lane Util. Factor		0.95	1.00		0.95	1.00				1.00		0.88
Frpb, ped/bikes		1.00	1.00		1.00	0.98				1.00		1.00
Flpb, ped/bikes		1.00	1.00		1.00	1.00				1.00		1.00
Frt		1.00	0.85		1.00	0.85				1.00		0.85
Flt Protected		1.00	1.00		1.00	1.00				0.95		1.00
Satd. Flow (prot)		3353	1500		3353	1469				1676		2787
Flt Permitted		1.00	1.00		1.00	1.00				0.95		1.00
Satd. Flow (perm)		3353	1500		3353	1469				1676		2787
Peak-hour factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95
Adj. Flow (vph)	0	1621	169	0	872	307	0	0	0	120	0	1523
RTOR Reduction (vph)	0	0	0	0	0	0	0	0	0	0	0	17
Lane Group Flow (vph)	0	1621	169	0	872	307	0	0	0	120	0	1506
Confl. Bikes (#/hr)						1						
Turn Type		NA	Free		NA	Free				Perm		custom
Protected Phases		2			6							5 7 8
Permitted Phases			Free			Free				7		
Actuated Green, G (s)		83.0	130.0		41.3	130.0				16.0		77.7
Effective Green, g (s)		85.0	130.0		42.3	130.0				16.0		80.2
Actuated g/C Ratio		0.65	1.00		0.33	1.00				0.12		0.62
Clearance Time (s)		7.0			6.0					4.0		
Vehicle Extension (s)		0.5			0.5					3.0		
Lane Grp Cap (vph)		2192	1500		1091	1469				206		1719
v/s Ratio Prot		0.48			c0.26							c0.54
v/s Ratio Perm			0.11			0.21				0.07		
v/c Ratio		0.74	0.11		0.80	0.21				0.58		0.88
Uniform Delay, d1		15.1	0.0		40.0	0.0				53.8		20.8
Progression Factor		1.31	1.00		1.13	1.00				1.00		1.00
Incremental Delay, d2		2.2	0.1		6.1	0.3				4.2		5.2
Delay (s)		21.9	0.1		51.2	0.3				58.0		25.9
Level of Service		C	A		D	A				E		C
Approach Delay (s)		19.9			38.0			0.0			28.3	
Approach LOS		B			D			A			C	
Intersection Summary												
HCM 2000 Control Delay			27.5									HCM 2000 Level of Service C
HCM 2000 Volume to Capacity ratio			0.84									
Actuated Cycle Length (s)			130.0							7.5		
Intersection Capacity Utilization			82.3%									ICU Level of Service E
Analysis Period (min)			15									
c Critical Lane Group												

HCM Signalized Intersection Capacity Analysis

7: Battlecreek Rd & Kuebler Blvd

05/31/2020

























												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	67	1045	70	262	1457	174	80	134	140	160	333	181
Future Volume (vph)	67	1045	70	262	1457	174	80	134	140	160	333	181
Ideal Flow (vphpl)	1800	1900	1800	1800	1900	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)	4.0	6.0	4.0	4.0	6.0	4.0	4.0	5.0	4.0	4.0	5.0	4.0
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95	1.00	0.97	1.00	1.00	1.00	1.00	1.00
Frpb, ped/bikes	1.00	1.00	0.98	1.00	1.00	0.98	1.00	1.00	1.00	1.00	1.00	0.99
Flpb, ped/bikes	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt	1.00	1.00	0.85	1.00	1.00	0.85	1.00	1.00	0.85	1.00	1.00	0.85
Flt Protected	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00
Satd. Flow (prot)	1676	3539	1469	1693	3574	1483	3285	1782	1515	1693	1782	1498
Flt Permitted	0.10	1.00	1.00	0.14	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00
Satd. Flow (perm)	177	3539	1469	257	3574	1483	3285	1782	1515	1693	1782	1498
Peak-hour factor, PHF	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98
Adj. Flow (vph)	68	1066	71	267	1487	178	82	137	143	163	340	185
RTOR Reduction (vph)	0	0	35	0	0	60	0	0	66	0	0	69
Lane Group Flow (vph)	68	1066	36	267	1487	118	82	137	77	163	340	116
Confl. Peds. (#/hr)	2		1	1		2						1
Heavy Vehicles (%)	2%	2%	2%	1%	1%	1%	1%	1%	1%	1%	1%	1%
Turn Type	pm+pt	NA	pm+ov	pm+pt	NA	pm+ov	Prot	NA	pm+ov	Prot	NA	pm+ov
Protected Phases	5	2	3	1	6	7	3	8	1	7	4	5
Permitted Phases	2		2	6		6			8			4
Actuated Green, G (s)	65.1	60.1	65.5	81.5	72.5	86.4	5.4	19.6	37.0	13.9	28.1	33.1
Effective Green, g (s)	65.1	60.1	65.5	81.5	72.5	86.4	5.4	19.6	37.0	13.9	28.1	33.1
Actuated g/C Ratio	0.50	0.46	0.50	0.63	0.56	0.66	0.04	0.15	0.28	0.11	0.22	0.25
Clearance Time (s)	4.0	6.0	4.0	4.0	6.0	4.0	4.0	5.0	4.0	4.0	5.0	4.0
Vehicle Extension (s)	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Lane Grp Cap (vph)	146	1636	740	353	1993	985	136	268	431	181	385	381
v/s Ratio Prot	0.02	0.30	0.00	c0.10	0.42	0.01	0.02	0.08	0.02	c0.10	c0.19	0.01
v/s Ratio Perm	0.22		0.02	c0.37		0.07			0.03			0.07
v/c Ratio	0.47	0.65	0.05	0.76	0.75	0.12	0.60	0.51	0.18	0.90	0.88	0.31
Uniform Delay, d1	20.2	26.9	16.4	19.4	21.8	7.9	61.2	50.8	35.1	57.4	49.4	39.2
Progression Factor	1.13	0.75	0.10	2.20	0.73	0.15	1.00	1.00	1.00	1.00	1.00	1.00
Incremental Delay, d2	0.8	1.8	0.0	6.7	2.2	0.0	5.1	0.7	0.1	39.3	20.1	0.2
Delay (s)	23.6	22.0	1.6	49.4	18.1	1.2	66.3	51.5	35.1	96.7	69.4	39.3
Level of Service	C	C	A	D	B	A	E	D	D	F	E	D
Approach Delay (s)		20.9			20.9			48.4			67.8	
Approach LOS		C			C			D			E	
Intersection Summary												
HCM 2000 Control Delay			31.0				HCM 2000 Level of Service			C		
HCM 2000 Volume to Capacity ratio			0.83									
Actuated Cycle Length (s)			130.0				Sum of lost time (s)			19.0		
Intersection Capacity Utilization			82.1%				ICU Level of Service			E		
Analysis Period (min)			15									

c Critical Lane Group

HCM Signalized Intersection Capacity Analysis

1: Commercial St & Kuebler Blvd

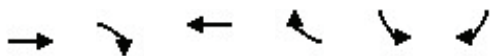
05/31/2020

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	140	619	263	325	877	283	289	755	208	307	1117	138
Future Volume (vph)	140	619	263	325	877	283	289	755	208	307	1117	138
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)	4.0	5.0	4.0	5.0	5.0	4.0	4.0	5.0	5.0	4.0	5.0	5.0
Lane Util. Factor	0.97	0.95	1.00	0.97	0.95	1.00	0.97	0.95	1.00	0.97	0.95	1.00
Frpb, ped/bikes	1.00	1.00	0.99	1.00	1.00	0.99	1.00	1.00	0.98	1.00	1.00	0.98
Flpb, ped/bikes	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt	1.00	1.00	0.85	1.00	1.00	0.85	1.00	1.00	0.85	1.00	1.00	0.85
Flt Protected	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00
Satd. Flow (prot)	3221	3320	1465	3252	3353	1484	3252	3353	1468	3252	3353	1472
Flt Permitted	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00
Satd. Flow (perm)	3221	3320	1465	3252	3353	1484	3252	3353	1468	3252	3353	1472
Peak-hour factor, PHF	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97
Adj. Flow (vph)	144	638	271	335	904	292	298	778	214	316	1152	142
RTOR Reduction (vph)	0	0	61	0	0	60	0	0	44	0	0	85
Lane Group Flow (vph)	144	638	210	335	904	232	298	778	170	316	1152	57
Confl. Peds. (#/hr)			6			2			13			5
Confl. Bikes (#/hr)												1
Heavy Vehicles (%)	3%	3%	3%	2%	2%	2%	2%	2%	2%	2%	2%	2%
Turn Type	Prot	NA	pm+ov	Prot	NA	pm+ov	Prot	NA	pm+ov	Prot	NA	Perm
Protected Phases	5	2	3	1	6	7	3	8	1	7	4	
Permitted Phases			2			6			8			4
Actuated Green, G (s)	7.5	28.5	43.5	15.0	37.0	52.3	15.0	52.2	67.2	15.3	52.5	52.5
Effective Green, g (s)	7.5	28.5	43.5	15.0	37.0	52.3	15.0	52.2	67.2	15.3	52.5	52.5
Actuated g/C Ratio	0.06	0.22	0.33	0.12	0.28	0.40	0.12	0.40	0.52	0.12	0.40	0.40
Clearance Time (s)	4.0	5.0	4.0	5.0	5.0	4.0	4.0	5.0	5.0	4.0	5.0	5.0
Vehicle Extension (s)	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Lane Grp Cap (vph)	185	727	490	375	954	597	375	1346	815	382	1354	594
v/s Ratio Prot	0.04	c0.19	0.05	0.10	c0.27	0.05	c0.09	0.23	0.02	0.10	c0.34	
v/s Ratio Perm			0.09			0.11			0.09			0.04
v/c Ratio	0.78	0.88	0.43	0.89	0.95	0.39	0.79	0.58	0.21	0.83	0.85	0.10
Uniform Delay, d1	60.4	49.1	33.6	56.7	45.6	27.5	56.0	30.3	17.0	56.1	35.2	24.0
Progression Factor	0.84	0.80	0.64	1.23	1.03	0.46	1.00	1.00	1.00	1.00	1.00	1.00
Incremental Delay, d2	16.6	11.1	0.2	18.7	15.0	0.1	10.4	1.8	0.0	13.1	6.9	0.3
Delay (s)	67.5	50.2	21.9	88.3	61.8	12.7	66.4	32.1	17.0	69.1	42.1	24.4
Level of Service	E	D	C	F	E	B	E	C	B	E	D	C
Approach Delay (s)		45.3			58.2			37.5			45.8	
Approach LOS		D			E			D			D	
Intersection Summary												
HCM 2000 Control Delay			47.2				HCM 2000 Level of Service			D		
HCM 2000 Volume to Capacity ratio			0.90									
Actuated Cycle Length (s)			130.0				Sum of lost time (s)			19.0		
Intersection Capacity Utilization			86.1%				ICU Level of Service			E		
Analysis Period (min)			15									
c Critical Lane Group												

HCM Signalized Intersection Capacity Analysis

30: Kuebler Blvd & I-5 SB

05/31/2020































Movement	EBT	EBR2	WBT	WBR	SBL2	SBR
Lane Configurations	↑↑	↑	↑↑	↑	↑	↑↑
Traffic Volume (vph)	1777	192	903	292	114	1657
Future Volume (vph)	1777	192	903	292	114	1657
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1900
Total Lost time (s)	5.0	4.0	5.0	4.0	4.0	1.5
Lane Util. Factor	0.95	1.00	0.95	1.00	1.00	0.88
Frpb, ped/bikes	1.00	1.00	1.00	0.98	1.00	1.00
Flpb, ped/bikes	1.00	1.00	1.00	1.00	1.00	1.00
Frt	1.00	0.85	1.00	0.85	1.00	0.85
Flt Protected	1.00	1.00	1.00	1.00	0.95	1.00
Satd. Flow (prot)	3353	1500	3353	1469	1676	2787
Flt Permitted	1.00	1.00	1.00	1.00	0.95	1.00
Satd. Flow (perm)	3353	1500	3353	1469	1676	2787
Peak-hour factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Adj. Flow (vph)	1871	202	951	307	120	1744
RTOR Reduction (vph)	0	0	0	0	0	10
Lane Group Flow (vph)	1871	202	951	307	120	1734
Confl. Bikes (#/hr)				1		
Turn Type	NA	Free	NA	Free	Perm	custom
Protected Phases	2		6			5 7 8
Permitted Phases		Free		Free	7	
Actuated Green, G (s)	83.5	130.0	38.5	130.0	16.0	81.0
Effective Green, g (s)	84.5	130.0	39.5	130.0	16.5	83.0
Actuated g/C Ratio	0.65	1.00	0.30	1.00	0.13	0.64
Clearance Time (s)	6.0		6.0		4.5	
Vehicle Extension (s)	0.5		0.5		3.0	
Lane Grp Cap (vph)	2179	1500	1018	1469	212	1779
v/s Ratio Prot	0.56		c0.28			c0.62
v/s Ratio Perm		0.13		0.21	0.07	
v/c Ratio	0.86	0.13	0.93	0.21	0.57	0.97
Uniform Delay, d1	18.0	0.0	44.0	0.0	53.4	22.5
Progression Factor	1.12	1.00	1.26	1.00	1.00	1.00
Incremental Delay, d2	4.6	0.2	15.9	0.3	3.4	15.6
Delay (s)	24.8	0.2	71.5	0.3	56.8	38.1
Level of Service	C	A	E	A	E	D
Approach Delay (s)	22.4		54.1			
Approach LOS	C		D			
Intersection Summary						
HCM 2000 Control Delay			36.2		HCM 2000 Level of Service	D
HCM 2000 Volume to Capacity ratio			0.97			
Actuated Cycle Length (s)			130.0		Sum of lost time (s)	9.0
Intersection Capacity Utilization			91.8%		ICU Level of Service	F
Analysis Period (min)			15			
c Critical Lane Group						

HCM Signalized Intersection Capacity Analysis

7: Battle Creek Rd & Kuebler Blvd

























05/31/2020

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		 			 		 				 	
Traffic Volume (vph)	67	1246	115	262	1481	182	275	167	187	196	339	181
Future Volume (vph)	67	1246	115	262	1481	182	275	167	187	196	339	181
Ideal Flow (vphpl)	1800	1900	1800	1800	1900	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)	4.0	6.0	4.0	4.0	6.0	4.0	4.0	5.0	4.0	4.0	5.0	4.0
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95	1.00	0.97	1.00	1.00	1.00	1.00	1.00
Frpb, ped/bikes	1.00	1.00	0.98	1.00	1.00	0.98	1.00	1.00	1.00	1.00	1.00	0.99
Flpb, ped/bikes	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt	1.00	1.00	0.85	1.00	1.00	0.85	1.00	1.00	0.85	1.00	1.00	0.85
Flt Protected	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00
Satd. Flow (prot)	1676	3539	1473	1693	3574	1484	3285	1782	1515	1693	1782	1498
Flt Permitted	0.08	1.00	1.00	0.07	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00
Satd. Flow (perm)	135	3539	1473	127	3574	1484	3285	1782	1515	1693	1782	1498
Peak-hour factor, PHF	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97
Adj. Flow (vph)	69	1285	119	270	1527	188	284	172	193	202	349	187
RTOR Reduction (vph)	0	0	54	0	0	69	0	0	40	0	0	69
Lane Group Flow (vph)	69	1285	65	270	1527	119	284	172	153	202	349	118
Confl. Peds. (#/hr)	2		1	1		2						1
Heavy Vehicles (%)	2%	2%	2%	1%	1%	1%	1%	1%	1%	1%	1%	1%
Turn Type	pm+pt	NA	pm+ov	pm+pt	NA	pm+ov	Prot	NA	pm+ov	Prot	NA	pm+ov
Protected Phases	5	2	3	1	6	7	3	8	1	7	4	5
Permitted Phases	2		2	6		6			8			4
Actuated Green, G (s)	56.6	52.1	65.1	74.5	66.0	82.0	13.0	24.5	42.9	16.0	27.5	32.0
Effective Green, g (s)	56.6	52.1	65.1	74.5	66.0	82.0	13.0	24.5	42.9	16.0	27.5	32.0
Actuated g/C Ratio	0.44	0.40	0.50	0.57	0.51	0.63	0.10	0.19	0.33	0.12	0.21	0.25
Clearance Time (s)	4.0	6.0	4.0	4.0	6.0	4.0	4.0	5.0	4.0	4.0	5.0	4.0
Vehicle Extension (s)	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Lane Grp Cap (vph)	112	1418	737	294	1814	936	328	335	499	208	376	368
v/s Ratio Prot	0.02	0.36	0.01	c0.13	0.43	0.02	0.09	0.10	0.04	c0.12	c0.20	0.01
v/s Ratio Perm	0.25		0.04	c0.40		0.06			0.06			0.07
v/c Ratio	0.62	0.91	0.09	0.92	0.84	0.13	0.87	0.51	0.31	0.97	0.93	0.32
Uniform Delay, d1	26.4	36.7	16.9	40.8	27.5	9.6	57.6	47.4	32.5	56.8	50.3	40.1
Progression Factor	1.11	0.80	0.15	1.63	0.76	0.14	1.00	1.00	1.00	1.00	1.00	1.00
Incremental Delay, d2	6.2	9.1	0.0	27.8	4.2	0.0	19.9	0.6	0.1	53.7	28.3	0.2
Delay (s)	35.5	38.5	2.5	94.3	25.1	1.4	77.6	47.9	32.6	110.4	78.5	40.3
Level of Service	D	D	A	F	C	A	E	D	C	F	E	D
Approach Delay (s)		35.5			32.3			56.3			77.6	
Approach LOS		D			C			E			E	
Intersection Summary												
HCM 2000 Control Delay			43.4				HCM 2000 Level of Service			D		
HCM 2000 Volume to Capacity ratio			0.96									
Actuated Cycle Length (s)			130.0				Sum of lost time (s)			19.0		
Intersection Capacity Utilization			92.9%				ICU Level of Service			F		
Analysis Period (min)			15									
c Critical Lane Group												

HCM Signalized Intersection Capacity Analysis

1: Commercial St & Kuebler Blvd/Kuebler

05/31/2020

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	140	724	263	368	995	337	289	755	246	355	1117	138
Future Volume (vph)	140	724	263	368	995	337	289	755	246	355	1117	138
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)	4.0	5.0	4.0	5.0	5.0	4.0	4.0	5.0	5.0	4.0	5.0	5.0
Lane Util. Factor	0.97	0.95	1.00	0.97	0.95	1.00	0.97	0.95	1.00	0.97	0.95	1.00
Frpb, ped/bikes	1.00	1.00	0.99	1.00	1.00	0.99	1.00	1.00	0.98	1.00	1.00	0.98
Flpb, ped/bikes	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt	1.00	1.00	0.85	1.00	1.00	0.85	1.00	1.00	0.85	1.00	1.00	0.85
Flt Protected	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00
Satd. Flow (prot)	3221	3320	1464	3252	3353	1484	3252	3353	1469	3252	3353	1472
Flt Permitted	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00
Satd. Flow (perm)	3221	3320	1464	3252	3353	1484	3252	3353	1469	3252	3353	1472
Peak-hour factor, PHF	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97
Adj. Flow (vph)	144	746	271	379	1026	347	298	778	254	366	1152	142
RTOR Reduction (vph)	0	0	61	0	0	56	0	0	47	0	0	86
Lane Group Flow (vph)	144	746	210	379	1026	291	298	778	207	366	1152	56
Confl. Peds. (#/hr)			6			2			13			5
Confl. Bikes (#/hr)												1
Heavy Vehicles (%)	3%	3%	3%	2%	2%	2%	2%	2%	2%	2%	2%	2%
Turn Type	Prot	NA	pm+ov	Prot	NA	pm+ov	Prot	NA	pm+ov	Prot	NA	Perm
Protected Phases	5	2	3	1	6	7	3	8	1	7	4	
Permitted Phases			2			6			8			4
Actuated Green, G (s)	6.5	30.6	43.7	15.9	41.0	57.6	13.1	47.9	63.8	16.6	51.4	51.4
Effective Green, g (s)	6.5	30.6	43.7	15.9	41.0	57.6	13.1	47.9	63.8	16.6	51.4	51.4
Actuated g/C Ratio	0.05	0.24	0.34	0.12	0.32	0.44	0.10	0.37	0.49	0.13	0.40	0.40
Clearance Time (s)	4.0	5.0	4.0	5.0	5.0	4.0	4.0	5.0	5.0	4.0	5.0	5.0
Vehicle Extension (s)	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Lane Grp Cap (vph)	161	781	492	397	1057	657	327	1235	777	415	1325	582
v/s Ratio Prot	0.04	c0.22	0.04	0.12	c0.31	0.06	c0.09	0.23	0.03	0.11	c0.34	
v/s Ratio Perm			0.10			0.14			0.11			0.04
v/c Ratio	0.89	0.96	0.43	0.95	0.97	0.44	0.91	0.63	0.27	0.88	0.87	0.10
Uniform Delay, d1	61.4	49.0	33.4	56.7	43.9	25.1	57.9	33.8	19.4	55.7	36.2	24.7
Progression Factor	0.86	0.82	0.62	1.26	1.03	0.71	1.00	1.00	1.00	1.00	1.00	1.00
Incremental Delay, d2	40.4	21.4	0.2	29.0	18.2	0.1	27.9	2.4	0.1	18.8	8.0	0.3
Delay (s)	93.2	61.4	20.9	100.7	63.5	17.9	85.8	36.2	19.5	74.5	44.2	25.0
Level of Service	F	E	C	F	E	B	F	D	B	E	D	C
Approach Delay (s)		55.9			62.5			44.1			49.2	
Approach LOS		E			E			D			D	
Intersection Summary												
HCM 2000 Control Delay			53.3									
HCM 2000 Volume to Capacity ratio			0.94									
Actuated Cycle Length (s)			130.0									
Intersection Capacity Utilization			89.5%									
Analysis Period (min)			15									
c Critical Lane Group												

Appendix G

December 10, 2018 Greenlight Engineering Letter



GREENLIGHT ENGINEERING

TRAFFIC ENGINEERING/TRANSPORTATION PLANNING

December 10, 2018

City of Salem City Council
555 Liberty ST SE
Salem OR 97301

Honorable Mayor Bennett & Salem City Council,

Greenlight Engineering has been asked by attorney Karl G. Anuta to evaluate the transportation related impacts of the proposed Salem Costco, gas station and other retail pads project. We have reviewed and will refer to the following documents herein:

- May 31, 2018 Memorandum from Kittelson & Associates, Inc (“KAI”)
- August 9, 2018 Memorandum from KAI
- September 17, 2018 Memorandum from KAI
- November 29, 2018 Memorandum from KAI (previous four documents herein referred to collectively as the traffic impact analysis, or “TIA”)
- September 27, 2018 Memorandum from PacTrust
- October 19, 2018 Public Works Recommendations Memorandum
- October 23, 2018 City of Salem Decision of the Planning Administrator

Executive Summary

The TIA includes a number of errors and omissions and lacks adequate evidence to establish compliance with the Oregon Department of Transportation (“ODOT”) and City of Salem standards. The TIA has ignored the clear and objective standards of the City of Salem with regard to the requirements of a TIA. City staff has erred in their recommended approval of this application.

Salem Revised Code Section 220.005(f)(3) states that for the approval of a Class 3 Site Plan Review “shall be granted if: A) The application meets all applicable standards of the UDC [Uniform Development Code]; B) The transportation system provides for the safe, orderly and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately (C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles and pedestrians.” A development that does not meet this criteria should not be approved.

There are multiple instances where the applicable standards of the UDC are ignored and not met. There are multiple reasons why the impacts of the transportation system presented in the TIA are so unreliable that the negative impacts have not been appropriately identified. Even so, compliance with City of Salem and ODOT standards rests on a razor's edge with the TIA presenting two intersections operating exactly at the City and ODOT mobility standards. Therefore, compliance with SRC 220.005(f)(3) is

not met and the application should be denied. While there are many other issues with the TIA and application, below provides some of the key errors and omissions.

- There is no evidence supporting the use of the alternative trip generation presented in the TIA nor does City Code allow for the use of alternative trip generation.
- The intersection study area presented in the TIA does not remotely follow City Code and many additional intersections are required for analysis in order to comply with City Code.
- The growth rate presented in the TIA does not follow City Code and is not supported by evidence.
- The trip distribution does not follow City Code and is not supported by evidence.
- The proposed development is multi-phased, yet provides a build-out year of 2019, which is unlikely to be met for even the first phase of development.
- The I-5 SB/Kuebler Boulevard intersection is analyzed with incorrect intersection geometry and unsubstantiated right-turn-on-red volumes.
- The TIA does not take into account the impact of the Mill Creek industrial development, which includes the Amazon distribution facility.
- Traffic counts taken in May of 2018 illustrate substantially higher traffic volumes at two study intersections than presented in the May 31, 2018 TIA.

Two Intersections are Projected to Operate at the City of Salem and ODOT Mobility Standard

According to the TIA, the Kuebler Boulevard/Battle Creek Road intersection is expected to operate with a v/c ratio of 0.90 with the approval of the development (May 31, 2018 TIA, Figure 11), which matches the upper limit of the City of Salem mobility standard of a v/c ratio of 0.90. Also according to the TIA, the I-5 SB/Kuebler Boulevard intersection will operate at a v/c ratio of 0.85 during the weekday PM peak hour with the approval of the development, which also reaches ODOT's mobility standard (May 31, 2018 TIA, Figure 11).

Any errors, omissions or increase in traffic may result in each intersection exceeding the required City of Salem and ODOT mobility standard. Based upon the following, it is likely that the outcomes of the TIA will change when the TIA is compliant with City Code and ODOT requirements. As the applicant has not provided a TIA that is compliant with City Code, the application should be denied.

Trip Generation of Costco and Costco Gas Station is Not Supported by Evidence

The trip generation for the Costco and gas station are not based on the ITE *Trip Generation Manual*. City of Salem Administrative Rules Section 109-006-6.33(h) requires that “[t]rip generation for the proposed development shall be estimated using the most current version of the Institute of Transportation Engineers (ITE) *Trip Generation Manual*. For land uses not listed in the ITE *Trip Generation Manual*, studies for similar

development in similar regions may be used upon approval by the City Traffic Engineer.” Additionally, Salem Revised Code (“SRC”) Section 8.03.015 requires that “[t]rips shall be calculated using the adopted Institute of Transportation Engineer's *Trip Generation Manual*.”

The *Trip Generation Manual* provides trip generation data for all of the uses presented in the TIA which include “Discount Club” (ITE Code #857), “Gasoline/Service Station” (ITE Code #944) and “Shopping Center” (ITE Code #820), but the TIA instead relies upon a trip generation estimate that is not supported by any evidence in the record. Each iteration of the TIA relies upon a contention that data exists to support the use of alternative trip generation figures and a provides a rough summary of those figures, but provides none of the background evidence to support its use. The TIA presents the conclusions supposedly derived from this data, but provides no supporting evidence of how the trip generation was derived. This ensures that such that the trip generation presented cannot be reviewed. By lacking the transparency to evaluate the purported data upon which the TIA is founded, the applicant has created an issue of substantial evidence whereby the applicant clearly does not comply with the requirements of the SRC and Administrative Rules, which don't allow for the submission of the data in the first place.

Rather than relying on the *Trip Generation Manual*, the TIA refers to a supposed abundance of information from other Costco locations but provides none of that data that supports the use of an alternative trip generation estimate or pass-by rate (May 31, 2018 TIA, pg 19; August 9, 2018 TIA, pg 2). In their June 28, 2018 letter, ODOT recognized that insufficient data regarding the trip generation of the site had been presented and commented that “[t]his study has not provided the data referenced to produce custom trip generation for the 'Costco Warehouse with Gas Station (30 positions)' This information should be provided for review.” In their June 6, 2018 letter, City staff requested trip generation data by stating “[s]ince the trip generation is estimated from Costco data, please provide some background how it was derived.”

Rather than provide any data, the applicant continued to provide no data, instead summarizing their results and claiming its reliability without evidence and claiming how it has been reviewed and approved by many unnamed jurisdictions. If it indeed has been reviewed and approved by so many jurisdictions, it would seem easy to repackage and provide some evidence to the City of Salem, ODOT and the public for review. It has been requested several times, but still remains missing from the written record of the application. Additionally, if it has indeed been collected for so many years and been independently reviewed by so many reviewers, why is it not presented in the ITE *Trip Generation Manual*?

The applicant continues to fail to provide substantial evidence in their August 9, 2018 memorandum. The August 9, 2018 TIA states that the daily trip generation and pass-by trip generation rates are based upon Costcos with gas stations across the United States. Similarly, that TIA states that the weekday PM peak hour and Saturday peak hour trip generation rates are based upon data taken from the existing Salem Costco. In that same

TIA, it is stated that “[i]t is important to note that trip generation for the Costco sites is not linearly tied to square-footage size of the Costco warehouse building.” If not tied to the size of buildings, what is it based upon?

If an alternative trip generation is entertained (although not permitted by City Code), Chapter 9 of the 3rd Edition of the ITE *Trip Generation Handbook* provides guidelines on how custom trip generation studies should be conducted. The TIA provides no reference to the *Trip Generation Handbook* in their limited description of their methodology for their alternative trip generation, so it is unclear how these trip generation studies were conducted and if it follows the national standard ITE *Trip Generation Handbook*.

However, in one very clear way, the trip generation provided in the TIA is clearly not compliant with the industry standard *Trip Generation Handbook*. The 3rd edition of the *Trip Generation Handbook* states that in developing a local trip generation rate “[t]he analyst should collect trip generation data at a minimum of three local sites. Collecting data at five or more sites is preferable. Where there are only one or two potential data collection sites in a comparable setting, the analyst should use that data, coupled with other local or national data, to derive the estimate. The analyst is cautioned that this recommendation should not be used as an excuse for collecting and using data from only one or two sites when more sites are reasonably available.”

As noted previously, the August 9, 2018 TIA states that the weekday PM and Saturday trip generation estimate is “based upon data taken from the existing Salem Costco.” Based on this statement, it appears that the trip generation of this site is based upon solely the existing Salem Costco. Par for the course, there is no way to confirm the trip generation of the existing Salem Costco as no traffic counts are presented for that site nor are any trip generation rates or equations reported in the TIA. How the trip generation of the site was derived remains a mystery.

Finally, in the applicant's November 29, 2018 memorandum, additional summary information indicating that the 160,000 square foot Costco daily trips are based upon a trip rate of 75.86 vehicles per 1,000 square feet per day, contradicting their previous statement that the Costco warehouse trip generation is not linearly tied to the size of the building. This equates to 12,138 daily trips, which is also illustrated in the earlier TIA memorandums. The trip rate doesn't appear to take into account the influence of the 30 fueling position gas station as the trip rate is based upon the square footage of the Costco building only and not the fueling positions which are typically measured based on a per fueling position metric. However, in previous TIAs, the 12,138 daily trips were purported to include both the Costco and 30 fueling position gas station.

It is important to note that in none of the TIAs is any weekday PM or Saturday trip generation rate reported nor any equation or any description about how the trip generation was calculated or could be calculated. It remains a mystery that only the applicant would be able to answer. As no data is provided to prove the adequacy of this trip generation summary, it is not possible for any reviewer to confirm the use of the trip

generation estimate presented nor could a reviewer derive trip generation figures for a slightly smaller or slightly larger development as the trip generation provides no numerical evidence or correlations between the size of the structures and/or the number of fueling positions.

Salem Administrative Rules 109-006-6.33(h) requires that “[p]ass-by trips must be quantified and may be approved based upon sufficient supporting data.” Presumably, the *ITE Trip Generation Handbook*, if used, would have provided sufficient supporting data. However, the TIA doesn't rely upon the national standard *Trip Generation Handbook*, but instead relies upon “data” that is not provided. The TIA utilizes a daily pass-by trip rate of 34%, an AM/PM pass-by trip rate of 35% and a Saturday pass-by trip rate of 30%. However, the TIA provides no data to support the use of these pass-by trip rates. Thus far, “the sufficient supporting data” required by City Code is non-existent and seems to rely solely upon the word of the applicant. Again, the applicant provides no evidence to support their trip generation conclusions.

The TIA lacks transparency in its key trip generation assumptions which form the basis of the conclusions of the remainder of the TIA. For that reason alone, the TIA should have been rejected. There is not substantial evidence to support the use the alternative trip generation or pass-by figures reported in the TIA. Even more, the use of alternative trip generation and pass-by figures are not supported by the clear and objective code requirements. As the *ITE Trip Generation Manual* provides trip rates for the proposed uses and the *Trip Generation Handbook* allows for the combination of the Discount Club, Gasoline/Service Station and Shopping Center uses in their methodology, City Code does not allow for the use of alternative trip generation methodology. For this reason alone, the TIA should be rejected and the application denied.

Intersections Required to be Analyzed Were Not Included in the TIA

Salem Administrative Rules 109-006-6.33(c) requires that the “TIA study area shall extend to the following: (1). All proposed access points (2). Any intersection where the proposed development can be expected to contribute 50 or more trips during the analysis peak hour on a collector, arterial, or parkway, or 20 or more trips on a local street or alley (3). Any intersection where the additional traffic volume created by the proposed development is greater than ten percent of the current traffic volumes on any leg...”

The TIA illustrates that 40% of site generated traffic travels to/from intersections to the west (August 9, 2018 TIA, Figure 8, Appendix A enclosed herein). The Kuebler Boulevard/Stroh Lane intersection will see an increase of 418 trips in weekday PM peak hour and 529 trips in the Saturday peak hour yet was not included in the study area. **It is likely that the Commercial Street/Kuebler Boulevard intersection will experience an increase of over 400 trips in the weekday PM peak hour and over 500 trips in the Saturday peak hour. This omission is not even close to meeting City Code, with the proposed development's traffic exceeding the threshold by up to ten times greater than the allowed amount. The Commercial Street corridor and Kuebler Boulevard**

west of Commercial Street will both likely experience an increase in hundreds of vehicles per hour due to the proposed development. However, inexplicably, the TIA doesn't address the intersections that are required for analysis. The City of Salem threshold for study area is an increase in trips of 50 in a peak hour along each of these roadways. There are likely many intersections along Kuebler Boulevard and Commercial Street that were omitted from the TIA and are required to be analyzed per the clear and objective city standard. Because the TIA includes an inappropriate study area, the application fails to comply with SRC 220.005(f)(3) as it does not comply the UDC.

The November 29, 2018 TIA addresses this criticism by contending that since the almost 13 year old 2006 TIA didn't address the appropriate study area, then the 2018 study area shouldn't either. Standards change. It's possible that those intersections should have been included in that original TIA as well. However, that does not matter as the site plan review requirements are clear.

The November 20, 2018 TIA states “[f]or all intersections evaluated in the 2006 TIA, none are expected to receive a contribution of 50 or more trips during the analysis peak hour over those anticipated and studied in the 2006 TIA and mitigated in the 2007 Council Decision. Moreover, there is no intersection studied in the 2006 TIA where the proposed shopping center here will create more than 10% of the current traffic volumes on any leg beyond that which was studied in the 2006 TIA and mitigated in the 2007 Council Decision. The analysis area selected for this site review is appropriate and is reasonably calculated...” Unfortunately, the applicant provides no City Code reference that makes this comment relevant. City Code is clear in it's study area requirement for the site plan review. Their comments on the study area are irrelevant to the clear and objective City Code standard. It is clear that the application does not meet this standard.

Additionally, Figure 8 of the May 31, 2018 TIA illustrates more than 50 weekday PM and Saturday peak hour trips distributed along Kuebler Boulevard east of I-5. At the very least, the city requires the Kuebler Boulevard/36th Avenue to be analyzed.

The TIA illustrates more than 50 weekday PM and Saturday peak hour trips being distributed to/from the west along Boone Road. At the very least, city requirements require that the Reed/Woodscape intersection to be analyzed. Similarly, the TIA illustrates more than 50 weekday PM and Saturday peak hour trips being distributed to the south along Battle Creek Road. There are likely several intersections along Battle Creek Road that meet the threshold for inclusion in the TIA study area.

The TIA distributes more than 50 weekday PM and Saturday peak hour trips through the Boone Road/Riley Court and Boone Road/Cultus Avenue intersections, but does not analyze those intersections.

In addition to the previously described requirements, City Code calls for the analysis of “[a]ny intersection where the additional traffic volume created by the proposed development is greater than ten percent of the current traffic volumes on any leg.” Aside

from the study intersections identified in the TIA, the TIA provides no analysis to determine the need to analyze additional study intersections based on the criteria just described. This would require the collection of existing traffic counts at potential study intersections and comparing the trip distribution to determine the impact of the development upon these intersection legs. This was not done or discussed in the TIA.

Figure 8 of the TIA appears to assume that not a single vehicle will arrive to the development via Cultus Avenue at Boone Road. For a good portion of the neighborhood to the south of Boone Road, it would be more expedient to arrive at the development via Cultus Avenue than another route. The TIA should address the impacts to this street and the other local streets in the area. Cultus Avenue should be evaluated for the provision described above. However, the TIA has not provided any traffic counts along this roadway nor does it evaluate this City Code provision in any way.

The TIA distributes 5% of the site traffic to Battle Creek Road north of the site, 5% to Boone Road west of the site, and 5% to Battle Creek Road south of the site, and to I-5 south. Inexplicably, none of these 5% trip distributions result in the same number of trips. It appears that a mathematical error has been made.

In order to be compliant with City Code, the TIA should be updated and required to analyze all intersections along parkways, arterials and collectors that will experience an increase in 50 trips during a peak hour. Similarly, the TIA should be required to be updated to analyze all intersections along all local streets and alleys that will experience an increase in 20 trips during a peak hour. Lastly, the TIA should be required to be updated to identify and analyze all intersections where the additional traffic volume created by the proposed development is greater than ten percent of the current traffic volumes on any leg. Until that time, City Code requirements are not met and the application should be denied.

Growth Rate Not Based Upon Evidence

Salem Administrative Rules 109-006-6.33(g) requires that “[b]ackground rates shall be based upon the Mid-Willamette Valley Council of Governments Transportation Model.” The TIA relies on 1% growth rate citing this “is a similar approach to other traffic studies completed in the area” (May 31, 2018 TIA, pg 12). The TIA cites no references for these other traffic studies nor any reference to utilizing the MWVCOG background traffic growth rate as required.

We obtained limited MWVCOG transportation modeling data and have provided it in Appendix B. Based upon this information and a preliminary analysis, growth on Kuebler Boulevard between I-5 SB/Kuebler Boulevard and Kuebler Boulevard/27th Avenue is anticipated to be approximately 1.8% per year from 2010 to 2035 with weekday PM peak hour link volumes of 2860 and 4495 vehicles per hour (“vph”), respectively.

Again, the TIA fails to follow the UDC and should be updated. Until then, the application should be denied.

Trip Distribution Not Based upon MWVCOG Data

The Salem Administrative Rules 109-006-6.33(g) requires that “...trip distribution shall be based upon the Mid-Willamette Valley Council of Governments Transportation Model. If model data is not available...trip distribution shall be determined by the City Traffic Engineer.” The TIA states that the trip distribution “was based on historical Salem Costco sales data and examination of site access, parking layout and site circulation” (May 31, 2018 TIA, pg 20). There is a travel demand forecasting model in this area and trip distribution should have been based upon that model. An excerpt of the travel demand forecasting model is provided in Appendix B. Additional information should be sought from MWVCOG by the applicant. There is also no information provided about how the trip distribution figures were determined nor was the “historical Salem Costco sales data” presented. Therefore, the TIA's trip distribution assumptions have no way to be reviewed or supported by evidence.

Horizon Year Not Analyzed

Salem Administrative Rules Table 6-33 requires horizon year analysis periods of year of opening for development “allowed under existing zoning” and “year of opening each phase” for “multi-phased development.” The TIA indicates that the year of opening for a portion of the proposed development is 2019. For such a large project, an opening year of 2019 is not realistic and the TIA should be updated to include a horizon year of at least 2020 unless the applicant can present a reasonable schedule illustrating how this development can be fully opened in 2019. The TIA was completed in May of 2018 and seven months later, no permits have been secured with several more months before construction permits could be issued. It is unlikely that this substantial delay was considered in the TIA.

Additionally, this project is proposed to be constructed as a multi-phased development although no schedule has been provided in the TIA. The May 31, 2018 TIA states that “[t]he proposed Costco will include a warehouse and fuel station with four islands and the potential to add a fifth island in the future (30 fueling positions).” The fifth island will apparently be constructed at some later time. The TIA provides no trip generation estimate for that fifth island separate from the rest of the development, but according to Salem Administrative Rules 109-006-6.33(e), the TIA needs to identify a horizon year and analyze that year.

Additionally, the site plan submitted by the applicant illustrates 21,000 square feet of retail use as a “future phase,” seemingly indicating that it will not be constructed and opened as part of the 2019 development. In their November 29, 2018, KAI states that “[i]t is not a multi-phased development...and will include all major buildings such as Costco, the fuel station, and shops building.” It is unclear how “future phase” doesn't

equate to “multi-phased” development or what is meant by “shops building” (the site plan shows four additional structures while the staff report refers to five). Perhaps KAI is not clear on the development plan or the plan has changed. It is also interesting to note that KAI states that “major buildings such as Costco, the fuel station, and shops building” only, again leaving the door open that future development will occur at a later date and what is defined as “major buildings.”

Again, there are no specifics about the time line of the future phase of construction. As a future phase, the TIA should be updated to include the build-out year of both the fifth fuel island as well as the 21,000 square feet of retail development unless there is clarity on the proposed plan along with a reasonable schedule.

According to Table 3.3 of the ODOT *Design Review Guidelines*¹, a development with a trip generation of excess of 5,000 trips like the one proposed should be required to be required to provide an analysis at least 15 years into the future. This analysis has not been provided. It should be noted that the approval criteria between a zone change/comprehensive plan amendment and site plan review are quite different. A zone change/comprehensive plan amendment would not necessarily require mitigation in the face of intersection failure while a site plan review requires the adequacy of intersection operations.

Traffic Counts Are Not Compliant with City Standards

Salem Administrative Rules 109-006-6.33(f) states that “[t]raffic studies shall comply with the following: (1) Traffic counts shall be collected for both the AM (6:00 – 9:00 AM) and the PM (3:00-6:00 PM) peak.” The TIA included traffic counts that were collected for only the weekday PM peak hour between 4 PM and 6 PM (May 31, 2018 TIA, Appendix A). When the TIA is redone to include this required information, traffic counts shall be based upon the hours of 3 PM- 6 PM. There are a number of schools in the area which may impact the subject area peak hour.

Kuebler Boulevard Access Should be Removed

SRC 804.001 states that the “purpose of this chapter is to establish development standards for safe and efficient access to public streets.” SRC Salem Revised Code Section 220.005(f)(3) states that for the approval of a Class 3 Site Plan Review “shall be granted if: ...C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles and pedestrians.”

Kuebler Boulevard is classified as a Parkway (May 31, 2018 TIA, pg 6, Table 2). Section 804.040 of the SRC states that “[d]riveway approaches onto a parkway shall be no less than one mile from the nearest driveway approach or street intersection, measured from centerline to centerline.” The existing Kuebler Road access (which currently serves no development and carries no traffic) is just 660 feet east of the Kuebler Boulevard/Battle

¹ <http://www.oregon.gov/ODOT/Planning/Documents/Development-Review-Guidelines.pdf>

Creek Road intersection and approximately 1290 feet west of the Kuebler Boulevard/27th Avenue intersection. This criterion cannot be met. City Code further states that “[t]he standards set forth in this section cannot be varied or adjusted.” A Kuebler Boulevard access cannot meet the standard and should be removed. The TIA and site plan need to be updated to reflect no access to Kuebler Boulevard.

The only argument the applicant provides in keeping this access is that since the access was required as a condition of approval of the 2006 zone change application, then it needs to be provided. However, the inclusion of the driveway is in clear violation of the UDC. SRC 804.001 establishes the “standards for safe and efficient access to public streets.” As the access does not comply with this section, then the access does not meet the standards for a safe and efficient access to a public street. In fact, its presence is in clear violation of the UDC. If the access remains, then the application must be denied because the UDC cannot be met. If the access is removed, then that portion of the UDC can be met, but the TIA must be updated to reflect the removal of the driveway access.

Gas Station Queuing Not Adequately Analyzed

The November 29, 2018 TIA provides an analysis of queuing associated with the gas station. Previous versions of the TIA provided no analysis. This new TIA states that the “Costco fuel station may open with 24 fueling positions.” Previous versions of the TIA refer to 30 fueling positions, so again, the various versions of the TIA conflict with each other and vary between 24 fueling positions and 30 fueling positions. If 30 fueling positions are eventually proposed, then this development is a multi-phased development and the horizon year should be based upon the opening of the 30 fueling positions rather than the 24 fueling positions. If that's the case, the queuing analysis should be updated to include 30 fueling positions. It is interesting that the queuing analysis is not based upon 30 fueling positions. The traffic engineer doesn't seem to know what is proposed exactly and leaves the reader unclear as to what is proposed and when.

However, Table 1 of the November 29, 2018 TIA provides queuing estimates but provides no explanation of the methodology used to determine these queue estimates. There are no analysis printouts that establish how the data presented in Table 1 was determined. Again, the TIA provides no transparency and no ability to check the work presented in the TIA. If the proposal were to be adjusted to 30 fueling positions (as it should be if not multi-phased development), only the applicant can provide that estimate given it is based on no evidence.

Within a few years of construction, the Tigard, Oregon Costco has had to make modifications to the on-site queue storage due to heavy demand of that gas station. The TIA prepared for that project was prepared by this same consultant presumably based upon this same data set that has not been provided for review. That design and the data has proven insufficient in that case if the data was utilized. Given the proximity of the gas station to 27th Avenue, it is possible that the gas station queue could extend into primary entrance from 27th Avenue and into the roundabout. The TIA should provide

evidence of the analysis and describe their methodology as well as finally provide the required trip generation data.

The TIA Fails to Analyze the Weekday AM Peak Hour as Required

Salem Administrative Rules 109-006-6.33(c) requires the analysis of the weekday AM peak hour. It requires that the “TIA study area shall extend to the following...[a]ll proposed access points...[a]ny intersection where the proposed development can be expected to contribute 50 or more trips during the analysis peak hour on a collector, arterial, or parkway, or 20 or more trips on a local street or alley.” Costco gas stations are typically open in the weekday AM peak hour.

Since the TIA provides no information about how the trip generation of the Costco and gas station of any time period is derived, the industry standard *ITE Trip Generation Manual* was referenced as required by City Code. According to *Trip Generation Manual*, 30 fueling positions would generate 308 trips in the weekday AM peak hour. Costco gas stations appear to generate more traffic than typical gas stations based upon our informal observations. The 21,000 square feet of retail will likely be operating during the weekday AM peak hours as well. A 21,000 square foot shopping center generates 162 weekday AM peak hour trips according to the *Trip Generation Manual*. Based upon limited data of the Trip Generation Manual, a 160,000 discount club generates 78 weekday AM peak hour trips. All told, the *Trip Generation Manual* would estimate over 500 weekday AM peak hour trips. This quantity of trips would certainly require a number of intersections throughout the study area to be analyzed as required by Section 109-006-6.33(c).

Seasonal Adjustment

In their June 28, 2018 letter, ODOT stated that “[t]he study utilized traffic counts from December 2017, during a period of the year when volumes are lowest, and did not apply any seasonal adjustment. ODOT’s analysis procedures specify use of the 30th highest hour volume (30HV) of the year for analyses of ODOT facilities as the Oregon Highway Plan (OHP) mobility targets are specifically defined to be compared to the 30HV.”

Chapter 5 of ODOT’s *Analysis Procedures Manual*² states that “[t]raffic counts alone should not be used for design or operational analysis of projects. This chapter will outline procedures for developing 30th highest hour volumes (30HV)...”

The July 2018 traffic count at the I-5 SB/Kuebler Boulevard intersection was not seasonally adjusted. Additionally, the I-5 NB/Kuebler Boulevard intersection analysis continues to rely on the December 2017 traffic count that was not seasonally adjusted. The TIA is not compliant with the APM and therefore, compliance with the mobility standard of the Oregon Highway Plan cannot be determined.

² <https://www.oregon.gov/ODOT/Planning/Pages/APM.aspx>

TIA Relies on Unsubstantiated Saturation Flow Rates

The TIA relies on an ideal saturation flow rate of 1,900 vehicles per hour of green per lane for all intersections, for all movements and for all time periods. It appears that the May 31, 2018 TIA failed to consider Section 109-006-633(b)(1) of the SRC which requires that “ideal saturation flow rates greater than 1,800 vehicles per hour should not be used unless a separate flow rate analysis has been completed.” In order to address this error, a very limited saturation flow rate analysis was completed as part of the August 9, 2018 TIA for the following intersections, time periods and movements:

- Weekday PM peak hour at Kuebler Boulevard/Battle Creek Road, westbound through movement & eastbound through movement
- I-5 Southbound/Kuebler Boulevard southbound right turn movement

In turn, the TIA continued to utilize a saturation flow rate of 1,900 vehicles per hour of green per lane for all movements at all intersections for all time periods even though a saturation flow rate study does not support that use except at the movements specified above for the weekday PM peak hour only. There is no data to support the use of that saturation flow rate except for the intersection movements observed during the time period observed. There is no basis for the use of this ideal saturated flow rate at the other locations and time periods

At all other locations and time periods where a saturation flow study was not conducted, the default saturation flow rate of 1800 vehicles per hour of green per lane should be used. In all, the saturation flow study evaluated two intersections and a total of three intersection approaches in the weekday PM peak hour only. In whole, the TIA analyzes the impacts at nine intersections and 31 different approaches in two different time periods. While 1,900 vehicles per hour per lane is appropriate at the observed approaches, there is no evidence that supports the use of the ideal saturation flow rate of 1900 vehicles per hour of green per lane at the remaining 28 intersection approaches during the weekday PM peak hour period nor at any of the 31 approaches during the Saturday peak hour. Considering the impacts of both the weekday PM and Saturday peak hours, the saturation flow rate of a total of 59 approaches was not observed, but were assumed to operate with a saturation flow rate of 1900 vehicles per hour of green per lane at each of these locations and time periods.

The observations collected are not indicative of the saturation flow rates at any of the other intersection movements during any other time period. If the applicant intends to rely upon the 1900 vehicles per hour of green per lane ideal saturation flow rate, they should provide saturation flow rate analyses that support the use of those parameters that appear to have been used in error.

Existing Frontage Improvements are Not Compliant with City Standards

Kuebler Boulevard is classified as a “parkway.” Approximately 1,200 feet of the site's Kuebler Boulevard frontage was constructed without compliance with the City of Salem's Transportation System Plan³, which requires a seven foot wide landscape planter strip between the curb and sidewalk. A small portion of the frontage along Kuebler Boulevard will be constructed with a planter strip, between Battle Creek Road and the Kuebler Boulevard driveway that is prohibited by City Code.

The remainder of the Kuebler Boulevard frontage is not illustrated to include a landscape strip. Additionally, a 16 foot wide center landscaped median is required, but not illustrated along any portion of the Kuebler Boulevard site frontage. As no access is permitted to Kuebler Boulevard, there is no reason not to construct this landscaped median at this time.

27th Avenue, Boone Road and Battle Creek Road are all classified as “collectors.” A large portion of the site's 27th Avenue frontage that will be constructed is not illustrated to include a planter strip, also not in compliance with the City TSP. None of the site's Boone Road frontage is illustrated to be constructed with a landscape strip. None of the site's Battle Creek Road frontage is illustrated to be constructed with a landscape strip.

Synchro Is Not Always Appropriate Tool for Analysis

According to the Synchro Studio 10 User Guide, “All analysis methods in Synchro have this limitation. If vehicles are spilling out of a turn pocket or through vehicles are blocking a turn pocket, the delay that would occur in the field is not included in the models' delay output.”

Much of the queuing analysis was prepared using Synchro, which is a macroscopic model. This methodology is appropriate for isolated intersections that are uncongested. In order to capture realistic queue lengths and spillover effects in an urban setting such the case in the study area, a microscopic simulation model such as SimTraffic should be utilized to report the queue lengths for closely spaced intersections such are many of the intersections in the study area.

Although not reported in the queue tables of the TIA, the westbound and eastbound through queue exceed the theoretical capacity of the intersection per the Synchro outputs. The eastbound through movement queue is reported as 727 feet and the westbound through movement queue length is reported as 947 feet, far exceeding the depth of the turn lanes.

During the weekday PM peak hour, the westbound through movement queue length at the Kuebler Boulevard/27th Avenue intersection is anticipated to be 500 feet, blocking the

³http://temp.cityofsalem.net/Departments/PublicWorks/TransportationServices/TransportationPlan/Documents/tsp_street_approved.pdf, see Figure 3-1

westbound left turn lane (August 9, 2018 TIA, pg 9, Table G) with the approval of the development. As noted, the delay associated with this issue is not documented in Synchro.

During the weekday PM peak hour, the northbound right turn movement queue length at the Kuebler Boulevard/27th Avenue intersection is anticipated to be 325 feet, extending into the roundabout at 27th Avenue/Costco site access (August 9, 2018 TIA, pg 9, Table G) with the approval of the development.

Queues Will Extend Into the 27th Avenue/Site Access Roundabout Intersection

The TIA establishes that during the weekday PM peak hour, the northbound right turn movement queue length at the Kuebler Boulevard/27th Avenue intersection will be 325 feet, which will extend into the 27th Avenue/Site Access roundabout intersection.

I-5 Southbound/Kuebler Boulevard Intersection Not Analyzed Correctly

The TIA analyzes the intersection of I-5 SB/Kuebler Boulevard and Kuebler Boulevard/27th Avenue incorrectly. Exhibits 1 and 2 of the August 9, 2018 TIA illustrate channelized southbound dual right turn lanes turning into three westbound through lanes on Kuebler Boulevard that extend all the way to the Kuebler Boulevard/27th Avenue intersection. In reality, the dual southbound lanes are not channelized behind an island nor are there three westbound lanes on Kuebler Boulevard.

It should be noted that ODOT has not received the Synchro and SimTraffic files from the applicant, as they noted in their August 27, 2018 letter, they cannot “confirm if the I-5 signalized ramp terminals have been appropriately analyzed.” The Synchro output sheets that have been provided don't provide enough detail to verify issues like these. The applicant should be required to provide the Synchro and SimTraffic files especially for the intersections that are projected to operate exactly at the agency mobility standards with the approval of the proposed development, or the I-5 SB/Kuebler Boulevard and Kuebler Boulevard/Battle Creek Road intersections.



Screenshot of Exhibit 1 of August 8, 2018 TIA illustrating the TIA analysis of the I-5 SB/Kuebler Boulevard intersection.



Aerial view of I-5 SB/Kuebler Boulevard intersection. The dual southbound right turn lanes are not behind an island as analyzed in the TIA.



Screenshot of Exhibit 2 of August 8, 2018 TIA illustrating three westbound lanes on Kuebler Boulevard between I-5 and 27th Avenue



Aerial view of Kuebler Boulevard between I-5 SB and 27th Avenue. There are not three westbound through lanes on Kuebler Boulevard as analyzed in the TIA.

I-5/Kuebler Boulevard Intersection Analyzed with Inappropriate Southbound Right Turn Assumption

The TIA assumes that 42% of southbound right turns at the I-5 SB/Kuebler Boulevard intersection are made on red signal indication (May 31, 2018 TIA, pg 4). This assumption is not based on any submitted evidence and varies from the default right turn on red assumptions according to industry standard. Per the TIA, the information is based upon observations collected during the weekday PM peak hour, yet this assumption carries over to the Saturday peak hour, again without any evidence to support the use of this factor.

In Process Traffic

The May 2018 TIA considers the impact of several in-process developments including Boone Wood Estates, a 31 unit residential subdivision located south of the Boone Road/27th Avenue intersection. Additionally, the TIA consider a 122 unit assisted senior

care facility southeast of Boone Road/27th Avenue. Lastly, the TIA considers the impact of 6,900 square feet of space at the 38,700 square foot Salem Clinic and medical office building located on the same site as the proposed development.

The applicant will likely argue that the 1% growth rate and the in-process traffic included in the May 2018 is sufficient to overcome the shortcoming of not basing the TIA on the MWVCOG travel demand model as required by City Code. However, the applicant has not provided the trip distribution sheets associated with those in-process developments. As described earlier, a simplistic approach to reviewing the growth along Kuebler Boulevard yielded a growth of between approximately 1.8% and 3.75%. At the intersection of Kuebler Boulevard/Battle Creek Road, an increase in 1% of traffic equates to approximately 400 additional vehicles in the weekday PM peak hour. The in-process traffic considered above will not generate 400 weekday PM peak hour trips, so it's unlikely that the 1% growth rate and in-process traffic considered in the TIA is sufficient to address the requirements of City Code.

Additionally, the TIA does not but should have considered the impacts of the Mill Creek Corporate Center (buildings 1B and 1C), which includes the Amazon distribution center. This development was approved and not operational prior to the December 2017 traffic counts. The Mill Creek TIA clearly illustrates site traffic utilizing several of the study intersections of the Costco TIA. The inclusion of this traffic may affect the operations of these intersections, yet has not been accounted for. The trip distribution of that development is provided in Appendix C.

May 2018 Traffic Counts Illustrate Higher Traffic Volumes

Traffic counts were collected at the Kuebler Boulevard/27th and Kuebler Boulevard/Battle Creek intersections in May 2018 (Appendix D), prior to the original submission of the traffic impact study that paint a different traffic count picture than presented in the May 31, 2018 TIA, which is based upon traffic counts collected in December 2017. All of the traffic counts were collected by the same vendor, Quality Counts.

At the intersection of Kuebler Boulevard/27th Avenue, the May 2018 traffic counts illustrate an entering volume of 3521, while the December 2017 traffic counts illustrate an entering volume of 3384 vehicles per hour. This is a difference in traffic count over that six month period that is approximately 4% higher than what was presented in the TIA.

At the intersection of Kuebler Boulevard/Battle Creek Road, the May 2018 traffic counts illustrate an entering volume of 4145 vehicles per hour while the December 2017 traffic counts presented in the May 31, 2018 TIA present traffic counts with an entering volume of 3995 vehicles per hour. The increase in traffic count over that six month period is approximately 3.7%.

It should again be noted that the TIA illustrates the Kuebler Boulevard/Battle Creek Road intersection is expected to operate at the City of Salem mobility standard of 0.90. With a traffic volume 3.7% greater than the TIA illustrates, the intersection will likely operate with a v/c ratio greater than 0.90, thereby requiring mitigation.

Response to PacTrust September 27, 2018 Memorandum

PacTrust, represented by a construction engineer, not a traffic engineer, provided responses to several of the traffic engineering related issues raised in the September 19, 2018 Karl Anuta letter as well as the South Gateway Neighborhood Association "SGNA" letter dated September 19, 2018. The PacTrust traffic engineering related responses are numbered from 1 to 11, but certainly don't address each of the comments presented in the Anuta or SGNA letters. In most cases, PacTrust fails to acknowledge the shortcomings of their analysis or provide counterarguments regarding why the TIA is adequate when clearly in violation of City Code.

1. PacTrust argues that the in-process developments included in the TIA were coordinated with city staff. Unfortunately, Buildings 1B and 1C of the Mill Creek development were not addressed in the TIA and certainly has an impact on the study intersections. As a result, the TIA should be updated to include all in-process traffic that was not considered. PacTrust also argues that PacTrust has provided "more than its share of traffic capacity and other improvements for those projects." While this work is likely appreciated by the community, it does not address any relevant city approval criteria. If additional improvements are required in order to meet city criteria, then those improvements should be required or the application must be denied.
2. PacTrust states that the trip generation calculations are "based on actual data from years of study of Costco trip generation. It is the best and most reliable data." While that may be true, City Code requires the use of the *Trip Generation Manual*. Even if the data is the "best and most reliable," it has not been provided and there is no evidence that supports its use nor can anyone check the applicant's work due to the lack of data. PacTrust also argues that "Kittelson's work in this regard and its TIA meet all relevant city standards." The trip generation, in fact, does not meet any city standards with regard to trip generation. Again, no reviewer could replicate the trip generation estimate provided in the TIA. We would challenge any TIA reviewer to provide a reliable trip generation estimate for a 159,000 square foot Costco and 29 fueling position gas station and compare that with the applicant's estimate. This calculation can't be done because the applicant doesn't provide it. Therefore, there is inadequate evidence to support its use.
3. PacTrust states that the "pass-by trip generation rates used in the study are based on data taken from existing Costcos with gas stations in the United States...The Costco transportation database is the best source of information to use in developing trip generation estimates for Costco developments...Kittelson's bypass rate and its TIA meet all relevant city standards," Again, the applicant has not

- provided any data that supports the use of this pass-by rate and again, the use of this data is not supported by City Code. Lastly, there are numerous City Codes that are very clearly violated.
4. PacTrust argues that “[p]er coordination with the City and ODOT, the application of a seasonal adjustment only applies to State facilities and not City intersections.” We appreciate and agree with the applicant's statement that only state facilities are required to be seasonally adjusted. Per ODOT's Analysis Procedures Manual, state intersections are required to be seasonally adjusted. However, the TIA does not provide any seasonal adjustment as required by the Analysis Procedures Manual to any of the state intersections. As discussed earlier, if the Analysis Procedures Manual would have been referenced, the December 2017 traffic counts should have been adjusted.
 5. PacTrust argues that the use of the saturation flow rates captured in the saturation flow rate are appropriate. We agree that their use is appropriate for the intersection movement observed in that that particular time period. We do not agree that the use of the 1900 vehicles per hour of green per lane is appropriate for every single intersection movement for every single time period as applied in the TIA. The use of those saturation flow rates in that fashion is very simply not compliant with city standard and requires adjustment.
 6. PacTrust argues that “[t]he study area assumed in the TIA is appropriate. It was coordinated with City staff as part of the TIA scoping process and is consistent with the study area analyzed as part of the approved Kuebler PacTrust comprehensive plan amendment and zone change project.” Unfortunately, the study area of comprehensive plan amendment and zone change are not at all relevant to this project. The city's objective study area requirements are clearly not met. There are major intersections that will experience an increase in peak hour traffic volume of greater than 50 trips. Per Salem Administrative Rules 109-006-6.33(c), those intersections shall be studied.
 7. Providing no argument, PacTrust alleges that “[t]he horizon year analysis period meets the requirements set under Section 6.33 of the City Public Works Design Standards.” In fact, the TIA is directly in conflict with Table 6-33 of the City Administrative Rules as described earlier.
 8. PacTrust argues that the right-turn-on-red adjustment are reliable. The TIA provides no evidence that this study occurred and provides no evidence for review.

City Response to Transportation Related Concerns

In the October 23, 2018 Decision of the Planning Administrator (hereafter referred to as the “decision”) and the October 19, 2018 Public Works Recommendations memorandum (hereafter referred to as the “memorandum”, the city responds to some of the criticisms of the TIA. The City's decision refers to a development that consists of five retail shell buildings while the memorandum refers to a development that consists of four retail shell buildings.

The City argues that the inclusion of “in-process traffic in a TIA is not a requirement pursuant to City Code or Administrative Rule, the City required only the proposed development that has been permitted and is reasonably expected to be operational by the time the proposed development opens.” It is sometimes difficult to determine when development will be operational. For instance, the subject development proposes to be operational in 2019 although even the very first phase is unlikely to be open in 2019. Additionally, there are likely two other phases associated with the development that are projected to open in any particular time period. It is notable that buildings 1B and 1C of the Mill Creek development were not included. These developments were proposed prior to December 2017, when the TIA counts were collected. However, the impact of those developments are not included in the TIA.

November 23, 2018 Response to Transportation Related Concerns

In their November 23, 2018 memorandum, KAI responds to several of the traffic engineering related issues raised in the September 19, 2018 Karl Anuta letter as well as the South Gateway Neighborhood Association “SGNA” letter dated September 19, 2018. Our response to the KAI responses are provided below and based upon the headings presented in the KAI memorandum.

Study Area

KAI argues that study area is adequate, coordinated with staff and consistent with the comprehensive plan amendment and zone change project. The KAI response continues to fail to respond to the clear City Code criteria with regard to the study area. The study area of the comprehensive plan amendment and zone change is irrelevant to the approval criteria. There are many intersections that will fall within the requirement to include in the study area. SRC 109-006-6.33(c) is clear in its requirement and it does not appear to vary based upon staff's direction.

Analysis Year

KAI states that “[i]t is not multi-phased development and was coordinated with City staff as part of the TIA scoping process.” Again, the previous TIAs and the site plan are both clear that there are future phases of development and not all will be constructed in 2019. If that is no longer the case, that should be made clear and a reasonable schedule should be provided that illustrates how the entire development will open in 2019.

Seasonal Adjustment

KAI provides no counterargument that ODOT intersections should have been seasonally adjusted. In fact, they acknowledge that state intersections should be seasonally adjusted. None of the I-5/Kuebler Boulevard intersections analysis includes any seasonal adjustment as required by the APM.

Right-Turn-On-Red Adjustment

KAI argues that this criticism is mistaken and they point to the May 2018 TIA on page 4 and Appendix A of the TIA. While raw traffic counts are provided in the May 2018 TIA, there is no evidence of the number of vehicles that turned right-on-red or that a special study was conducted to observe this right-turn-on-red factor. That evidence should be provided, but wasn't.

Saturation Flow Rate

KAI argues that “the saturation flow rate study was performed at several key locations.” We agree with the use of the observed “several key locations.” We don't agree that the saturation flow rate observed at the “several key locations” should be applied at all of the study intersections for all time periods. That simply is not compliant with an appropriate saturation flow rate study and should be rejected. The result of utilizing that saturation flow rate for all intersections during all time periods without a study is non-compliance with the parameters required by City Code.

Background Growth and In-Process Developments

KAI argues that “[m]odel data for Costco is not available in the Mid-Willamette Valley COG model. Therefore, the City Traffic Engineer determined trip distribution be based upon Costco specific data. In turn, as required by the City Traffic Engineer, the site review TIA used existing proprietary Salem Costco sales data from FY 2014 through FY 2016 for every zip code in Oregon was analyzed to determine the percent of sales value to each zip code.” Unfortunately, the applicant has not provided any of the data that this trip distribution is reportedly based upon. Like many of the aspects of the TIA, it cannot be reviewed. Again, travel demand forecasting model data is in fact available for this area and City Code does not afford the flexibility of utilizing alternative data (which wasn't provided) unless there is not a transportation model in the area.

KAI argues that “the referenced Amazon facility would not be included in this or any project transportation analysis, in any event, because its transportation impacts have been fully anticipated and mitigated through the Mill Creek Industrial Master Plan...” This is not how in-process traffic is supposed to be accommodated. There are Mill Creek trips that were not yet realized on the system at the time of the December 2017 traffic counts. To properly account for those in-process trips, this project's TIA should have considered those vested trips in their analysis, but didn't. KAI again brings up the 2006 TIA for this site, which is again not relevant to the approval criteria of the site plan review.

Trip Generation

KAI continues to try to rely on data that is not provided in the written record of the application. There are no reported trip rates for the weekday PM or Saturday peak hour. There is no evidence that supports the use of their proposed alternative trip generation.

Additionally, City Code does not support the use of an alternative trip generation as the *Trip Generation Manual* provides trip generation data for each of the proposed uses associated with the development. The fact that these uses are combined into a single site falls within the *Trip Generation Handbook* methodology. KAI continues to not provide any data that supports their alternative trip generation with no ability to check their work. According to the *Trip Generation Handbook*, reliance upon the existing Salem Costco solely does not follow industry standard.

KAI references a 34% pass-by trip reduction, but continues to provide no evidence that supports its use besides a database that no one but them have access to review.

KAI also references several other Costco projects across the country. The written record of the application does not include those other TIAs, so there is no evidence about the information that went into developing those TIAs. If the applicant intends to rely upon information from those other studies, they should submit those TIAs into the record for review.

Pass-by Rate

KAI continues to provide no evidence to support the use of their alternative trip generation, which is not allowed by City Code.

Intersection Operations

KAI contends there are no “omissions and errors.” We have spent several pages quite clearly illustrating sections of City Code and ODOT standards that were either ignored or simply not met. Many of these are indisputable. Again, KAI relies on the 2006 zone change and comprehensive plan amendment, which is not relevant to the site plan review application of 2018. For approval of the site plan review, the requirements of the site plan review must be met and they clearly are not.

With regard to the analysis of the I-5 SB/Kuebler Boulevard intersection, KAI states that “[t]he dual southbound right turn lanes at the I-5 Southbound/Kuebler Boulevard intersection were modeled as channelized lanes in order to implement the right turn on red (RTOR) movement in SimTraffic. In reviewing initial SimTraffic model runs without any right turn channelization, vehicles were not simulating making a right RTOR movement. Therefore, to more closely align with existing operations, the right turn lanes were modified within the model to be channelized, to allow the RTOR movement, matching real world operations.” As ODOT notes, none of the analysis files have been presented in the record of the application and therefore ODOT cannot confirm the operations at this intersection.

Again, the TIA provides no evidence that southbound right turns occur at a rate of 42%. There is no evidence that a RTOR study was even conducted.

KAI states that “the eastbound and westbound channelized right turn lanes at the I-5 Southbound/Kuebler Boulevard intersection do not yield to any conflicting vehicle movements, therefore modeling as a free movement is reasonable.” While the eastbound and westbound right turn lanes do not have a conflicting movement, the issue here is the southbound right turn. The southbound right turn conflicts with westbound through movements. As KAI has analyzed the intersection, it has eliminated the conflicts of the westbound through movement and assumes that movement has a free movement, which is fundamentally untrue. Synchro allows for the adjustment of RTOR volumes without artificially creating travel lanes that do not exist and aren't proposed. If the applicant proposes to construct the intersection as it was analyzed, that has not been established.

Queuing

As established earlier in this report, Synchro self reports that it has limitations when it comes to queuing issues and congestion. KAI has ignored this advice and relied upon Synchro outputs when a SimTraffic analysis would have provided more reliable results.

It is likely that in the future, if not at the day of opening, standing queues from the Kuebler Boulevard/27th Avenue intersection will extend into the proposed 27th Avenue/Site Access roundabout.

Fuel Station

KAI states that the lack of a queue study for the gas station “is inaccurate.” Factually, none of the previous TIAs provided any queuing analysis of the gas station. As previously discussed, the November 29, 2018 provides no methodology for how the results of Table 1 of this TIA are derived. There are no analysis worksheets or any description about how these numbers are determined. Therefore, there is no ability to review them.

Conclusion

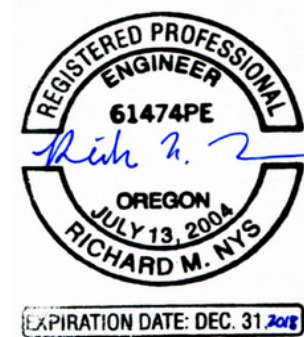
There are numerous errors and omissions presented in the TIA that remain unresolved. There are clear violations of City Code addressed herein. According to the SRC and UDC, this application cannot be approved. An updated, fully compliant TIA is required to fully realize the negative impacts of the proposed development. Until that time, the application should be denied.

Should you have any questions, please contact me at rick@greenlightengineering.com or 503-317-4559.

Sincerely,

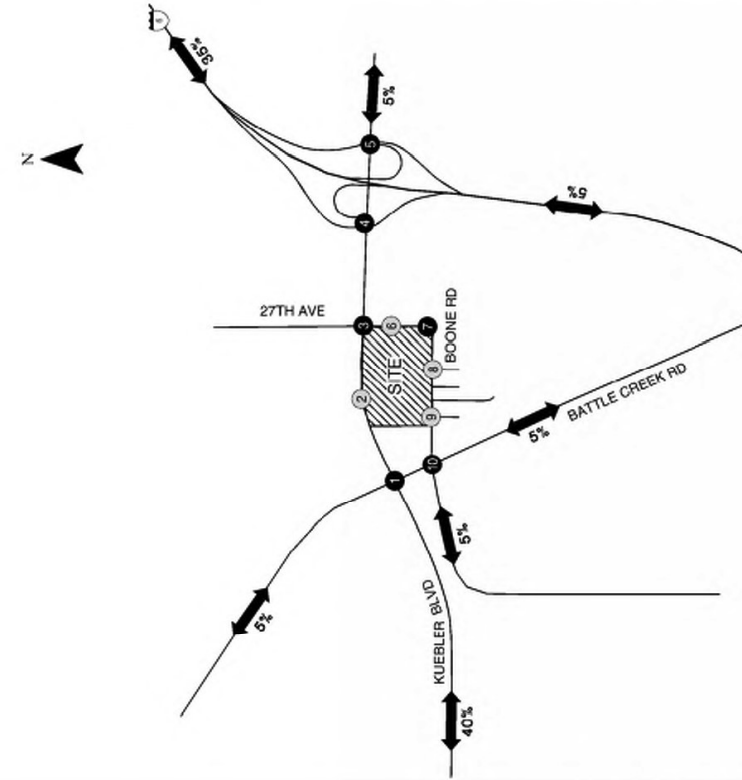
Rick Nys

Rick Nys, P.E.
Principal Traffic Engineer



Appendix A

Figure 8 of May 31, 2018 TIA



Trip distribution is based on FY 2014 - FY 2016 Salem Costco sales data.
Negative trips represent pass-by trips.

- - Study Intersections
- ⊙ - Study Site Driveways

Estimated Costco Trip Distribution Pattern and Assignment (Total Trips)
Weekday PM and Saturday Midday Peak Hour
Salem, OR

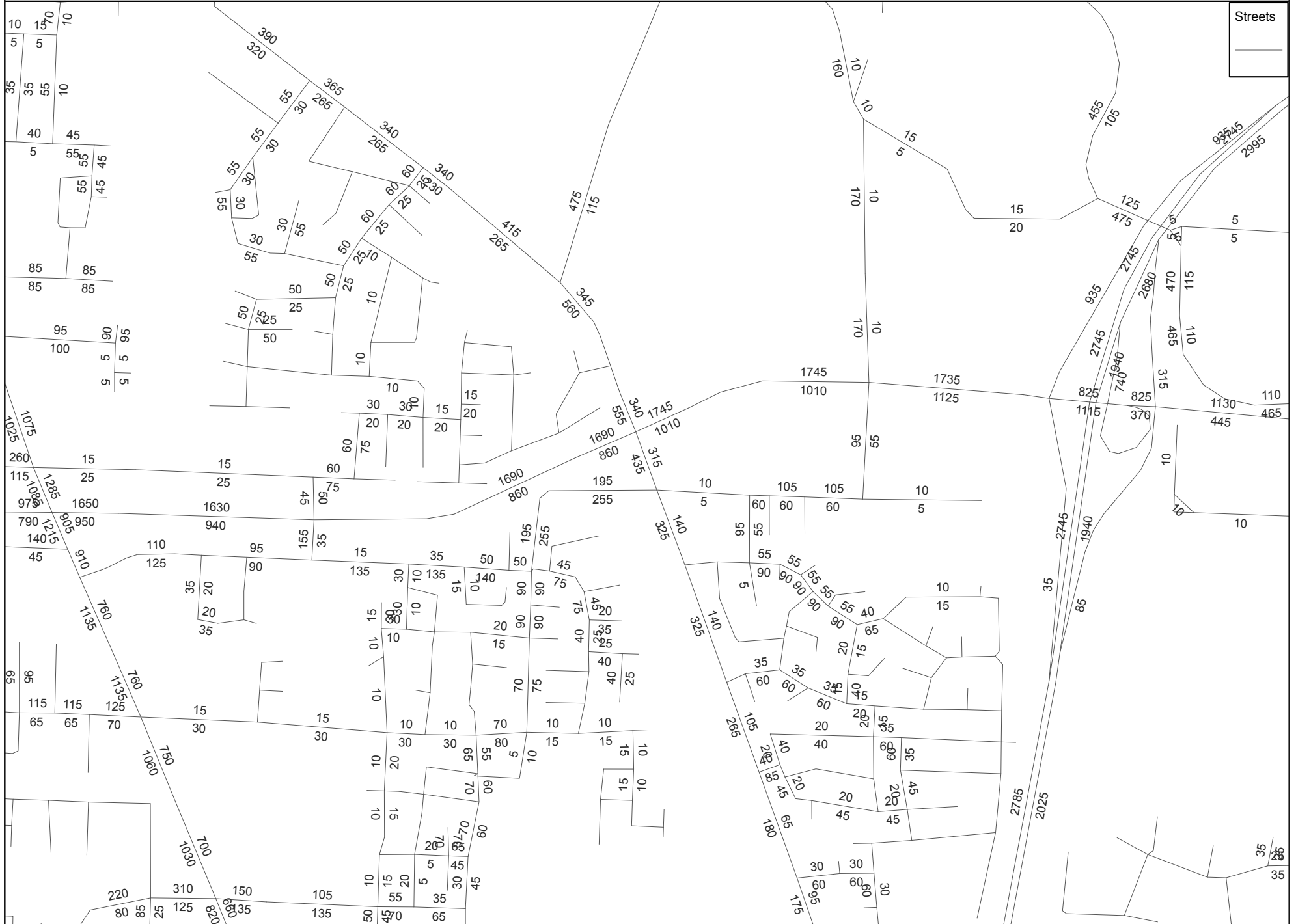
Figure 8

Appendix B

***Mid-Willamette Valley Council of Governments
Travel Demand Modeling Outputs***

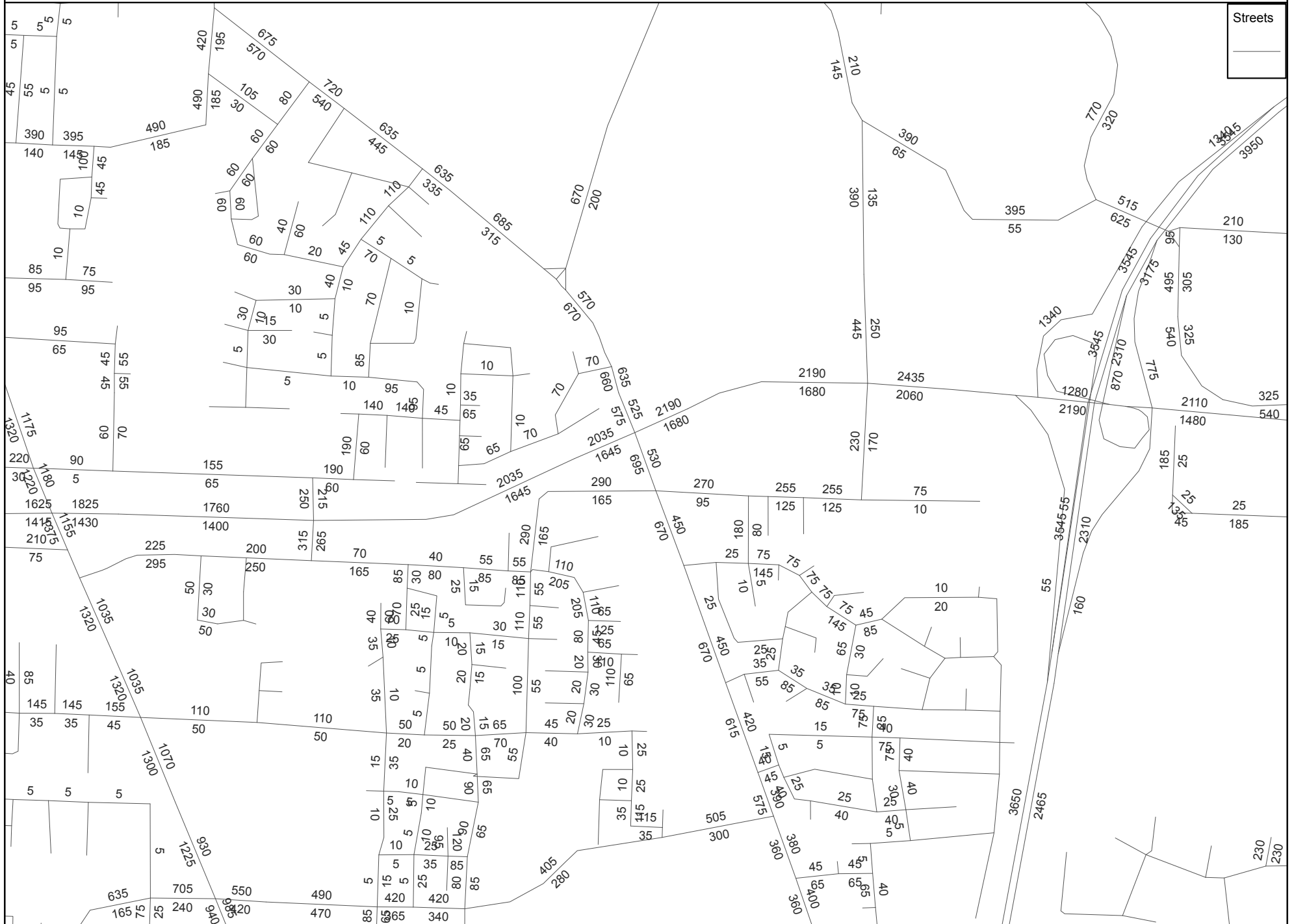
2010 PM Peak Volume Demand

(round value = 5)



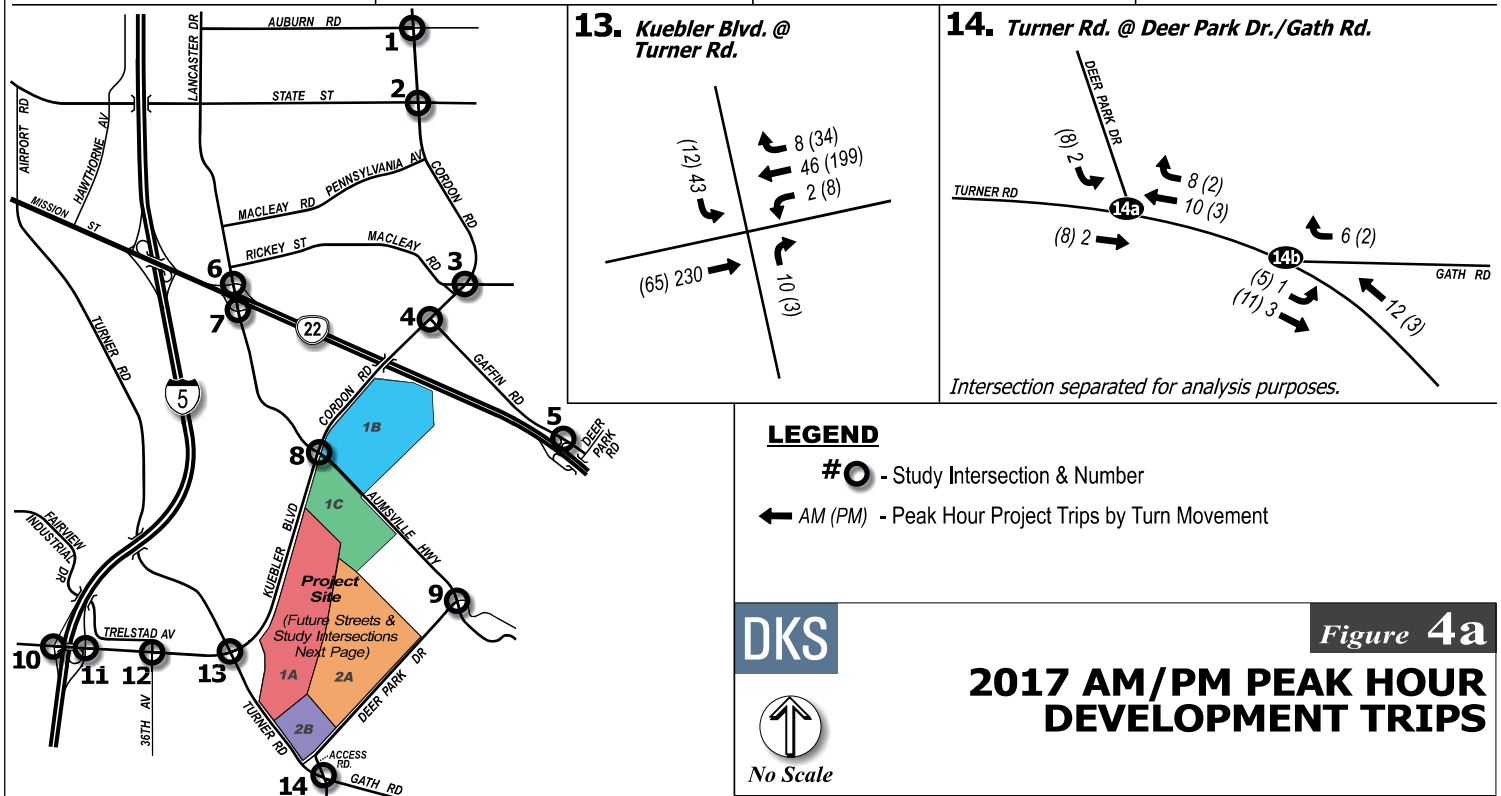
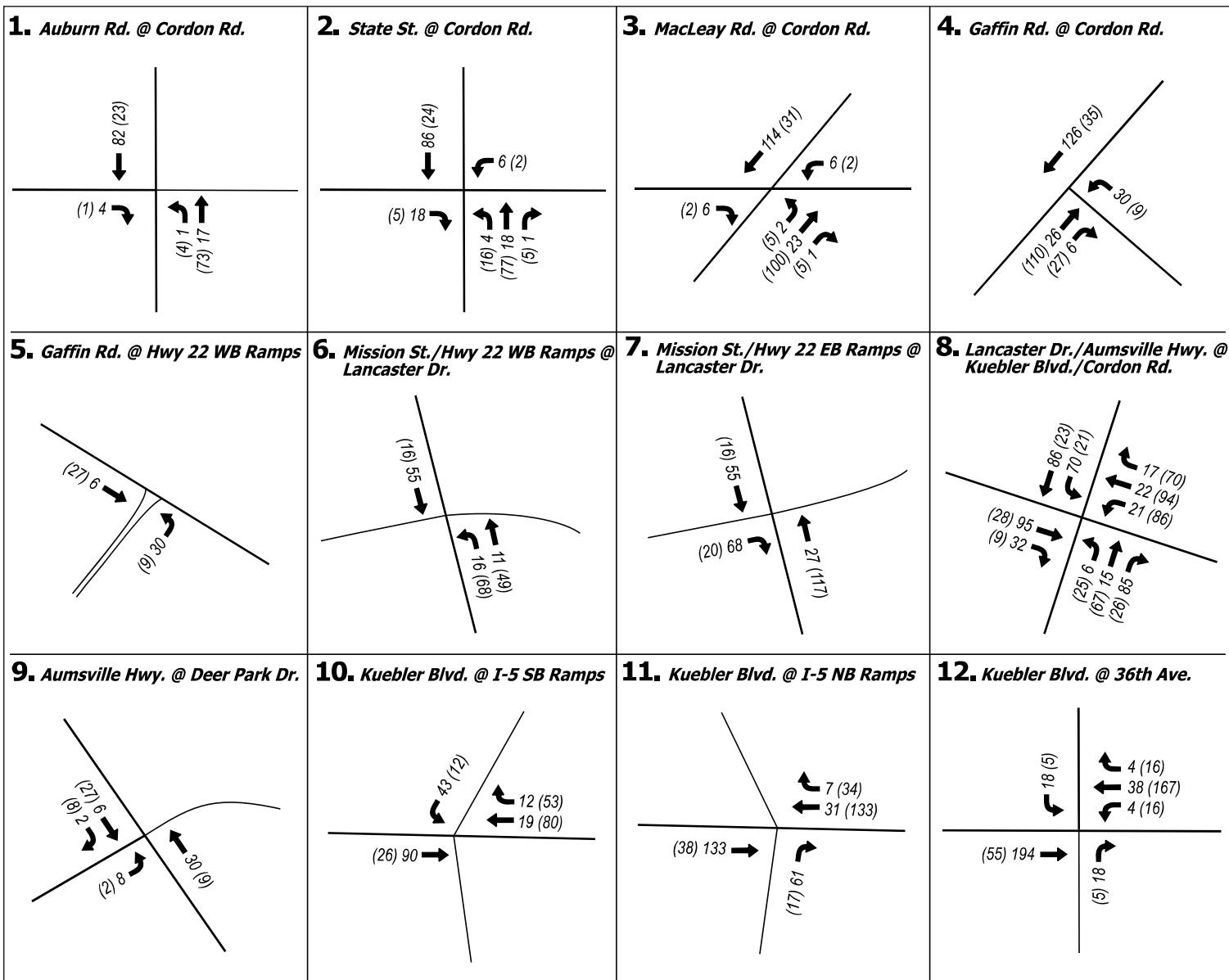
2035 PM Peak Volume Demand

(round value = 5)



Appendix C

Mill Creek Trip Distribution

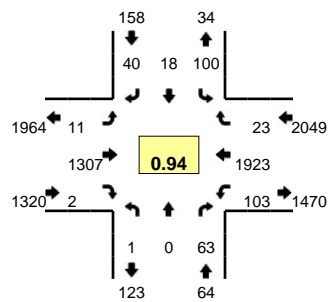


Appendix D

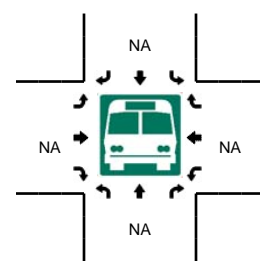
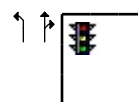
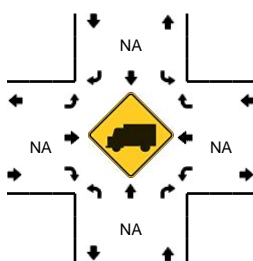
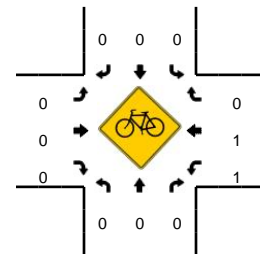
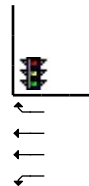
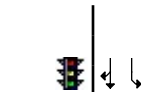
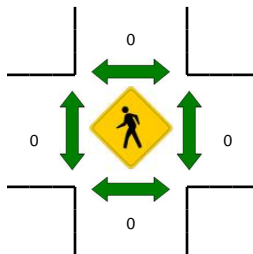
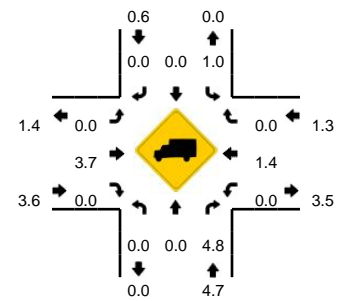
May 2018 Traffic Counts

LOCATION: 27th Ave SE -- Kuebler Blvd
CITY/STATE: Salem, OR

QC JOB #: 14711010
DATE: Wed, May 16 2018



Peak-Hour: 4:40 PM -- 5:40 PM
Peak 15-Min: 5:10 PM -- 5:25 PM



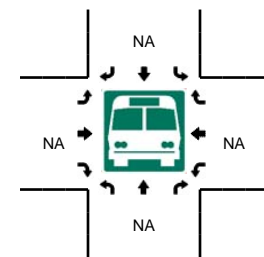
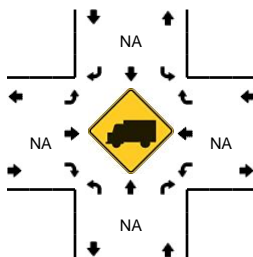
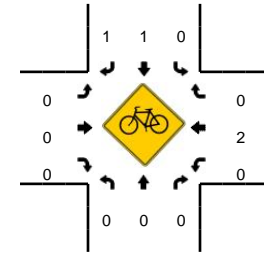
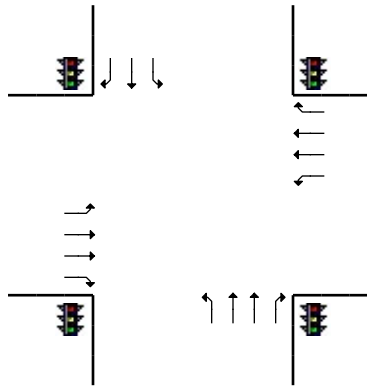
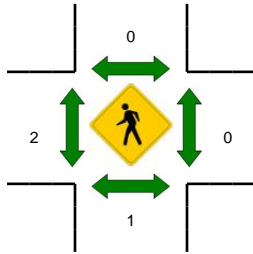
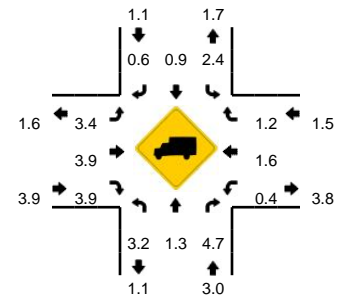
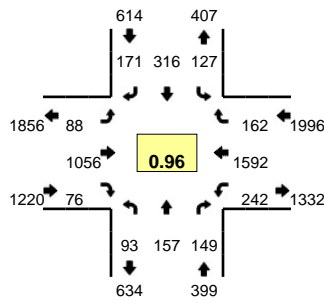
5-Min Count Period Beginning At	27th Ave SE (Northbound)				27th Ave SE (Southbound)				Kuebler Blvd (Eastbound)				Kuebler Blvd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	0	0	3	0	5	0	2	0	0	106	0	0	10	128	1	0	255	
4:05 PM	0	0	5	0	5	0	4	0	1	96	0	0	4	157	5	0	277	
4:10 PM	0	0	9	0	8	0	1	0	0	106	1	0	6	155	2	0	288	
4:15 PM	0	0	2	0	10	1	0	0	1	113	0	0	4	138	3	0	272	
4:20 PM	0	0	3	0	2	0	3	0	4	117	0	0	7	166	5	0	307	
4:25 PM	0	0	3	0	2	1	0	0	1	85	0	0	9	151	2	0	254	
4:30 PM	0	0	8	0	8	1	4	0	4	114	1	0	9	120	1	0	270	
4:35 PM	0	1	6	0	10	1	0	0	1	110	0	0	4	155	0	0	288	
4:40 PM	0	0	10	0	1	0	1	0	2	94	0	0	12	158	1	0	279	
4:45 PM	0	0	9	0	5	0	1	0	2	131	0	0	6	152	4	0	310	
4:50 PM	0	0	4	0	6	1	4	0	0	118	0	0	4	145	4	0	286	
4:55 PM	0	0	4	0	3	1	1	0	1	104	0	0	9	168	0	0	291	3377
5:00 PM	0	0	4	0	4	1	3	0	0	115	0	0	9	154	3	0	293	3415
5:05 PM	0	0	8	0	34	3	11	0	1	98	1	0	9	127	3	0	295	3433
5:10 PM	0	0	4	0	11	3	2	0	1	109	0	0	8	187	0	0	325	3470
5:15 PM	0	0	9	0	12	0	3	0	0	105	0	0	14	183	0	0	326	3524
5:20 PM	1	0	3	0	7	4	4	0	0	110	0	0	5	169	1	0	304	3521
5:25 PM	0	0	3	0	3	1	5	0	1	112	0	0	11	158	2	0	296	3563
5:30 PM	0	0	3	0	6	2	3	0	1	94	1	0	8	168	1	0	287	3580
5:35 PM	0	0	2	0	8	2	2	0	2	117	0	0	8	154	4	0	299	3591
5:40 PM	0	1	6	0	4	0	1	0	3	99	0	0	13	136	1	0	264	3576
5:45 PM	0	0	3	0	4	0	2	0	2	87	0	0	3	159	2	0	262	3528
5:50 PM	0	1	3	0	1	0	1	0	1	94	0	0	6	172	0	0	279	3521
5:55 PM	0	0	4	0	4	1	2	0	0	98	0	0	5	130	1	0	245	3475
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
All Vehicles	4	0	64	0	120	28	36	0	4	1296	0	0	108	2156	4	0	3820	
Heavy Trucks	0	0	4	0	0	0	0	0	0	40	0	0	0	32	0	0	76	
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Railroad																		
Stopped Buses																		

Comments:

LOCATION: Battle Creek Rd SE -- Kuebler Blvd
CITY/STATE: Salem, OR

QC JOB #: 14711012
DATE: Wed, May 16 2018

Peak-Hour: 4:40 PM -- 5:40 PM
Peak 15-Min: 5:10 PM -- 5:25 PM



5-Min Count Period Beginning At	Battle Creek Rd SE (Northbound)				Battle Creek Rd SE (Southbound)				Kuebler Blvd (Eastbound)				Kuebler Blvd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	12	19	7	0	12	19	9	0	1	71	7	0	19	103	7	0	286	
4:05 PM	8	9	13	0	4	29	26	0	8	74	4	0	19	107	16	0	317	
4:10 PM	7	8	11	0	13	17	11	0	4	101	6	0	11	157	16	0	362	
4:15 PM	9	12	12	0	11	22	16	0	7	87	3	0	21	103	13	0	316	
4:20 PM	7	13	11	0	10	34	7	0	5	84	7	0	18	125	17	0	338	
4:25 PM	6	6	5	0	6	25	12	0	6	97	4	0	12	127	20	0	326	
4:30 PM	6	8	14	0	14	18	14	0	5	81	7	0	22	95	21	0	305	
4:35 PM	6	9	17	0	9	35	22	0	10	77	5	0	9	105	11	0	315	
4:40 PM	11	10	9	0	9	18	16	0	11	92	7	0	25	128	11	0	347	
4:45 PM	9	10	11	0	14	24	10	0	7	107	4	0	15	144	13	0	368	
4:50 PM	17	15	14	0	20	30	14	0	7	79	5	0	17	111	12	0	341	
4:55 PM	8	6	12	0	9	27	16	0	11	80	11	0	19	133	11	0	343	3964
5:00 PM	2	13	10	0	13	27	9	0	6	100	6	0	14	134	14	0	348	4026
5:05 PM	10	12	14	0	15	35	18	0	4	80	6	0	19	116	18	0	347	4056
5:10 PM	3	14	13	0	9	34	20	0	7	64	4	0	34	118	10	0	330	4024
5:15 PM	7	15	11	0	10	25	19	0	8	105	8	0	22	159	14	0	403	4111
5:20 PM	6	14	13	0	13	28	14	0	6	90	9	0	17	151	11	0	372	4145
5:25 PM	9	20	15	0	3	32	16	0	9	68	4	0	18	99	15	0	308	4127
5:30 PM	1	12	13	0	8	15	8	0	5	94	7	0	21	168	20	0	372	4194
5:35 PM	10	16	14	0	4	21	11	0	7	97	5	0	21	131	13	0	350	4229
5:40 PM	7	17	15	0	9	36	16	0	5	76	5	0	19	93	16	0	314	4196
5:45 PM	6	14	11	0	7	24	12	0	8	68	5	0	22	144	12	0	333	4161
5:50 PM	9	10	11	0	5	17	6	0	2	86	3	0	22	136	18	0	325	4145
5:55 PM	7	10	9	0	11	24	10	0	5	65	8	0	19	98	10	0	276	4078
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	64	172	148	0	128	348	212	0	84	1036	84	0	292	1712	140	0	4420	
Heavy Trucks	0	4	4	0	0	4	0	0	4	48	4	0	0	40	0	0	108	
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Railroad	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Stopped Buses	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

Comments:

Zachery Cardoso

From: noreply@cityofsalem.net on behalf of Rayquisenberry@centurylink.net
Sent: Saturday, July 11, 2020 1:04 PM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	Ray Quisenberry
Your Email	Rayquisenberry@centurylink.net
Your Phone	503 540-0334
Street	920 5th At NE
City	Salem
State	OR
Zip	98301
Message	<p>Mr Panko, re: Case No. SPR-DAP18-15 Gateway Shopping/Costco I've recently learned that the city is once again considering the proposed Costco Big Box Store on Kuebler. I attended the city council meeting more than a year ago where there many Salem residents spoke in opposition, and the council wisely voted to deny the application. I heard a great deal of testimony describing how PacTrust had made misleading promises to get the zoning changes approved, promising a small, neighborhood development. Costco is Not a neighborhood store. A large fueling station is Not a neighborhood friendly store. It was all a red herring. No new developments of this size should move forward until Salem's new comprehensive plan is finalized. The latest direction for the comprehensive plan is to consider creating neighborhood hubs, which would be much more appropriate for the residents near this property. This is what the neighbors want, and they shouldn't be forced by PacTrust to accept something that will diminish their quality of life.</p>

This email was generated by the dynamic web forms contact us form on 7/11/2020.

Zachery Cardoso

From: Kim Davis <k.mdavis@yahoo.com>
Sent: Saturday, July 11, 2020 5:13 PM
To: Planning Comments
Subject: Case #SPR-DAP18-15; REMAND

I am writing to express opposition to the development proposal of 2500-2600 Block of Boone Road SE / 97306.

Since this proposed development was initially denied, the City of Salem and the State of Oregon have made significant commitments to address the escalating global climate crisis. The City has initiated a process to establish a much overdue Climate Action Plan and the State has directed efforts to reduce greenhouse gas emissions.

To plan the construction and introduction of one more (very) big box store, that will invariably result in a significant increase in vehicular traffic, is contrary to those goals. The additional exhaust spewing from cars trucks and semis exiting and returning off the interstate, idling and backing up traffic at lights, is contrary to those goals. Installing a gas fueling station to further promote the never ending burning of more fossil fuels is contrary to those goals. 'Moving' well established white oaks is contrary to those goals. Black top paved parking lots are contrary to those goals.

As a Salem resident who has participated in the 'Our Salem' development planning process, I believe the proposal does not reflect the interests voiced by community members seeking a future that will be cleaner, safer, healthier and more available to pedestrian and bicycle transport. Battle Creek Road currently does not have continuous sidewalks or bike paths, making travel along that route nearly impossible without a car. Pedestrians now crossing Battle Creek and Pringle Rd to access our limited green space is dangerous, with drivers rarely slowing or stopping despite road signs indicating pedestrian use. To increase traffic along Battle Creek, Pringle, Kuebler, and all of the residential neighborhoods that will provide 'short cuts' for drivers attempting to avoid traffic jams, will lessen our ability to safely walk, ride or use our bus services. The added exhaust and traffic noise will not go unnoticed in an area already impacted by interstate and air traffic noise and pollution.

I just completed a survey the City of Salem circulated assessing the interests among community members to establish neighborhood hubs. It was evident that the designers of that survey are already aware of options for positive change. We do not need big box corporations further draining our local economy and natural resources. We need to invest in businesses that are owned by and employ citizens from the communities they serve, that will give back to those communities and not to unknown, anonymous shareholders around the world.

It is clear to me that this proposed development does not fit Salem residents needs at all, except perhaps the folks who own the property. Let's think beyond quick gains, and take the long view. We need to take our goals more seriously, acknowledge how little time we have to address climate change and act with future generations in mind.

Sincerely,
Kim Davis
97306

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Monday, July 13, 2020 6:51 PM
To: Planning Comments
Subject: FW: SPR-DAP-18-15; REMAND - SGNA Procedural Requests
Attachments: SPRDAP-18-15_ REMAND- SGNA Procedural Requests.pdf

From: Glenn Baly <glennbaly12345@gmail.com>
Sent: Monday, July 13, 2020 5:20 PM
To: citycouncil <citycouncil@cityofsalem.net>; Chuck Bennett <CBennett@cityofsalem.net>; Aaron Panko <APanko@cityofsalem.net>
Cc: Chip Davis <salemguy2012@hotmail.com>; Jake Krishnan <jakekrishnan@gmail.com>; Jerry Sachtjen <JerChar04@msn.com>; John Ledger <jledger@comcast.net>; Sylvia Machado <ladymachado@gmail.com>; Trevor Elliott <trevorelliott@remax.net>
Subject: SPR-DAP-18-15; REMAND - SGNA Procedural Requests

Mayor and City Council,

The attached letter describes two procedural requests that SGNA has regarding the SPR-DAP-18-15; REMAND public comment timeline and format of the September 28, 2020 City Council deliberations.

We ask that these requests be addressed as quickly as possible. Thank for your assistance

Glenn Baly
SGNA



NEIGHBORHOOD ASSOCIATION
555 LIBERTY ST. SE RM. 305 SALEM OR 97301 • 503-588-6207 • WWW.CITYOFSALEM.NET/NEIGHBOR

July 11, 2020

RE: Costco Remand Request (SPR-DAP-18-15; REMAND) Procedural Requests

Dear Mayor and City Council:

The South Gateway Neighborhood Association (SGNA) recently received the City's Notice of Remand and copies of PacTrust's remand request dated June 16, 2020, as well as the eight exhibits attached to the remand notice. We have serious concerns about the length of the Initial Public Comment Period and the format for the City Council deliberations scheduled for September 28, 2020. The following requests relate only to the procedural aspects of the Costco matter not the substance of the issue.

1. Extend Initial Public Comment Period to August 28, 2020

The Initial Comment Period (July 1, 2020 – July 28, 2020) is the only time allowed for SGNA, residents and other interested organizations to submit comments on the lengthy remand applications and attachments. We feel that 27 days is an inadequate time to properly analyze and comment on the lengthy remand application and supporting materials. SGNA requests that the Initial Public Comment Period be extended until August 28, 2020.

- The Remand Application and eight exhibits address detailed topics that require extensive analysis to properly respond. This does not count analysis of the multitude of documents related to the Rezoning and initial Site Plan Review.
- SGNA's next public meeting won't be held until August 13, 2020 providing no time to publicly deliberate on the application.

2. Hold a Public City Council Meeting

The Remand Notice says that the City Council will review the remand case and deliberate toward a final decision at its September 28, 2020 meeting, but that no public meeting will be held and citizens and SGNA will be limited to submitting written testimony and comments by July 28, 2020. SGNA feels that holding a City Council meeting without the opportunity for citizens and interested organizations precludes the public from directly communicating with



NEIGHBORHOOD ASSOCIATION

their City Councillors on an important issue. SGNA requests that the City Council hold a public meeting on the remand application in September with the opportunity for citizens and

Interested organizations to testify directly before the Council on the remand application through in-person, virtual or phone-based means.

- Citizens and interested organizations will be limited to written comments (that must be submitted) by July 28, 2020 and will not have the opportunity to testify directly to the City Council in a public forum. We are currently prohibited from communicating directly with City Council members due to *ex parte* restrictions.
- The City Council held public hearings on the Costco/Pactrust zone application and site plan review application.

We request that our requests be addressed as quickly as possible so that the Remand Application process can be adjusted.

Thank you,

Glenn W. Baly
Chair
South Gateway Neighborhood Association

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Wednesday, July 15, 2020 9:05 AM
To: Planning Comments
Subject: FW: Costco Relocation

From: Grace Smith <graces4575@gmail.com>
Sent: Wednesday, July 15, 2020 9:03 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Costco Relocation

I am writing to express my concern again for this proposed relocation of Costco. I had lived in this area for 45 years; traffic has never been worse, and adding more congestion will not help that situation. Additionally, this is next to several beautiful neighborhoods which will be significantly impacted by the noise and traffic. This is not an ideal location for a big box store like this one.

I urge the City Council to reject Costco's appeal to move to this location off Kuebler.

Sincerely,

Grace Smith
4575 27th Ave SE
Salem, OR 97302
503.260.7062

Zachery Cardoso

From: Aaron Panko
Sent: Thursday, July 16, 2020 7:14 AM
To: Planning Comments
Subject: FW: Request: Public Comment Period Extension Case Number SPR-DAP18-15; Remand

From: Chuck Woodard <chuck.woodard@gmail.com>
Sent: Wednesday, July 15, 2020 8:09 PM
To: citycouncil <citycouncil@cityofsalem.net>; Aaron Panko <APanko@cityofsalem.net>
Cc: glennbaly12345@gmail.com; hughes.m@comcast.net
Subject: Request: Public Comment Period Extension Case Number SPR-DAP18-15; Remand

Greetings,

I recently returned home to find communication from the City of Salem concerning a proposed Costco on Kuebler BLVD.

I believe an extension to the public comment period would benefit my neighborhood by allowing us to actually meet and discuss the revisions made by Costco. Could this public comment period please be extended into September? Below are my specific issues with the placement of a regional place of commerce.

Concerns:

1. We live just off of Battlecreek, and believe the traffic, noise, and overall vehicle traffic will create an unsafe environment for my family with an increase in commercial traffic.
2. The traffic on Kuebler (pre-pandemic) has already become a real burden for residence of South Salem, and this will reach a tipping point.
3. This is not a "Local" type establishment as required by the previous approvals, and will bring people from a 20-30 mile radius to an actual neighborhood.

Thank you for your time, and stay healthy!

--

Make it a great day,

Chuck Woodard
503.899.0482

Zachery Cardoso

From: Edward Zager <edicted@aol.com>
Sent: Thursday, July 16, 2020 8:11 AM
To: citycouncil; Planning Comments
Subject: In favor of Kuebler Gateway Shopping Center

I received a message from the South Gateway homeowners association regarding having open comments extended through August. I disagree. The 28 days you have made available is more than adequate. This has been an ongoing situation and I see this as yet another effort to stall the process. I am in favor of the project continuing. I live off of Kuebler and will be affected by the project. I feel it is worth it. I don't see any LEGAL reason why the project would be delayed any longer. I think Costco will be a fabulous neighbor. They take care of their properties and respect their communities.

Let the construction commence.

Thank you,

Edward Zager
503-881-4343

Sent from my iPhone



555 Liberty Street SE / Room 305 • Salem OR 97301-3503 • Phone 503-588-6213 • Fax 503-588-6005
www.cityofsalem.net/planning • www.cityofsalem.net

Costco Remand

Case No. SPR-DAP18-15

Public Comments submitted between
July 16, 2020 - July 22, 2020

- Initial Comment Period: July 1, 2020 – July 28, 2020 at 5:00 P.M.
- Public Rebuttal Period: July 29, 2020 – August 12, 2020 at 5:00 P.M.
(to rebut comments submitted during initial comment period)

Please direct all comments to: planningcomments@cityofsalem.net

Direct mailed comments to the Case Manager listed below.

Please include the case number with comments.

Aaron Panko, Planner III, City of Salem Planning Division,
555 Liberty Street SE, Room 305, Salem, Oregon 97301.

Zachery Cardoso

From: noreply@cityofsalem.net on behalf of sherman486@centurylink.net
Sent: Thursday, July 16, 2020 12:00 PM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	Rosemary Scott
Your Email	sherman486@centurylink.net
Your Phone	503-540-0878
Street	775 Ironwood Drive SE
City	Salem
State	OR
Zip	97306
Message	<p>I cannot believe that the location planned for the Costco development is not of primary importance. South Salem has significant thorough-fare problems without this addition. Kuebler Boulevard was purported to be a more efficient way to reach the north side of town, augmenting South Commercial and Liberty Road. South Commercial has seen significant growth in recent years and even with the addition of traffic control devices on South Commercial and Sunnyside Road, residents experience significant delays on their way into the city or to the north side of town. Bus Routes changed make it impossible for some foot traffic to reach bus stops. Persons with physical disabilities have no choice but to use their own transportation. If one of the entrances to the Costco shopping center remains from Kuebler Boulevard, the already backed-up traffic will become impossible with Portland-like delays. Delays at the Kuebler/South Commercial intersection have caused much frustration for drivers. The same congestion occurs at the Kuebler/Pringle Road intersection. Adding Costco traffic would significantly increase the problem. If the traffic were diverted to entering from Kuebler to Baxter and then Boone, what would that do for the residents in that community? There is land on Turner Road that would have more access for traffic if that would be an option. That land is vacant. I do not know who owns it, but it would seem a more convenient option. In summary: I object to the planned Costco construction that would significantly add to the already grossly overloaded streets and byways of the residents of the whole of South Salem and I urge you to consider other options Respectfully, Rosemary Scott</p>

This email was generated by the dynamic web forms contact us form on 7/16/2020.

Zachery Cardoso

From: Aaron Panko
Sent: Friday, July 17, 2020 7:18 AM
To: Planning Comments
Subject: FW: Notice of Remand re: Costco and Pac Trust proposal

From: DOUGLAS A FARRIS <dbfarris62@msn.com>
Sent: Thursday, July 16, 2020 5:57 PM
To: Aaron Panko <APanko@cityofsalem.net>
Subject: Fw: Notice of Remand re: Costco and Pac Trust proposal

Dear Aaron,

We are writing to you about the proposed Costco development for the Kuebler Gateway Shopping Center. A letter from the City of Salem, seeking input from neighbors, was mailed on July 1, with the purpose of asking for questions or comments about the proposal, from those most affected by this proposal.

My husband and I have lived at 5046 Riley Ct. SE since July, 1998. Our street would back up to the back side of the Costco building, as would Cultus St and Bow Court. About 2 years ago when this was being debated, countless neighbors said "No" to the City Council, about this proposal. Our area is a residential neighborhood. Salem Clinic has been a nice quiet neighbor and we have liked that. Costco would not be such a neighbor! Now all of this is starting all over again! And it has raised several questions:

1. **This letter, dated July 1, 2020, indicates that all we worked hard to fight against 2 years ago seems to have amounted to nothing!** We did not receive a letter; our letter was given to us by neighbors at the end of Riley Ct. Why? How can people comment or ask questions if they have not seen the letter? In a survey of our neighbors, we found that about half of our households did not receive the City Council's letter.
2. **This proposed location is wholly inadequate** for a business the size of Costco! There would be cars coming and going all day long. Then delivery trucks would come in the evening and early mornings to stock the inventory. Again, everything south of Boone Rd. is supposed to be a residential neighborhood. The new development at 27th and Boone is all new, as well as Boone Ridge Retirement Community. Such a development would ruin the residential quality of our area.
3. **The traffic study** that has been done, is it reliable? And it appears that a new traffic study has not been done since 2018. Have any of the City Council folks spent some time observing the traffic coming and going at the present Costco location? How many cars on any given day enter and leave the parking lot? What would the traffic be like exiting the I-5 Freeway at Kuebler? The exit there is potentially dangerous and inadequate.
4. **Pollution** from the vehicles is another consideration. Also the light pollution from parking lot flood lights would be another unpleasant reality.

5. **There are other locations** that could and should be considered when planning for such a large development. For instance, cross the freeway there is a lot of space available between Turner Road and Aumsville Highway. Or over on Mission St., just west of the current Costco location is a large parcel where Capital Toyota and some other auto dealerships have vacated. That location would be much more centrally located for customers coming from north, west and east.

We were very pleased with the Salem City Council in December, 2018, when they denied the application from Pac Trust and Costco. They were standing up for what Salem folks were asking to have happen. We are not opposed to Costco, as such. It is just that Costco is wrong for this parcel of land. As someone said at that time, "Costco would be the whale in the bathtub!"

We want to formally register our objections to the Costco proposed plan, for the above reasons.

Thank you,

Doug and Beverly Farris

Zachery Cardoso

From: Aaron Panko
Sent: Friday, July 17, 2020 7:18 AM
To: Planning Comments
Subject: FW: South Gateway Neighborhood Association Letter

From: Glenn Baly <glennbaly12345@gmail.com>
Sent: Thursday, July 16, 2020 9:00 PM
To: Dan Atchison <DAtchison@cityofsalem.net>
Cc: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>; Norman Wright <NWright@cityofsalem.net>; Steve Powers <SPowers@cityofsalem.net>; Aaron Panko <APanko@cityofsalem.net>; Chip Davis <salemguy2012@hotmail.com>; Jake Krishnan <jakekrishnan@gmail.com>; Jerry Sachtjen <JerChar04@msn.com>; John Ledger <jledger@comcast.net>; Sylvia Machado <ladymachado@gmail.com>; Trevor Elliott <trevorelliott@remax.net>
Subject: Re: South Gateway Neighborhood Association Letter

Dan,

Thank for including SGNA in your email to the Council regarding our procedural concerns regarding the Costco/PacTrust Remand. However we still have questions regarding the timeframe for public comment and public testimony at the City Council hearings.

You mentioned in your email that the Remand Application was submitted on June 16, 2020 and would probably end on October 26, 2020 meaning that the process will take 132 calendar days This accounts for the required 120 days plus 12 of the 14 days granted by the applicant for extended comment period. This raises a number of questions and possible changes that would allow the City to extend the public comment period

1. City Council Rules require at least seven days for an applicant to develop a final written argument, but the Remand process grants the applicant 29 days. Why not shorten the written argument period, especially since the applicant can use the Public Rebuttal Period to counter any new information raised during the Public Comment Period.
2. City Council Rules for land use hearings state that "A seven-day period for submittal of final written argument provided to the applicant shall likewise result in a corresponding extension of the 120-day time limitations." Doesn't this mean that the 132 days currently devoted for the Remand should be extended to account for the length of the Applicant's Final Written Argument Period.
3. The Remand process started on June 16, 2020, but SGNA and affected residents weren't informed of the Application until July 1, 2020

We also strongly disagree that the Zoom platform or phone-based testimony cannot be used to facilitate a City Council devoted to public testimony for both proponents and opponents. At its recent Special Session, the Oregon State Legislature held committee hearings that allowed for Zoom and phone-based public testimony from various parties.

We feel that it's vital to provide enough time for the public to review the Remand Application and testify directly to their City Council representatives.

Please respond as soon as possible.

Glenn Baly

SGNA

On Wed, Jul 15, 2020 at 3:25 PM Dan Atchison <DAtchison@cityofsalem.net> wrote:

This email is being sent to all members of the Salem City Council:

Council:

Attached is the letter from SGNA concerning the remand proceeding on the Costco site plan application. The letter will be included in the record of the application, so you are free to read it, however, please do not respond directly. I sincerely appreciate SGNA and others being mindful of the restrictions on communicating directly with council due to the State law ex parte restrictions and attempting to limit their communication to procedural matters. SGNA raises two concerns/requests; 1) that the comment period be extended, and 2) that members of the public be given an opportunity to testify orally at a council meeting.

In regard to the request for an extended comment period, state law requires the City to issue a decision on remand within 120 days of the date the applicant submits a letter to the City requesting action. The applicant's letter was submitted on June 16, 2020. In addition, the applicant has granted the City a 14 day extension to provide for an extended comment period already. At this point the City is required to issue its final written decision by October 28, 2020. The comment period is broken into three different period; 1) open comment from July 1, 2020 to July 28, 2020; 2) rebuttal period open to all from July 29, 2020 to August 12, 2020 and; 3) Applicant's final written argument from August 13, 2020 to September 10, 2020.

After the comment period ends on September 10, 2020 staff will be tasked with providing council a comprehensive staff report detailing all the application materials, comments received and responses to those comments, as well as a recommendation to Council. We want to get that report to you as early as possible so you will have adequate time to review it individually and ask questions of staff, before deliberating as a council on the application on September 28, 2020. The schedule provides for one additional council meeting, on October 12, 2020 for continued deliberations if needed. Once council votes, staff will need some time to draft a final written order with comprehensive facts and findings for council to adopt at a subsequent meeting (most likely, October 26, 2020). Given the 120 day deadline and the extended comment period already provided, there simply is not sufficient time to schedule and provide notice of a public hearing or provide additional time for public comment. Lastly, hearings must be conducted virtually, through the Zoom platform. While the platform has been a tremendous tool for the City to facilitate virtual meetings, it is not conducive to several hours of public testimony in three minute blocks.

Please keep in mind that this application was originally filed on June 6, 2018. The application has not substantially changed since it was originally submitted. SGNA and affected neighbors had an opportunity to submit written comment at that time. The application was then reviewed by city council at a public hearing on December 10, 2018. The parties had another opportunity to submit written comment as well as testify at the council meeting.

If you have any questions or concerns, please contact me at your convenience.

If members of the public wish to submit comments on the application, they may be submitted to:
planningcomments@cityofsalem.net. A copy of the public notice of remand is also attached for your reference.

Dan Atchison, City Attorney

Due to the COVID-19 Pandemic, City of Salem offices are closed to walk-in visitors and many employees are working remotely. I am working remotely on most Wednesdays and Thursdays, and do have access to my email and voicemail.

Dan Atchison

City Attorney

City of Salem | Legal Department

555 Liberty St SE, Suite 205, Salem OR 97301

datchison@cityofsalem.net | 503-588-6003

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Zachery Cardoso

From: noreply@cityofsalem.net on behalf of sadiecat1@comcast.net
Sent: Friday, July 17, 2020 6:35 PM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	Lisa Roisen
Your Email	sadiecat1@comcast.net
City	Salem
State	OR
Zip	97306
Message	Mr Panko, As a homeowner near the proposed south Salem Costco, I am emailing to vigorously oppose its construction at this location. The area is simply not suitable for this type of business. The original approval for this property by PacTruct was for a neighborhood shopping center. That is what was approved, not one Big Box Costco. I have no idea why this was ever considered in the first place. I am hopeful that City Council will recognize this and vote "NO" on Costco. Sincerely, Lisa Roisen

This email was generated by the dynamic web forms contact us form on 7/17/2020.

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Friday, July 17, 2020 7:47 PM
To: Planning Comments
Subject: Fwd: Costco-not on Kuebler!

From: Darla Bell <dancedrill@yahoo.com>
Sent: Friday, July 17, 2020 7:28:16 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Costco-not on Kuebler!

As most will agree the area where the proposed Costco is to go would be a huge mistake. The city has grown by close to 100,000 residents in the last 10 years. Our roads are overcrowded, it takes several rotations of street lights to resume travel. We agree another Costco should be built but not in the proposed area. An area closer to Amazon or near Keizer would be more ideal. I have never seen a Costco developed so close to a residential area. There is a reason for that, and that is because it shouldn't. The proposed area is too small for what the developer is trying to sneak into actual plans from what was actually proposed.

If the council cares about our city you will listen to the residents that will be directly effected by this. Our son has serious health issues, I cannot image the nightmare of medical services being needing and the delayed response time due to car congestion. I suppose we could seek legal council if medical treatment was delayed because of the unnecessary congestion because a Costco was built in such a small area.

Thank you for your consideration.

Darla Bell
Sent from my iPad

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Friday, July 17, 2020 7:47 PM
To: Planning Comments
Subject: Fwd: Costco

From: Lisa Roisen <sadiecat1@comcast.net>
Sent: Friday, July 17, 2020 6:48:22 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Costco

To whom it may concern,

I am requesting that the Initial Public Comment Period for the proposed South Salem Costco development be extended [until August 28, 2020](#) in order to give residents adequate time to submit concerns and directly voice their opinions on this very divisive proposal.

Thank you for your consideration,

Lisa Roisen

Sent from my iPad

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Friday, July 17, 2020 7:48 PM
To: Planning Comments
Subject: Fwd: Pactrust / Costco remand

From: Lorne Bradshaw <lorne.bradshaw@gmail.com>
Sent: Friday, July 17, 2020 6:40:47 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Pactrust / Costco remand

Hello,
I'm a homeowner at 5017 Bow Ct SE, Salem, OR 97306.

I am writing to you in regards to the Pactrust /Costco remand. I am requesting the city council give more time for our neighborhood associations and residents to respond to this remand. And also, that time would be scheduled to allow there to be public testimony in some form directly to the city council.

I am opposed to Costco being built at Boone RD SE / 27 ave SE
and Kuebler Blvd. For the following reasons.

-Traffic

I don't believe the traffic numbers given by Pactrust reflect the true impact that a big Costco membership store and large gas station will bring to the area and neighborhood. This would not just be local traffic but bring in people from the whole region. Please take into consideration Riley CT SE, Bow CT SE, and 27th Ave SE cul-de-sacs. All residents here would be pinned in by Costco's large traffic volume.

-Trees

The old oak trees on the property should not be allowed to be removed.

-Pactrust

They have made no effort to compromise their plan in any way.

Thanks for your time,

-Lorne Bradshaw

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Friday, July 17, 2020 7:48 PM
To: Planning Comments
Subject: Fwd: PacTrust Remand Due Process Request

From: Tara Ofisa <ofisita@hotmail.com>
Sent: Friday, July 17, 2020 5:52:47 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: PacTrust Remand Due Process Request

As a resident of the South Gateway neighborhood I strongly suggest the City Counsel consider offering more time to citizens like myself to respond to the recent remand for approval of the PacTrust property to allow a Costco (and one of its proposed traffic outlets) adjacent to end of my cul de sac to voice our concerns. There was not enough time allotted for community response and for neighborhoods like mine to review the remand, discuss it as a community and approach the counsel. Please offer this community a fair chance. We've lived here longer than Costco ever wanted to move in. We deserve to be heard.

Thank you for your consideration.

Tara Ofisa

Sent from my iPhone

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Friday, July 17, 2020 7:48 PM
To: Planning Comments
Subject: Fwd: Please reject remanded PacTrust Costco site development application

From: Greg B Felker <gregfelker@gmail.com>
Sent: Friday, July 17, 2020 5:20:05 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Please reject remanded PacTrust Costco site development application

Dear City Councilors:

I write to object to the application by the developer Pacific Reality Associates LLC (PacTrust) to site a Costco retail outlet at the property located between Boone Rd. SE, Kuebler Blvd., Battlecreek Rd. SE, and 27th Ave. SE.

In remanding the decision back to the city, the Land Use Board of Appeals ruled that the City may not hold PacTrust to honor the many pledges the developer made in 2006 as part of its application to have the City re-zone the property from "Developing Residential" to "Commercial". Specifically, PacTrust pledged to develop a "community shopping and services" center with retail and medical operations serving the local neighborhoods which it said were an "underserved base of consumers for community commercial services". In its re-zoning application, PacTrust stated that, " We're not creating something drawing for ten miles, we are responding to a market that exists... This idea that we are pulling from all over Salem just isn't going to happen."

In a form of bait-and-switch, PacTrust's current proposal is to locate one of the largest retail operations in the city, Costco, one that draws not only from "all over Salem", but from a wider region. They propose to locate this massively traffic-generating big-box retail operation at a transportation choke-point, where the vast majority of ingress and egress transit from southern Salem to I-5 must pass. Traffic congestion at this location will be intensified for decades to come, imposing tremendous private costs and costs on the community. The traffic impact estimates offered by Kittelson are simply not credible.

In sum, PacTrust has dis-honored the pledges it made in 2007 as to its intended use of the property. The tremendous negative impact on transportation in this part of the city will impose great costs on local homeowners and many tens of thousands of daily commuters. If the City allows unscrupulous business practices like this to prevail, then by competitive pressure they will crowd-out honest development practices.

It is unfortunate, therefore, that the LUBA has made the finding as a technical and legal matter that the City may not hold PacTrust to its promises about the type of development it would undertake on the property, because those original pledges were not reiterated and itemized in the 2007 document the City issued formally approving the rezoning of the property in agreement with the developer. Thus, LUBA says that, if PacTrust has a vested interest, the City can only make an approval decision based on specific criteria mentioned in that rezoning approval document, and must ignore all of PacTrust's broken promises. However, LUBA did affirm that the city policy protecting oak trees may be applied to the decision to approve or reject the development plan.

I urge the City to uphold its decision to reject the development plan. The tree preservation policy is sufficient for rejection, contrary to PacTrust's most recent submission. Indeed, in its original site plan submission, PacTrust acknowledged that the City could rule that the property's protected oak trees must be preserved, and the developer

submitted plans that would preserve the trees by re-situating the Costco building. They have subsequently changed their position, in yet another indication of bad-faith, and claim that the City may not apply its tree preservation standards to deny the proposed shopping center, because it would make the development non-viable financially. This is false: the LUBA remand decision explicitly states that the City may certainly apply its tree preservation standards. If PacTrust wants the City to be bound by the LUBA ruling's exclusion of its own (PacTrust's) 2007 pledges, then PacTrust must *also* be bound by LUBA ruling's affirmation that the oak-tree protection policy is valid and sufficient grounds for rejection.

Please apply the tree preservation standards to deny the current site plan application. If PacTrust's development plan has 'lived' after the Council's original rejection via a legal technicality in the LUBA ruling (the fact that its clear promises were simply not itemized in the 2007 re-zoning agreement), then it can also 'die' by a legal technicality: the plan harms the protected oak trees.

Thank you for your attention.

Greg Felker
503-364-1835
gregfelker@gmail.com

Zachery Cardoso

From: noreply@cityofsalem.net on behalf of kmn_123@msn.com
Sent: Sunday, July 19, 2020 8:27 AM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	Nancy Holman
Your Email	kmn_123@msn.com
Your Phone	503-839-0150
Street	3965 Kendell Avenue, SE
City	Salem
State	OR
Zip	97302
Message	<p>I oppose the location. Should be out by Amazon on Cordon Road. Pacific has has this property since around 2007? It belongs to them. They should be able to put in what they think will bring them the best return for the dollars they spent 15 years ago. It will impact my neighborhood negetively. The ambiance will be gone. This part of Salem will no longer be a quiet place with few cars, noise, trash, and all that come with more and more traffic. I will move. Many might move. Maybe property values will go down. Doesn't matter. There are enough Starbucks, pizza, gas stations and the like on Commercial St. SE. If Pacific were to add something unique, maybe surrounding people could get behind this new asphalt "hotspot" with nothing new and same 'ol, same 'ol businesses. Think about that. You could bring something more lively, new and fun to this area! At least to make visiting more worth losing our peace, greenery, and clogging Keubler worse than it is now. Mc Minneman's? (Sp). Respectfully,</p>

This email was generated by the dynamic web forms contact us form on 7/19/2020.

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Sunday, July 19, 2020 2:28 PM
To: Planning Comments
Subject: Fwd: public hearing needed for proposed Costco

From: Bradley Cunningham <b43229@yahoo.com>
Sent: Sunday, July 19, 2020 9:02:46 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: public hearing needed for proposed Costco

Hello -

I am writing with concern and my household disapproval for the proposed Costco development and the absolute need for a public hearing on this topic.

There are many reasons this development is wrong for this proposed location. Reasons are cited below:

1. Overwhelming public disapproval for a Costco (box store) development the last time this was proposed and denied by the city council.
2. Apparent PacTrust disregard for the intended use of the property (non-box store style) upon their initial land purchase.
3. Severe lack of unbiased traffic plan and probability of high traffic counts in surrounding neighborhoods and connector roads (like Battle Creek).
4. Development proposal has housing on 3 sides and not in a typical commercial area to have extremely high volumes of traffic.
5. Wide variety of potential land (some already owned by Pac Trust) in the Mill Creek vicinity less than 1 mile from the proposed site.
6. Costco is a destination retail outlet, prime location is not essential for this type of business, making Mill Creek area more suitable.
7. Unnecessary removal of white oak trees.

This development of a box store, especially with very high traffic volume like a Costco, is terrible for this location. We are not opposed to proper development of this site, however due to the lack of road infrastructure and neighborhoods in close proximity, it is a very unwise development.

Thank you
Brad Cunningham

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Sunday, July 19, 2020 2:28 PM
To: Planning Comments
Subject: Fwd: Costco development

From: Sheila Tuthill <sheila.tuthill@gmail.com>
Sent: Sunday, July 19, 2020 8:57:20 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Costco development

Please hold a meeting that includes public input regarding the proposed Costco development on Kuebler. This impacts the people who live nearby and the entire city of Salem. As citizens of Salem we deserve a voice.

Thank you,
John and Sheila Tuthill

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Sunday, July 19, 2020 2:28 PM
To: Planning Comments
Subject: Fwd: Hearing

From: Debra Ulrich <awakedebra@gmail.com>
Sent: Sunday, July 19, 2020 8:56:49 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Hearing

Please set up a public hearing for this Costco stuff.

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Sunday, July 19, 2020 2:29 PM
To: Planning Comments
Subject: Fwd: NO TO COSTCO ON KUEBLER

From: Tom Lewis <tomlewis@sonic.net>
Sent: Saturday, July 18, 2020 8:51:11 PM
To: citycouncil <citycouncil@cityofsalem.net>; Aaron Panko <APanko@cityofsalem.net>
Subject: NO TO COSTCO ON KUEBLER

I was told this property was sold to Pac Trust as a neighborhood shopping site, not big box from the sellers. Costco will ruin our home values in my area with the greatly increased commercial traffic, noise, and overall vehicle traffic which will create an unsafe environment for my family as well. Traffic already is gridlocked if this is allowed traffic will not only back up on I-5 north and south but getting in and out of my neighborhood on Sunnyside Road or Commercial will be impossible. The traffic on Kuebler (pre-pandemic) has already become a real burden for residents of South Salem, and this will quickly reach a tipping point. We already too much traffic going east on Kuebler from Sunnyside Road all the way to I-5 that impacts all residents including myself in this area.

This basically is the first exit going north for travelers with no gas station. Only Costco membership will be allowed, so the majority will have to go to Commercial to gas up. WHO HAS A BIG BOX MEMBERSHIP ON A INTEGRAL EXIT OFF I-5? No one. I certainly do not. The traffic will come from JEFFERSON, TURNER, AUMSVILLE, STAYTON, NORTH SALEM, WEST SALEM, KEIZER, SILVERTON, WOODBURN, DALLAS, AMITY, MONMOUTH, INDEPENDENCE, to name a few. Also, on a Lincoln city Facebook group they have people coming to Salem in vans every weekend to gas up, buy bulk .. is this okay?? NO. This is prime land that should service our neighbors, not the entire valley . I want to see a local market of choice, local bakery sitting under protected oak trees, coffee shop, etc., not a wholesale bulk buying center. This is not a "Local" type establishment as required by the previous approvals, and will bring people from a 20-30 mile radius to an actual neighborhood. Why this is being allowed to happen makes no sense.

We need a gas station close to the freeway with a place to get something to eat and rest on their journey, not a place to buy 100 bulk packs toilet paper.

I urge you to vote NO against this atrocity as this will reduce the quality of life for all residents of the south end of Commercial street going north and south.

Please make this right. VOTE NO.

Thank you,

Tom Lewis
tomlewis@sonic.net
503-400-4149
97306

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Sunday, July 19, 2020 2:29 PM
To: Planning Comments
Subject: Fwd: Costco at keubler

From: Alex Wade <awade27@gmail.com>
Sent: Saturday, July 18, 2020 5:35:34 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Costco at keubler

I would like a public hearing On the PACTrust/Costco project. An open and transparent process regardiNg this project Is the least I expect as a citizen of Salem.

Alex Wade

Sent from my iPhone

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Sunday, July 19, 2020 2:30 PM
To: Planning Comments
Subject: Fwd: Open transparent Costco review

From: JS Sail <jschuggar@comcast.net>
Sent: Saturday, July 18, 2020 4:02:59 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Open transparent Costco review

It is evil to meet in secret with no public participation. Do not act in an evil manner. Discuss this issue in Public. Let the Public participate. We all use the roads. Don't let PacTrust clog our roads. The backed up traffic will last forever and cost the community time and money far into the future.

John Shepard
South Salem Ward 4

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Sunday, July 19, 2020 2:30 PM
To: Planning Comments
Subject: Fwd: PacTrust CostCo and Gas station development scam on Kuebler

From: William Hill <hill.will324@gmail.com>
Sent: Saturday, July 18, 2020 3:39:42 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Re: PacTrust CostCo and Gas station development scam on Kuebler

Free meditation help:

www.santmat.net

1-877-MEDITATE



> On Jul 18, 2020, at 3:38 PM, William Hill <hill.will324@gmail.com> wrote:

>

> They planned to sue the city for 10 million dollars before they even applied for ANY type of development plans. Don't give them permission to destroy the majestic, ancient trees to create another shopping center. Think about the health of the ecosystem and future generations. Don't let them strongarm you with their power politics

> Do the right thing, protect the health of the planet.

>

>

>

> 

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Sunday, July 19, 2020 2:31 PM
To: Planning Comments
Subject: Fwd: Costco

From: hawaiiigal <hawaiiigal@comcast.net>
Sent: Saturday, July 18, 2020 12:30:56 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Costco

A public hearing needs to be held on the proposed Costco development. The public deserves an unbiased resolution of the conflicting claims by the developers and those opposing the development.

Diane Perret

Sent via the Samsung Galaxy S10+, an AT&T 5G Evolution capable smartphone

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Sunday, July 19, 2020 2:31 PM
To: Planning Comments
Subject: Fwd: No - No - No on the Costco - Keubler location

From: Bill <bilbran@gmail.com>
Sent: Saturday, July 18, 2020 12:02:17 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: No - No - No on the Costco - Keubler location

I live in Woodscape, right next door to the proposed Costco location, and have for 25yrs. This would fundamentally change this entire area with the immense increase in traffic to this area. I love Costco.. but not in this predominantly residential area. The current development of the Urgent Care Center is an appropriate use for this type of location... not a big box store that will be pulling visitors from the entire mid valley. Put it out near the new Amazon... plenty of room there and much more appropriate a location.
No to the Keubler location. Just No.

Bill Branczek
homeowner in Woodscape

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Sunday, July 19, 2020 2:31 PM
To: Planning Comments
Subject: Fwd: public comment period Pac Trust Remand request

From: Carol Dare <cdare14@yahoo.com>
Sent: Saturday, July 18, 2020 11:26:20 AM
To: citycouncil <citycouncil@cityofsalem.net>; citycouncil <citycouncil@cityofsalem.net>
Subject: public comment period Pac Trust Remand request

Please extend the initial public comment period for the Pac Trust Remand Application to August 28, 2020. The public needs more time to voice their concerns and comments about this important issue.

Thank you,

Carol Dare
South Gateway Neighborhood association

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Sunday, July 19, 2020 2:32 PM
To: Planning Comments
Subject: Fwd: Costco Development

From: kai west <westhavenacademy@gmail.com>
Sent: Saturday, July 18, 2020 8:29:16 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Costco Development

PacTrust needs to keep its word by developing the Kuebler area into a **small** shopping complex that they originally agreed to and NOT a Costco with a gas/fueling station.

We already have a Costco. We don't need to *wipe out old growth trees, create traffic issues, create noise and pollution, and dangerous driving conditions* for neighborhoods just so PacTrust can put in another Costco, or move the existing one.

The City of Salem needs to take a firmer stand against rich developers (e.g. PacTrust (costco) and Tokarsky (not finishing the bridge at Creekside) who get their way because they manipulate and bully with their resources and reputation.

Sincerely,

Marla West
Salem Resident and Volunteer

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Sunday, July 19, 2020 2:32 PM
To: Planning Comments
Subject: Fwd: Pacwest Development on Kuebler

From: David Pool <dgp1969@hotmail.com>
Sent: Saturday, July 18, 2020 7:19:58 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Pacwest Development on Kuebler

We need Costco in South Salem. I have been a lifelong south Salem resident and have seen so many of these so called "Neighborhood" projects fall into disrepair, stand near vacant or only partially developed. Costco would be a good neighbor, with limited hours and monitoring of the premises to keep a clean and safe property. The economic reality of possibly no Costco in Salem would be felt across the city is both jobs and lost revenue. I strongly encourage the City Council to move forward and approve the Pacwest development.

Respectfully,
David G Pool
6493 Doral Drive SE
Salem, OR 97306

No more hate. #BLM

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Sunday, July 19, 2020 2:32 PM
To: Planning Comments
Subject: Fwd: Remand Costco

From: JERRY SACTJEN <JERCHAR04@msn.com>
Sent: Saturday, July 18, 2020 7:09:32 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Remand Costco

Please give the SGNA an extension to reply to the remand for costco. The Covid-19 and its restrictions for gatherings has made it difficult to meet to discuss this remand. Thanks for your considerations.

Jerry Sachtjen
SGNA Board Member

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Sunday, July 19, 2020 2:32 PM
To: Planning Comments
Subject: Fwd: Costco

From: Kay Buswell <kathleenbuzz@gmail.com>
Sent: Saturday, July 18, 2020 6:15:10 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Costco

Please extend the public comment period to August 28, 2020. Thank you

Sent from my iPhone

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Sunday, July 19, 2020 2:33 PM
To: Planning Comments
Subject: Fwd: Costco Remand

From: Kathryn Chambers <abbykats@hotmail.com>
Sent: Friday, July 17, 2020 11:34:15 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Costco Remand

I am requesting the Salem City Council extend the comment period to August 28, 2020.
Remand and copies of PacTrust's remand request that was dated June 16, 2020 but NOT received until now.

This delay is either an oversight OR a deliberate ploy to prevent citizens a fair and equitable opportunity to comment on the Remand.

Also, citizens should have the opportunity to submit videos and interact virtually with the city council.

Businesses, Schools and many other entities are interacting this way and there is no reason the Salem City Council cannot avail it's citizens of this chance to speak.

Kathryn Chambers
2360 Wintercreek Way SE
Salem, OR. 97306

Sent from my iPhone

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Sunday, July 19, 2020 2:33 PM
To: Planning Comments
Subject: Fwd: South Gateway Neighborhood Association Letter

From: Glenn Baly <glennbaly12345@gmail.com>
Sent: Saturday, July 18, 2020 4:37:43 PM
To: citycouncil <citycouncil@cityofsalem.net>
Cc: Chip Davis <salemguy2012@hotmail.com>; Jake Krishnan <jakekrishnan@gmail.com>; Jerry Sachtjen <JerChar04@msn.com>; John Ledger <jledger@comcast.net>; Sylvia Machado <ladymachado@gmail.com>; Trevor Elliott <trevorelliott@remax.net>
Subject: Fwd: South Gateway Neighborhood Association Letter

City Council Members,

I'm forwarding SGNA's response to the City Attorney's instructions/response regarding our request to increase the comment period and hold a public hearing with testimony on the Costco Remand Application. We feel it's imperative that the process be adjusted to provide organizations and residents with the necessary time to comment on the application and speak directly to their City Council representatives through a public hearing.

Thank you for your assistance.

Glenn Baly
South Gateway Neighborhood Association

----- Forwarded message -----

From: Glenn Baly <glennbaly12345@gmail.com>
Date: Thu, Jul 16, 2020 at 8:59 PM
Subject: Re: South Gateway Neighborhood Association Letter
To: Dan Atchison <DAtchison@cityofsalem.net>
Cc: Lisa Anderson-Ogilvie <LMAAnderson@cityofsalem.net>, Norman Wright <NWright@cityofsalem.net>, Steve Powers <SPowers@cityofsalem.net>, Aaron Panko <APanko@cityofsalem.net>, Chip Davis <salemguy2012@hotmail.com>, Jake Krishnan <jakekrishnan@gmail.com>, Jerry Sachtjen <JerChar04@msn.com>, John Ledger <jledger@comcast.net>, Sylvia Machado <ladymachado@gmail.com>, Trevor Elliott <trevorelliott@remax.net>

Dan,

Thank for including SGNA in your email to the Council regarding our procedural concerns regarding the Costco/PacTrust Remand. However we still have questions regarding the timeframe for public comment and public testimony at the City Council hearings.

You mentioned in your email that the Remand Application was submitted on June 16, 2020 and would probably end on October 26, 2020 meaning that the process will take 132 calendar days This accounts for the required 120 days plus 12 of the 14 days granted by the applicant for extended comment period. This raises a number of questions and possible changes that would allow the City to extend the public comment period

1. City Council Rules require at least seven days for an applicant to develop a final written argument, but the Remand process grants the applicant 29 days. Why not shorten the written argument period, especially since the applicant can use the Public Rebuttal Period to counter any new information raised during the Public Comment Period.
2. City Council Rules for land use hearings state that "A seven-day period for submittal of final written argument provided to the applicant shall likewise result in a corresponding extension of the 120-day time limitations." Doesn't this mean that the 132 days currently devoted for the Remand should be extended to account for the length of the Applicant's Final Written Argument Period.
3. The Remand process started on June 16, 2020, but SGNA and affected residents weren't informed of the Application until July 1, 2020

We also strongly disagree that the Zoom platform or phone-based testimony cannot be used to facilitate a City Council devoted to public testimony for both proponents and opponents. At its recent Special Session, the Oregon State Legislature held committee hearings that allowed for Zoom and phone-based public testimony from various parties.

We feel that it's vital to provide enough time for the public to review the Remand Application and testify directly to their City Council representatives.

Please respond as soon as possible.

Glenn Baly
SGNA

On Wed, Jul 15, 2020 at 3:25 PM Dan Atchison <DAtchison@cityofsalem.net> wrote:

This email is being sent to all members of the Salem City Council:

Council:

Attached is the letter from SGNA concerning the remand proceeding on the Costco site plan application. The letter will be included in the record of the application, so you are free to read it, however, please do not respond directly. I sincerely appreciate SGNA and others being mindful of the restrictions on communicating directly with council due to the State law ex parte restrictions and attempting to limit their communication to procedural matters. SGNA raises two concerns/requests; 1) that the comment period be extended, and 2) that members of the public be given an opportunity to testify orally at a council meeting.

In regard to the request for an extended comment period, state law requires the City to issue a decision on remand within 120 days of the date the applicant submits a letter to the City requesting action. The applicant's letter was submitted on June 16, 2020. In addition, the applicant has granted the City a 14 day extension to provide for an extended comment period already. At this point the City is required to issue its final written decision by October 28, 2020. The comment period is broken into three different period; 1) open comment from July 1, 2020 to July 28, 2020; 2) rebuttal period open to all from July 29, 2020 to August 12, 2020 and; 3) Applicant's final written argument from August 13, 2020 to September 10, 2020.

After the comment period ends on September 10, 2020 staff will be tasked with providing council a comprehensive staff report detailing all the application materials, comments received and responses to those comments, as well as a recommendation to Council. We want to get that report to you as early as possible so you will have adequate time to review it individually and ask questions of staff, before deliberating as a council on the application on September 28, 2020. The schedule provides for one additional council meeting, on October 12, 2020 for continued deliberations if needed. Once council votes, staff will need some time to draft a final written order with comprehensive facts and findings for council to adopt at a subsequent meeting (most likely, October 26, 2020). Given the 120 day deadline and the extended comment period already provided, there simply is not sufficient time to schedule and provide notice of a public hearing or provide additional time for public comment. Lastly, hearings must be conducted virtually, through the Zoom platform. While the platform has been a tremendous tool for the City to facilitate virtual meetings, it is not conducive to several hours of public testimony in three minute blocks.

Please keep in mind that this application was originally filed on June 6, 2018. The application has not substantially changed since it was originally submitted. SGNA and affected neighbors had an opportunity to submit written comment at that time. The application was then reviewed by city council at a public hearing on December 10, 2018. The parties had another opportunity to submit written comment as well as testify at the council meeting.

If you have any questions or concerns, please contact me at your convenience.

If members of the public wish to submit comments on the application, they may be submitted to: planningcomments@cityofsalem.net. A copy of the public notice of remand is also attached for your reference.

Dan Atchison, City Attorney

Due to the COVID-19 Pandemic, City of Salem offices are closed to walk-in visitors and many employees are working remotely. I am working remotely on most Wednesdays and Thursdays, and do have access to my email and voicemail.

Dan Atchison

City Attorney

City of Salem | Legal Department

555 Liberty St SE, Suite 205, Salem OR 97301

datchison@cityofsalem.net | 503-588-6003

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Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Sunday, July 19, 2020 2:34 PM
To: Planning Comments
Subject: Fwd: Public hearing for Costco

From: Tom's sonic <tom@warkcommunications.com>
Sent: Saturday, July 18, 2020 9:33:55 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Public hearing for Costco

Dear Council members:

Living in the Cambridge neighborhood, I would insist on a public hearing on the nearby proposed Costco. Please do not relinquish your authority and responsibility to your constituents.

Thank you,
Tom Wark
1555 Standish CT, SE

Sent from my iPhone
TOM WARK
Wark Communications
971-332-5057
707-246-6451 (cell)

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Monday, July 20, 2020 7:44 AM
To: Planning Comments
Subject: Fwd: Costco South Salem

From: David Swiderski <davidswiderski@gmail.com>
Sent: Sunday, July 19, 2020 9:56:34 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Costco South Salem

Dear City Council,

I am a homeowner in South Salem on Baxter Road near Battle Creek. I am extremely concerned about the increased traffic and it's impact on the intersections of Kuebler and Battlecreek, Kuebler and South commercial and the I-5 interchange. I don't believe these streets are adequate to handle the increased traffic a large Costco and fueling depot would generate. I would ask that this request to build a Costco be denied or at a minimum a new traffic impact study created.

Thank you for your consideration,
David Swiderski
2505 Baxter Rd. SE.
Salem
503-983-0214

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Monday, July 20, 2020 7:45 AM
To: Planning Comments
Subject: Fwd: Public hearing is needed on Pactrust development

From: Alan Hay <concomly@gmail.com>
Sent: Sunday, July 19, 2020 6:01:56 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Public hearing is needed on Pactrust development

Dear Salem City Council,

Of course we need a public hearing on the proposed development by panic trust of the battle creek, commercial, I 5 project. Democracy requires it. We should all have a voice in this. It is hard to imagine any development that would have a greater impact on the region and this one that is proposed. The traffic impacts alone would be huge.

Please reconsider their request to make this development go forward without our input.

Sincerely,
Alan and Jaquine Hay
3282 Concomly Rd S
Salem OR

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Monday, July 20, 2020 8:39 AM
To: Planning Comments
Subject: FW: The City needs to hear from you now

From: Dan Atchison <DAtchison@cityofsalem.net>
Sent: Monday, July 20, 2020 7:49 AM
To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>; Aaron Panko <APanko@cityofsalem.net>
Subject: FW: The City needs to hear from you now

For the record.

DUE TO COVID-19 Salem Civic Center Offices are closed to walk-in visitors and many City staff are working remotely. I will be working remotely on most Wednesdays and Thursdays and will have remote access to email and voicemail while the COVID-19 state of emergency is in effect. Please visit the City's website for more information: www.cityofsalem.net

Dan Atchison
City Attorney
City of Salem | Legal Department
555 Liberty St SE, Suite 205, Salem OR 97301
datchison@cityofsalem.net | 503-588-6003
[Facebook](#) | [Twitter](#) | [YouTube](#) | CityofSalem.net

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From: Jackie Leung <JLeung@cityofsalem.net>
Sent: Sunday, July 19, 2020 9:01 PM
To: Dan Atchison <DAtchison@cityofsalem.net>
Subject: FW: The City needs to hear from you now

I received this to my personal email

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: J L <jackie.m.leung@gmail.com>
Date: 7/19/20 5:51 PM (GMT-08:00)
To: Jackie Leung <JLeung@cityofsalem.net>
Subject: Fwd: The City needs to hear from you now

----- Forwarded message -----

From: **Glenn Baly** <glennbaly12345@gmail.com>

Date: Fri, Jul 17, 2020 at 5:07 PM

Subject: The City needs to hear from you now

To: Kathryn Chambers <abbykats@hotmail.com>, Ashley Schweickart <AMSchweickart@gmail.com>, Anita Samaniego <anita7762@gmail.com>, <annehartung40@yahoo.com>, <anthwind@msn.com>, <apesek@samhealth.org>, Arlene McKenna <arlenejmckenna@gmail.com>, <b.sampson@comcast.net>, <battlecreekcommons@gmail.com>, Raelyn <beadsbyrae@aol.com>, <becky1217@centurylink.net>, Betty McKinney <bpmck@comcast.net>, Brandi Brogoitti <brandi.cpafrim@gmail.com>, <cdare14@yahoo.com>, <charles.richards@cherriots.org>, Charlotte Sachtjen <charlottesachtjen@gmail.com>, Chastine Howard <chastine.howard@gmail.com>, Chelsea Hickok <chelsearhickok@gmail.com>, <cheri.wright@hotmail.com>, Chuck Woodard <chuck.woodard@gmail.com>, Claudia Hagedorn <cihagedorn@yahoo.com>, <coaktek2@msn.com>, Corinne Lee <corinne.lee.13@gmail.com>, <cr82020@yahoo.com>, Darla Bell <dancedrill@yahoo.com>, <danka8@juno.com>, <dannybrogoitti@gmail.com>, <davemckenna4@gmail.com>, <davenport1790@gmail.com>, David Hodges <davidhodges1949@gmail.com>, Beverly Farris <DBFARRIS62@msn.com>, <debcozzie@live.com>, PAL - Prevent a Litter <dewdropw@aol.com>, <donbonn@gmail.com>, Don Wertz <drz450@comcast.net>, <dustinwylam@yahoo.com>, Chris Duval <duval15@comcast.net>, David Ellis <ellis5804@comcast.net>, <er@vksafety.com>, <francespurdy@yahoo.com>, <Ghyanoshak1@yahoo.com>, <godogs69@sbcglobal.net>, <gregfelker@gmail.com>, <heatherluck@aol.com>, <heedthefool@hotmail.com>, <hemmerm@yahoo.com>, <hidden creek3@gmail.com>, Kathleen Howlett <howlettkids@msn.com>, Mike Hughes <hughes.m@comcast.net>, JS <infosgna@gmail.com>, Jackie Leung <jackie.m.leung@gmail.com>, Jake Krishnan <jakekrishnan@gmail.com>, <janelleckly47@gmail.com>, Janice Harryman <janjohar@gmail.com>, Jeanine Knight <jengen@aol.com>, Jerry Sachtjen <jerchar04@msn.com>, <jfsills@juno.com>, Jim and Lily Sehon <jimlilysehon@msn.com>, John Ledger <jledger@comcast.net>, <joankaiser@salemclinic.org>, John Miller <john@wildwoodco.com>, <johnkaiser@comcast.net>, <jonsikel@gmail.com>, <jrlundeen@aol.com>, Jim Scheppke <jscheppke@comcast.net>, Judith Richards <judithrichards@gmail.com>, <katherinegillem@gmail.com>, Kay Buswell <kathleenbuzz@gmail.com>, <kenhartung34@yahoo.com>, <knute45@aol.com>, Lorne Bradshaw <lorne.bradshaw@gmail.com>, Lynn Howlett <lynn@lynnphoto.com>, <lynsheward@comcast.net>, <macau2020@yahoo.com>, Marilyn Acevedo <macevedo12@comcast.net>, Mike Ellison <mdellison34@msn.com>, <mrupchurch@q.com>, <mwills53@comcast.net>, <nancyholman51@gmail.com>, <neilr@ieee.org>, <nstephenson1@yahoo.com>, <ofisita@hotmail.com>, Julie Olson <olsonjulie82@gmail.com>, <paiyellow@gmail.com>, <patdaviselctric@gmail.com>, <patronfred@gmail.com>, Patti Newton <pattin19@comcast.net>, <pseitz44@msn.com>, <rachel_lindsey@yahoo.com>, <rf.palij@gmail.com>, <ringram41@msn.com>, <rj.myers@comcast.net>, <roevir@msn.com>, Raymond Penney <RPenney100@gmail.com>, <sadiecat1@comcast.net>, Sheila Tuthill <sheila.tuthill@gmail.com>, <sheribear@comcast.net>, Fahad <shleweeh@gmail.com>, SJ Liddane <sjliddane@gmail.com>, <snbpranger@comcast.net>, <spriem@hotmail.com>, <ssinsalem@comcast.net>, Stacey Figgins <stacey.figgins@gmail.com>, <stefor@teleport.com>, Steve Bobrowski <stevecheri@gmail.com>, steven buresh <stevenburesh@gmail.com>, <stevequady@netscape.net>, <tburton@acm.org>, Tim Cookson <tim_c28@yahoo.com>, Leanne McClellan <time4java@gmail.com>, Tina K <tkessler@comcast.net>, **Tomoko** H <tomokoharpster@gmail.com>, Vicia A <viciaadams@gmail.com>, WD Smith <wsmith39@gmail.com>, <westmichelle67@yahoo.com>, <wildpair11@gmail.com>, Bill <willisw2001@aol.com>, <steve75_US@yahoo.com>, <jonlois.peterson@comcast.net>, <raephrey@gmail.com>, <geminimay04@yahoo.com>, <nidaba@gmail.com>, <cindyfschnelle@yahoo.com>, <sharose47@yahoo.com>, <roodoo4@gmail.com>, Chip Davis <salemguy2012@hotmail.com>, <cheechurbeckie@yahoo.com>, <trevorelliot@remax.net>, <kenleghorn@aol.com>, <davidswiderski@hotmail.com>, <suziq1717@gmail.com>, <pmboschke@yahoo.com>, Bruce Sheppard <bss56@comcast.net>, Howard Strobel <hkstrobel@gmail.com>, Ann Niederehe <aniederehe@comcast.net>, jolene1 <jolene1@comcast.net>, Yaffa Weissmann <yweissmann@gmail.com>

The South Gateway Neighborhood Association, on July 1, received the City's Notice of Remand and copies of PacTrust's remand request that was dated June 16, 2020. SGNA has serious concerns about the length of the Initial Public Comment Period and the format for the City Council deliberations scheduled for September 28, 2020. SGNA has requested that the Initial Public Comment Period be extended until August 28, 2020 in order to give the association and residents adequate time to review the documents. SGNA feels that holding a City Council meeting without the opportunity for citizens and interested organizations to directly voice their opinions precludes the public from communicating and testifying directly before the Council on the application through in-person, virtual or phone-based means.

Citizens should request more time given on the remand as well as direct communication with City Council. These need to be addressed as quickly as possible so that the Remand Application process can be adjusted. Send your comments to: Citycouncil@cityofsalem.net . They need to hear from us.

To see the current plans, go to: <https://www.cityofsalem.net/Pages/proposed-kuebler-gateway-shopping-center-costco.aspx>

Thank you,

Glenn Baly, Chair

South Gateway Neighborhood Association

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Monday, July 20, 2020 9:34 AM
To: Planning Comments
Subject: FW: Public hearing for Costco development at Kuebler Blvd

From: DARRELL SNETHEN <dsnethen@comcast.net>
Sent: Monday, July 20, 2020 9:33 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Public hearing for Costco development at Kuebler Blvd

A public hearing is necessary for the proposed Costco. This development will have great impact on the surrounding residential neighborhood. We need to be heard.

Thank you.

Darrell Snethen

Zachery Cardoso

From: Kyle Scott <knute45@aol.com>
Sent: Monday, July 20, 2020 10:40 AM
To: Planning Comments
Cc: Aaron Panko
Subject: Costco Application (Case number - SPR-DAP18-15; REMAND)

July 20, 2020
RE: Proposed Costco on Kuebler (case # SPR-DAP 18-15; REMAND)

Dear Mr. Aaron Panko, Planner III and the Salem City Counsel,

My wife and I have lived in our house on Foxhaven Dr. for the last 24 years. We have seen the city sprawl continue to move in our direction, with the addition of many

homes, apartments and retirement facilities. Although we haven't always been happy with some of the city's decisions, we realize growth is inevitable. But there are certain

proposals, which no matter how much money they bring to the city are not good. This Costco proposal on Kuebler is one which is not good for the surrounding neighborhoods

and all of South Salem. I have been involved with this project since its inception and my biggest concern has always been the increased traffic on Kuebler, 27th, Boone Rd and

the interchange at I-5. Costco is currently located on Hwy 22, where there are three full lanes and double turn lanes entering and exiting Hawthorne. With all this lane

capacity, traffic is still backed up most of the day turning onto Hawthorne coming from I-5 and the city center. Now you propose that a two-lane road on each side of Kuebler

and two small neighborhood side streets (27th and Boone Rd.) to handle a larger Costco, with more gas pumps. Not to mention the increased traffic coming from I-5 from the

rest of Salem residents who shop at Costco. Currently the I-5 interchange at Kuebler, is the only northbound access for all of South Salem. This interchange services citizens

coming from south of Fairview Ave. to River Rd. to Rees Hill Rd. You also must consider all the traffic utilizing the I-5 interchange from the east side of I-5 on Cordon Rd. This

is a huge population of Salem that is currently taxing the limits of the Kuebler I-5 interchange. This doesn't even address the back-up that is created during rush hour on the

southbound off ramp leading to Kuebler, which can be backed up clear onto I-5, making for dangerous conditions for all motorists both on and off I-5. By allowing Costco to

build on this site you now create a massive bottle neck of traffic, which will only get worse year after year. Kuebler Rd. and the I-5 interchange cannot handle this traffic

demand, no matter how you look at it. Costco needs to be relocated somewhere other than this location on Kuebler Rd. There are plenty of places to build on the east side of

I-5 that would serve Costco's needs and not create a traffic nightmare for all of South Salem residents.

The Costco proposal is a traffic nightmare that will cost the City of Salem, the City Counsel and City Planners years of citizen complaints, countless dollars in road upgrades

that will never keep up with the demand and countless hours trying to fix a problem that didn't need to happen.

Don't approve this proposal, because it only serves the needs of Costco, not the needs of the citizens of this beautiful city.

Cordially,

Kyle Scott
(541) 990-5566

Zachery Cardoso

From: Coffee Time <toobadtoosad@gmail.com>
Sent: Monday, July 20, 2020 2:39 PM
To: Planning Comments
Subject: Cosco : SPR-DAP18-15; REMAND PROPERTY LOCATION: 2500-2600 Block of Boone Road SE / 97306

Dear city planning commission,

Writing this as a concerned citizen that resides near the proposed Costco construction site. Traffic is congested in the area of Kubler and Battlecreek as we speak. It is not easy to navigate at times due to increase in traffic . We choose to live near freeway with easy access. We are against Costco being built at the proposed site. This also is a area near neighborhood and schools. The noise problem would ruin our peaceful environment. Costco would be to large for the property as you I am sure are aware. Also, please check area for arrowheads and artifacts. Has any been found there on part of property.

SINCERELY

Joe Smith

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Monday, July 20, 2020 5:03 PM
To: Planning Comments
Subject: FW: PacWest Remand

-----Original Message-----

From: Howard Strobel <hkstrobel@gmail.com>
Sent: Monday, July 20, 2020 5:02 PM
To: citycouncil <citycouncil@cityofsalem.net>
Cc: Glenn Baly <glennbaly12345@gmail.com>
Subject: PacWest Remand

I respectfully request that the City Council extend the initial comment period for the remarks associated with the PacWest Development for Costco be extended to August 28th, 2020. Furthermore, that the Council allow direct communication from Neighborhood Associations, citizens and other interested parties about the potential impacts on the surrounding neighborhoods, residential areas streets and the livability of Southeast Salem that will be impacted by this proposed development.

Thank you for your consideration

Howard Strobel
5985 Darcy St SE
Salem, Oregon 97306
503-588-8405
Sent from my iPhone

Zachery Cardoso

From: noreply@cityofsalem.net on behalf of Archibald5@hotmail.com
Sent: Monday, July 20, 2020 7:15 PM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	Jeffrey Archibald
Your Email	Archibald5@hotmail.com
Your Phone	503 949 4773
Street	5496 Mallard ST SE
City	Salem
State	OR
Zip	973061887
Message	<p>I am in favor of the proposed Costco / retail area along Keubler. I have lived in South Salem since 1998 in the same home and have experienced the problems and observed great improvements made with Keubler Blvd. - Traffic is finally under control- the engineers foresaw issues at the Keubler and I5 interchange and made needed corrections to manage the traffic congestion into the Commercial / Retail areas and the design moves activity away from the neighborhood towards I5. Keubler Blvd widening has substantially reduced congestion all the way to Commercial and to Lone Oak. Once the signals are upgraded a double left turn from the east will direct traffic to Costco and away from neighbors. In 2001 Costco faced similar opposition when going up against a neighborhood in Albany. But has been a great neighbor ever since. The lot is against a neighborhood with an elevated 8' fence. A park was added at the west end of the lot that connects to the neighborhood (not to Costco). Their lot has much more vegetation and landscaping than any other parking lots in the area (the newer Winco across Killdeer is mostly asphalt). I shop there since it is a much nicer entry and exit. Costco always exceeds the appearance standards and vegetation planting standards. They are good neighbors and added safety and value to the homes in that area. The approved Costco design is a good neighbor design. No commerce activity on the neighborhood side. Receiving area on Keubler Side. A park with Trees line Boone by Costco (but bushes & barkdust are ok by the Salem Clinic). The landscaping and appearance standards are well above other Salem developments. Its grounds are designed for security & safety of the neighbors, members and employees. Please expedite approval the plans so we can get rid of the empty eyesore overgrown with weeds. Some Commercial / Retail will go into that space, may as well be a good neighbor like Costco.</p>

This email was generated by the dynamic web forms contact us form on 7/20/2020.

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Monday, July 20, 2020 7:59 PM
To: Planning Comments
Subject: Fwd: **AUTOMATED RESPONSE**RE: Public hearing for Costco development at Kuebler Blvd

From: DARRELL SNETHEN <dsnethen@comcast.net>
Sent: Monday, July 20, 2020 7:58:23 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Fwd: **AUTOMATED RESPONSE**RE: Public hearing for Costco development at Kuebler Blvd

A public hearing is necessary for the proposed Costco at Kuebler and Battlecreek. This development will have great impact on the surrounding residential neighborhood. We need to be heard.

----- Original Message -----

From: Tami Carpenter <Tcarpenter@cityofsalem.net>
To: DARRELL SNETHEN <dsnethen@comcast.net>
Date: 07/20/2020 10:03 AM
Subject: **AUTOMATED RESPONSE**RE: Public hearing for Costco development at Kuebler Blvd

Thank you for your email to the City of Salem, we appreciate you reaching out to us. This email confirms your email has been delivered to the City Council.

If you are commenting on a City Council / Urban Renewal / Salem Housing Authority current agenda item would you please send your comments to CityRecorder@cityofsalem.net.

If your email requires a response please know it has been forwarded to the appropriate department and staff will be contacting you.

Thank you.

Tami Carpenter

Executive Assistant

City of Salem | Mayor/City Manager's Office

555 Liberty Street SE, Room 220

Salem, Oregon 97301

tcarpenter@cityofsalem.net | 503-588-6255

[Facebook](#) | [Twitter](#) | [YouTube](#) | [CityofSalem.net](#)

From: DARRELL SNETHEN <dsnethen@comcast.net>

Sent: Monday, July 20, 2020 9:33 AM

To: citycouncil <citycouncil@cityofsalem.net>

Subject: Public hearing for Costco development at Kuebler Blvd

A public hearing is necessary for the proposed Costco. This development will have great impact on the surrounding residential neighborhood. We need to be heard.

Thank you.

Darrell Snethen

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Monday, July 20, 2020 8:25 PM
To: Planning Comments
Subject: Fwd: Just move forth with Kuebler Gateway Shopping Center (Costco)

From: Jeff Archibald <archibald5@hotmail.com>
Sent: Monday, July 20, 2020 8:24:17 PM
To: Aaron Panko <APanko@cityofsalem.net>; Dan Atchison <DAtchison@cityofsalem.net>; citycouncil <citycouncil@cityofsalem.net>
Subject: Just move forth with Kuebler Gateway Shopping Center (Costco)

No more extensions, just approve this no brainer and get rid of the overgrown eyesore and put in a well sized, beautifully landscaped Costco. All the 'traffic studies' show that the cars are directed away from the neighborhoods and to I5 - no congestion (more from Amazon than from Costco). The Costco is designed to keep all commercial activity away from the neighborhoods and creates a nice park like area to look at - not an overgrown vacant lot. Appearance standards way better than what was allowed at the Clinic - bushes and barkdust. Costco truck deliveries never enter neighborhoods nearby and are directed back to I5.

I have lived in South Salem since 1998 in the same home and have experienced the problems and observed great improvements made with Keubler Blvd. - Traffic is finally under control- the engineers foresaw issues at the Keubler and I5 interchange and made needed corrections to manage the traffic congestion into the Commercial / Retail areas and the design moves activity (noise) away from the neighborhoods towards I5. Keubler Blvd widening has substantially reduced congestion all the way to Commercial and to Lone Oak.

In 2001 Costco faced similar opposition when going up against a neighborhood in Albany. But has been a great neighbor ever since. The lot is against a neighborhood with an elevated 8' fence. A park was added at the west end of the lot that connects to the neighborhood (not to Costco). Their lot has much more vegetation and landscaping than any other parking lots in the area (the newer Winco across Killdeer is mostly asphalt). They are good neighbors and added safety and value to the homes in that area. And activity is isolated and directed away from the neighborhoods.

The approved Costco design is a good neighbor design. No commerce activity on the neighborhood side. Receiving area on Keubler Side. Traffic directed away from the A park with Trees line Boone by Costco. The landscaping and appearance standards are well above other Salem developments. Its grounds are designed for security & safety of the neighbors, members and employees. Some Commercial / Retail will go into that space, it should be a good neighbor like Costco. I shop in Albany as there since it is a much nicer entry and exit. Costco always exceeds the appearance standards and vegetation planting standards. I look forward to not driving to Albany and the added value (when we

downsize) of proximity to Costco. Push this approval through and lets get on with the construction.

Thanks, Jeff Archibald5@hotmail.com

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Monday, July 20, 2020 8:26 PM
To: Planning Comments
Subject: Fwd: COSTCO proposal

From: Ellen Stevens <etstevens@comcast.net>
Sent: Monday, July 20, 2020 8:25:13 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: COSTCO proposal

Dear Councilors All:

After reading the Sunday July 19 edition of Statesman Journal, about the Costco development, I urge you to consider a public hearing on this proposal.

I hear much talk about this and neighborhood concerns.

Let their voices be heard, please.

T hank you,
Ellen stevens

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Tuesday, July 21, 2020 8:25 AM
To: Planning Comments
Subject: FW: Public Hearing for Costco

From: Jon and Janis Wurgler <wurgler5@gmail.com>
Sent: Tuesday, July 21, 2020 8:11 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Public Hearing for Costco

I'm writing as a concerned neighbor of the proposed Costco site in South Salem. Until this past weekend, I believed that this had been resolved and that it had been determined that the new Costco would NOT be built right on the edge of a neighborhood. I was shocked to learn that Pactrust is continuing to push for this!

I've been to many different Costcos around Oregon and Washington, yet I've never seen one built right up against a neighborhood like they the one being proposed. The amount of traffic that a Costco with 30+ gas pumps would bring in is truly unfathomable! Please fight for the small families, the retired community, and folks like us who worked hard to built a home where we could safely raise our family and eventually retire. We would welcome a small set of storefronts at this end of town, but we believe that a giant box store like Costco would detrimentally impact the livability in our neighborhoods by creating more traffic that this area was ever intended to handle.

This is an issue that deserves full transparency, compliance with zoning, and holding this giant corporation accountable to what they said they were going to build back when they asked for the land to be rezoned.

This issue deserves a public hearing with full transparency as well. This should not be allowed to happen with deals made behind closed doors. Please fight for those of us that don't have the money or the power to stand up to a giant corporation like Pactrust. We need our City Council to make sure they are working with us to improve our neighborhoods, not lessen the livability of them. We need your help to resolve this in a way that is a win-win.

Thank you,
Janis Wurgler

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Tuesday, July 21, 2020 9:38 AM
To: Planning Comments
Subject: FW: PacTrust Remand Hearing

From: danka8@juno.com <danka8@juno.com>
Sent: Tuesday, July 21, 2020 9:20 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: PacTrust Remand Hearing

The citizens of Salem-those who support the City through taxes and who have made this city attractive to businesses such as Costco-deserve more time to prepare for the PacTrust Remand hearing. Please extend the comment period. This is an important issue and there is no need for expediency.

Dan Reid
Ward 3

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Zachery Cardoso

From: noreply@cityofsalem.net on behalf of jud194@comcast.net
Sent: Tuesday, July 21, 2020 12:46 PM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	dewey shobe
Your Email	jud194@comcast.net
Your Phone	5035599872
Street	5311 woodscape dr se
City	Salem
State	OR
Zip	97306
Message	There needs to be additional neighborhood for the COSTCO location. I want the Costco project moved to a different location. Thank you, Dewey Shobe

This email was generated by the dynamic web forms contact us form on 7/21/2020.

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Tuesday, July 21, 2020 6:48 PM
To: Planning Comments
Subject: FW: PacTrust Public Hearing

From: Peter Gatehouse <g8house@earthlink.net>
Sent: Tuesday, July 21, 2020 5:04 PM
To: citycouncil <citycouncil@cityofsalem.net>
Cc: LCAT5016@gmail.com; letters@StatesmanJournal.com
Subject: PacTrust Public Hearing

Additional retail facilities may well benefit Salem's growing population, and PacTrust's chosen site may well be suitable for such, but it's not acceptable to hoodwink Salem's citizens with switch-and-bait plans for the site.

It's obvious to me the arrogant and patronizing attitude of PacTrust illustrates the belief that bullying threats can coerce the Salem City Council's decision, thereby expecting the Council to abandon its duty, and reverse its decision.

I think it's obvious that anyone with the slightest idea of traffic flow in the area would understand the horrendous environmental impact of a fueling complex. Such a site should have direct and close access to the freeway, not Keubler, and emphasis should be placed on charging stations for electric vehicles in any case.

Anyone with care for the city and its environment should scream at the thought of damage to the oaks, and priority must be given to preserving them.

I believe the net conclusion regarding the PacTrust plan should be that the City's – the People's – ruling must stand. SPR standards and requirements should be maintained and upheld!

A Public Hearing should not be necessary, but if it comes to that, there must be one.

Barbara Gatehouse
Salem
503 363 6136

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Wednesday, July 22, 2020 10:35 AM
To: Planning Comments
Subject: FW: Costco
Attachments: MNA to City re Costco hearing 07-20-2020.pdf

From: P and D Schmidling <sidrakdragon@live.com>
Sent: Wednesday, July 22, 2020 10:34 AM
To: c.bennett@cityofsalem.net; citycouncil <citycouncil@cityofsalem.net>
Subject: Fw: Costco

From: Geoffrey James <geoffreyjames@comcast.net>
Sent: Monday, July 20, 2020 10:13 AM
To: Alan Meyer <alan.meyer@comcast.net>; Geoffrey James <gjamesarchitect@gmail.com>; MNA Al Tocchini <a.tocchini@comcast.net>; Bob Krebs <slmgrandor@comcast.net>; MNA Bennie Yows <blyows@hotmail.com>; MNA Pamela Schmidling <sidrakdragon@live.com>; Trevor Phillips <trevorgrantphillips@gmail.com>; denniskalnoky@yahoo.com <denniskalnoky@yahoo.com>; MNA Ben Reddaway <benreddaway@gmail.com>; noel.magee@gmail.com <noel.magee@gmail.com>; barbarakalnoky@outlook.com <barbarakalnoky@outlook.com>; Sue Reid <susan@bluffhouse.org>; MNA 'muriel meyer <murielmeyer@comcast.net>
Subject: Costco

Barbara is correct.
MNA decided to first send a letter supporting the SGNA recommendation that (1) we have time to discuss this and develop recommendations and (2) that City Council hold a public hearing.
That letter is attached.
The more detailed letter (already reviewed) will go out subsequently.
But first, we are asking for a Hearing.
See attached letter.
Geoff

Geoffrey James
Geoffrey James A.I.A. Architect
503-931-4120
gjamesarchitect@gmail.com

via [Newton Mail](#)



Morningside Neighborhood Association

July 20, 2020

Mayor and City Council

City of Salem

Dear Mayor and City Council

COSTCO REMAND

1. MNA Morningside N.A. supports the recommendations of our neighbor SGNA South Gateway Neighborhood Association.
2. We also agree that City Council should allow more time for neighborhoods and the community to discuss this and to provide testimony to City Council.
3. We request that City Council hold a Public Hearing on this matter.

Sincerely,

Pamela Schmidling

MNA Chair

Morningside Neighborhood Assoc.
555 Liberty St SE Room 305
Salem, OR 97301

P - (503) 588-6207

W - MorningSideNA.org

E - MNAShared1@Gmail.com

Zachery Cardoso

From: heathrluck@aol.com
Sent: Wednesday, July 22, 2020 11:07 AM
To: Planning Comments
Subject: attn: Aaron Panko, City Planner

We are writing in opposition to PacTrust's proposed Costco development.

We are residents of the Woodscape neighborhood and would be greatly impacted by this development as proposed. Our understanding is the original owners and the City Council were told by PacTrust that this development would be a neighborhood shopping center and not have a big box store. PacTrust's argument is that the square footage of the proposed shopping center still is in compliance with the zoning. However, just square footage is not the only factor in a "neighborhood shopping center". Costco draws customers from many areas outside a neighborhood as well as outside Salem. Presently Costco traffic backs up on Hawthorne to Mission at times. And now the new store will be larger and with more gas pumps. Can the roundabout proposed as the main entrance on 27th Ave handle this much traffic or will it back up to Kuebler? Will the light proposed at Battlecreek and Boone back up to Kuebler too? Will there need to be further expansion of traffic patterns on Kuebler and more cost if this is allowed to happen?

Obviously, the traffic study that was used by PacTrust in 2007 is outdated. Do any of the newer traffic studies take into consideration the 3 adjacent residential development plans that have been approved by the city? (The development on Landau, which will use Battlecreek and the two developments east and west of Reed Rd at Battlecreek) Also, Boone Senior Living has begun their expansion and a hotel is proposed for the east side of 27th Ave as well. These developments should be included along with the projected city growth and current Kuebler traffic (preCovid) for study statistics.

PacTrust's solution to transplant the significant white oak trees is a dangerous one. If the City Council allows these trees to be transplanted (and what is the survival rate?) and not preserved, what stops future developers from following suit.

PacTrust needs to stick to their original plan for the area, a neighborhood shopping center somewhat like the Orenco Station. This would blend with the neighborhood and be a welcome amenity. No Bait and Switch! Costco needs to go to an area that does not have residents on 3 sides!

Please preserve the quality of life in our neighborhoods!
Respectfully,

Bruce & Janell Avery

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Wednesday, July 22, 2020 2:56 PM
To: Planning Comments
Subject: FW: Public Hearing on Costco project

-----Original Message-----

From: Evan Jones <evanjones1953@gmail.com>
Sent: Monday, July 20, 2020 7:34 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Public Hearing on Costco project

To Salem City Council:

I am requesting a public hearing be held on the proposed development. A updated traffic analysis is needed for this project, which would show a Costco store would overwhelm Pringle/Battle creek Rds, Kuebler and the Kuebler interchange. Costco would be a disaster for this area of SE Salem Respectively, Evan Jones
1666 Cambridge Dr SE
Salem 97302
Sent from my iPad

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Wednesday, July 22, 2020 4:58 PM
To: Planning Comments
Subject: Fwd: Re: PacTrust/Costco Development

From: ANTOINETTE LAWSON <hlycrst@comcast.net>
Sent: Wednesday, July 22, 2020 4:52:22 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Fwd: Re: PacTrust/Costco Development

Antoinette Lawson at Hollycrest

*KY-Ch. Hollycrest Coyote Mint,CD,RE,AX,AXJ,CGC,CL2-RHF,B-HTM,B-SSMF, NW2 (9-11-05/4-2020)
*CAT-Hollycrest Catmint,RA,CGC,NA,NAJ,NW1,L2I (9-11-05/8-2019)
*Ch. Kelyric Moon Dance,VCD2,RAE,MX,AXJ,CGC,CL3-RHF, (Sept. 11,2005 - Aug. 17,2012)

----- Original Message -----

From: lcat <lcat5016@gmail.com>
To: ANTOINETTE LAWSON <hlycrst@comcast.net>
Date: 07/22/2020 1:06 PM
Subject: Re: PacTrust/Costco Development

Please send you comments to the City Council. Here's our email from last week

The South Gateway Neighborhood Association, on July 1, received the City's Notice of Remand and copies of PacTrust's remand request that was dated June 16, 2020. SGNA has serious concerns about the length of the Initial Public Comment Period and the format for the City Council deliberations scheduled for September 28, 2020. SGNA has requested that the Initial Public Comment Period be extended until August 28, 2020 in order to give the association and residents adequate time to review the documents. SGNA feels that holding a City Council meeting without the opportunity for citizens and interested organizations to directly voice their opinions precludes the public from communicating and testifying directly before the Council on the application through in-person, virtual or phone-based means.

Citizens should request more time given on the remand as well as direct communication with City Council. These need to be addressed as quickly as possible

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Wednesday, July 22, 2020 4:59 PM
To: Planning Comments
Subject: Fwd: Costco

From: Phyllis Seitz <phseitz44@gmail.com>
Sent: Wednesday, July 22, 2020 4:24:05 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Costco

To the City Council:

The Costco decision needs more Public Comment Time and should be extended to August 28, 2020.

People new to the area need a chance to voice their concerns and a New Public Hearing should be held to allow for further comments.

Traffic has increased and needs to be addressed.

Thank you,

Phyllis Seitz

so that the Remand Application process can be adjusted. Send your comments to: Citycouncil@cityofsalem.net . They need to hear from us.

On Tue, Jul 21, 2020 at 9:41 PM ANTOINETTE LAWSON <hlycrst@comcast.net> wrote:

? Why should a part of Salem be sacrificed for Costco?

Antoinette Lawson at Hollycrest

*KY-Ch. Hollycrest Coyote Mint,CD,RE,AX,AXJ,CGC,CL2-RHF,B-HTM,B-SSMF, NW2 (9-11-05/4-2020)

*CAT-Hollycrest Catmint,RA,CGC,NA,NAJ,NW1,L2I (9-11-05/8-2019)

*Ch. Kelyric Moon Dance,VCD2,RAE,MX,AXJ,CGC,CL3-RHF, (Sept. 11,2005 - Aug. 17,2012)

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Wednesday, July 22, 2020 7:43 PM
To: Planning Comments
Subject: Fwd: Letter in Support of South Gateway re Costco
Attachments: COSTCO Denial Remand.pdf

From: Jeff Schumacher <jeff.schumacher@gmail.com>
Sent: Wednesday, July 22, 2020 7:10:59 PM
To: Chuck Bennett <CBennett@cityofsalem.net>; citycouncil <citycouncil@cityofsalem.net>
Cc: glennbaly12345@gmail.com <glennbaly12345@gmail.com>; Lorrie Walker <dakotalor@msn.com>; CityRecorder <CityRecorder@cityofsalem.net>
Subject: Letter in Support of South Gateway re Costco

Hello Mayor Bennett and Councilors,

Please see the attached letter of support for the South Gateway NA's opposition to the PacTrust site plan application.

Thank you,
Jeff Schumacher
SCAN board member



July 22, 2020

Re: SPR-DAP18-15-Remand

Dear Mayor and City Councilors,

The South Central Association of Neighbors supports South Gateway Neighborhood Association's opposition to the PacTrust site plan application for the Kuebler Gateway Shopping Center at Boon Rd SE; and supports the City's original denial of that application.

SCAN asks City Council to aggressively address the remand to confirm it's original decision to deny the site plan application.

Thank you,

Lorrie Walker, President
SCAN Board

Cc: Glen Baly, Chair, South Gateway Neighborhood Association

This letter was approved 12 to 0 with one abstention by the SCAN Board via email on July 22, 2020.



555 Liberty Street SE / Room 305 • Salem OR 97301-3503 • Phone 503-588-6213 • Fax 503-588-6005
www.cityofsalem.net/planning • www.cityofsalem.net

Costco Remand

Case No. SPR-DAP18-15

Public Comments submitted between

July 23, 2020 - July 28, 2020

- **CLOSED** Initial Comment Period: July 1, 2020 – July 28, 2020 at 5:00 P.M.
- Public Rebuttal Period: July 29, 2020 – August 12, 2020 at 5:00 P.M.
(to rebut comments submitted during initial comment period)

Please direct all comments to: planningcomments@cityofsalem.net

Direct mailed comments to the Case Manager listed below.

Please include the case number with comments.

Aaron Panko, Planner III, City of Salem Planning Division,
555 Liberty Street SE, Room 305, Salem, Oregon 97301.

Shelby Guizar

From: Gmail <jimlavond@gmail.com>
Sent: Thursday, July 23, 2020 7:05 AM
To: Planning Comments
Subject: Costco

I would like Costco to be able to move to the Kuebler location.

Thank You,
Jim Lavond

Shelby Guizar

From: noreply@cityofsalem.net on behalf of geopatterson@gmail.com
Sent: Thursday, July 23, 2020 10:48 AM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	GEORGE PATTERSON
Your Email	geopatterson@gmail.com
Your Phone	5033648703
Street	597 STAGECOACH WAY SE
City	SALEM
State	OR
Zip	97302
Message	I am all for relocating of Costco to the Kuebler Road location. It's a great spot for Costco to be able to serve Salem and the surrounding community.

This email was generated by the dynamic web forms contact us form on 7/23/2020.

Shelby Guizar

From: jacepedersen <jacepedersen@yahoo.com>
Sent: Thursday, July 23, 2020 1:42 PM
To: Planning Comments
Subject: SPR-DAP18-15; REMAND

To whom it may concern,

I am writing in response to the remand of the Kuebler Gateway Shopping Center. It is my opinion that the city should not reconsider, and should uphold the denial of building a Costco in this location.

My wife and I live off Pringle, and bought our home believing we were moving into a quiet neighborhood with easy access to South Salem amenities. Relocating Costco from Mission St to Kuebler would be a traffic disaster. Kuebler and the I-5 interchange already get backed up enough during peak hours. But if this goes through, our quiet neighborhood streets will soon become thoroughfares putting our children, pedestrians and cyclists at risk.

There are plenty of other locations available that are more accessible for such a large retail store. Please, do not allow this Costco to be built.

Thank you,

Jace Pedersen

Sent from my Verizon, Samsung Galaxy smartphone

Shelby Guizar

From: noreply@cityofsalem.net on behalf of billplasker@yahoo.com
Sent: Thursday, July 23, 2020 8:36 AM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	William J Plasker
Your Email	billplasker@yahoo.com
Your Phone	5039316071
Street	1376 Spyglass Ct. S.E.
City	Salem
State	OR
Zip	97306
Message	Proposed Kuebler Gateway Shopping Center – Costco I am against the building of a Costco regional store on this site and how it will impact our neighborhood. PacTrust does not lose out if they have to develop the property as a local shopping center with multiple shops. They still make money.

This email was generated by the dynamic web forms contact us form on 7/23/2020.

Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Thursday, July 23, 2020 10:57 AM
To: Planning Comments
Subject: FW: Contact City Council
Attachments: ATT00001.bin

From: noreply@cityofsalem.net <noreply@cityofsalem.net> **On Behalf Of** snbpranger@comcast.net
Sent: Thursday, July 23, 2020 10:54 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Contact City Council

Your Name	Bob & Sonja Pranger
Your Email	snbpranger@comcast.net
Your Phone	503-339-7239
Street	5334 Summerlake St. S.E.
City	salem
State	OR
Zip	97306
Message	Re: Proposed Costco site As a homeowner within 1/4th mile of the proposed Costco site we are very concerned that NOT enough thought has been put into the proposed location. Too much traffic, narrow roads and not sufficient flow for ALL traffic this site will require. We feel that there needs to be a 'current' traffic study to determine how they can cram all the traffic ingress and egress on 27th Ave. Boone Rd and 27th Ave are on overload NOW. In the last 3 yrs @ the proposed location, the city has approved a subdivision and .two Care facilities. Those will handle 300+ residence and staff, 7 days a week, 24 hrs a day. Just that amounts to a lot of traffic.. Your time and consideration is appreciated. Bob and Sonja Pranger

This email was generated by the dynamic web forms contact us form on 7/23/2020.

Shelby Guizar

From: Virginia Ramsby <vramsby@outlook.com>
Sent: Thursday, July 23, 2020 11:00 AM
To: Planning Comments; Aaron Panko
Subject: RE: SPR-DAP18-15; REMAND

To: Aaron Panko, City of Salem Planning Division,

I am in favor of Costco being located in the Kuebler Gateway Shopping center. I think it is an appropriate use of this property.

I think it was inappropriate for Salem to first give approval for the project and then to change course later. Attempting to stop the project later after improvements had already been completed, as per the city request. Costco is a large employer in Salem and large tax payer. If they decide to go elsewhere...outside of Salem, then those taxes will be lost. And it is not necessary when this is a suitable place for this development.

Sincerely,
Virginia Ramsby
1784 Jordan Drive S
Salem OR 97302

Sent from [Mail](#) for Windows 10

Shelby Guizar

From: Aaron Panko
Sent: Thursday, July 23, 2020 1:22 PM
To: Planning Comments
Subject: FW: Case # SPR-DAP18-15; Remand

-Aaron | 503-540-2356

From: Mary Ray <mary.ray30@yahoo.com>
Sent: Thursday, July 23, 2020 1:10 PM
To: Aaron Panko <APanko@cityofsalem.net>
Cc: Mary Ray <mary.ray30@yahoo.com>
Subject: Case # SPR-DAP18-15; Remand

Good afternoon,

I appreciate the ability to submit comments. I have never done this before so forgive me if I am not doing this correctly.

I am against Costco developing the land at the 2500-2600 Block of Boone Road SE / 97306 for three reasons.

- 1.) Anyone that visits a Costco, no matter where it is located, knows they are pretty busy most of the time. Which is a good thing, don't get me wrong, however when a building is placed in an area like the proposed sight, the roads around it are not sufficient to handle the additional traffic, especially from October to January (Holiday time) and the summertime, from May-September.
- 2.) Keubler and Boone road lacks the ability to safely handle the incredible increase in traffic. The statistics of vehicle related accidents Keubler between Commercial and I-5 alone are frightening.
- 3) We as the City of Salem need to be forward thinking. With population increasing, and the popularity of Costco, we do not want to be in another situation where they (Costco) need more room and need to search for yet another site to build. Prepare for it now, and they will be ready 25+ years from now.

I believe there are more suitable sites that could accommodate Costco's location. No matter where they build it, people will come. There are plenty of locations on the east side of I-5 that can be the perfect location without being in a neighborhood location with insufficient traffic flow and still allow for the gas station and actually may work better.

Thank you for your time.
Mary Ray

[Sent from Yahoo Mail on Android](#)

Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Thursday, July 23, 2020 9:55 AM
To: Planning Comments
Subject: FW: Costco

From: danka8@juno.com <danka8@juno.com>
Sent: Thursday, July 23, 2020 9:26 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Costco

Since it appears the PacTrust hearing cannot be delayed to provide citizens a reasonable time to comment, I offer the following.

PacTrust lied when it said this would NOT be a regional shopping facility. The City made decisions relating to the property /development based upon that recorded testimony. Now, after it invested several million dollars in infrastructure improvements, PacTrust threatens to hold the City hostage to its plan for Costco.

Salem owes PacTrust nothing. It was PacTrust, not Salem, which changed the plan.

Dishonesty should not be rewarded. For this and many other reasons, I urge the Council to stop this development.

PacTrust can pursue a neighborhood shopping facility on the property as it originally requested.

Dan Reid
Ward 3

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Shelby Guizar

From: Cathy Shuttleworth <shuttleworthcathy@gmail.com>
Sent: Thursday, July 23, 2020 6:59 AM
To: Planning Comments
Subject: Costco

I'm happy to have the shopping center including the Costco built.
Thank you

Cathy Shuttleworth
Sent from my iPad

Shelby Guizar

From: Linda Silverio <linda.l.silverio@icloud.com>
Sent: Thursday, July 23, 2020 8:14 AM
To: Planning Comments
Subject: SPR-DAP18-15; REMAND

Concerning Costco on Kuebler

I have lived here 10 years and heard people complain that there is nothing in South Salem. Now someone wants to put Costco in South Salem and they complain they don't want it. You can't have your cake and eat it too.

I don't understand how people think they can dictate how things are done when they did not spend their time and money doing it.

I vote for Costco!

Linda L Silverio

Shelby Guizar

From: Brett <brettofoz@gmail.com>
Sent: Thursday, July 23, 2020 9:41 AM
To: Planning Comments
Subject: Costco on Kuebler Blvd

As a resident of the city of Salem, OR, I want to submit a comment against the proposed development of a Costco wholesale store on Kuebler Boulevard. This proposed project would require the removal and probable destruction of a piece of white oak savannah habitat, something that used to be plentiful in the Willamette Valley but since the arrival of Europeans to the area, has become all too scarce. This habitat is beautiful and necessary for many animal species and as such I am wholeheartedly opposed to the idea of developing a costco on this land.

Sincerely,

Brett Stoner-Osborne
Salem Resident

Shelby Guizar

From: noreply@cityofsalem.net on behalf of Blurbnpts@outlook.com
Sent: Thursday, July 23, 2020 7:33 PM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	Karen Swanson
Your Email	Blurbnpts@outlook.com
Your Phone	5035591905
Street	866 Glendora Ave SE
City	Salem
State	OR
Zip	97306
Message	I support the relocation of Costco to the Kuebler Blvd. site. Costco has already spent vast amount of time and resources on site and road preparation based on the site being approved for a retail/shopping center. They are a very responsible business and would be a wonderful addition to south Salem.

This email was generated by the dynamic web forms contact us form on 7/23/2020.

Shelby Guizar

From: noreply@cityofsalem.net on behalf of tlieske21@gmail.com
Sent: Thursday, July 23, 2020 7:58 AM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	Tim Lieske
Your Email	tlieske21@gmail.com
Your Phone	5038127801
Street	122 Radiance Ave SE
City	Salem
State	OR
Zip	97306
Message	<p>SPR-DAP18-15; REMAND I fully support construction of Costco at the Kuebler site. I believe the city council was wrong to vote against it. I believe the city will ultimately lose its legal battle with the owner of the site. How can the city justify taking \$3.6 million in improvements of Kuebler Blvd. paid for by the owner of this site and then try to control what goes there? A shopping center was agreed to previously, this semantic argument of what "regional" means is ridiculous. If the people against Costco wanted something else there they can buy the property and develop it as such, but they didn't and now are trying to force the owner to do something else. I wonder how many people writing in against Costco would like the city telling them they can't build or remodel on their property? I am upset that we are wasting money fighting the development of that lot in what will only cost us, the taxpayers, more money that could be going to other projects in the city. Costco is a great business that treats its employees very well, we should strive to keep a company like that in Salem! I am a resident in Ward 4 and drive Kuebler regularly and am not concerned about traffic. Costco's are clean stores and would be a benefit to the area. Lastly, I am a professional forester, the oak trees can be safely moved and they have a plan to save them. Anyone can claim the trees will die, however they provide no proof, other than its a good soundbite to help their cause. Thank you.</p>

This email was generated by the dynamic web forms contact us form on 7/23/2020.

Shelby Guizar

From: Mary Tackett <mtackett92@gmail.com>
Sent: Thursday, July 23, 2020 10:33 AM
To: Planning Comments
Subject: Regarding Costco Proposal

Hello Mr. Aaron Panko,

My name is Mary Tackett and I'm emailing you to oppose the building of a 23-acre Costco shopping center in South Salem off of Keubler Rd.

The building of this center will increase traffic in the area and will also disrupt valuable environmental spaces. The White Oaks, which are 200 to 300-years old, would be cut down in order to pave Costco's parking lot. These oaks are an important part of the ecosystem in the area. There is environmental value in old growth, so I urge the City of Salem to protect this natural space. Furthermore, paving and building over this area will likely increase flooding, which will impact the immediately surrounding neighborhoods.

There are spaces in Salem/Keizer which are already paved with vacant lots or abandoned buildings, which could serve as a space for a Costco shopping center. I urge the City of Salem to consider proposing one of those spaces to PacTrust instead, and to please take the comments of locals like myself seriously as you proceed with meetings.

Regards,

Mary Tackett

Shelby Guizar

From: noreply@cityofsalem.net on behalf of jess.m.vincent@live.com
Sent: Thursday, July 23, 2020 11:22 AM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	Jessica Vincent
Your Email	jess.m.vincent@live.com
Your Phone	5034097200
Street	5759 MOONSTONE LOOP SE
City	SALEM
State	OR
Zip	97306
Message	<p>The Boone Road location is not an acceptable location for the new Costco. It will only serve to shift all the issues of the Mission street location one exit down, with the addition of disrupting a largely residential area of Salem. As a Costco shopper, I would definitely prefer a less congested location than the Mission street location, but this is not the solution. There are more suitable, and larger, pieces of land off Cordon road, near Turner road, that could be better alternatives for Costco, customers, and residents--granted that the wetland lots are left alone. The concern about the oak trees on the Boone lot is another important issue that cannot be addressed in any other way than denying Costco's request for this land. Even if they preserve the trees in a small park alongside the store, the damage done to this small ecosystem would be little better than razing the whole grove. The ecological island would be too small to provide protection for wildlife from heavy traffic, and heavy foot traffic would disturb wildflowers and grasses. With the value of these ancient trees and their surroundings, I don't believe the lot should be developed any more than filling the northwest corner, adjacent to the clinic. The rest of the lot should be preserved as an oak savannah park with some limited recreation facilities (perhaps in the space beside the clinic. This park can also act as a buffer between Kuebler and the freeway for nearby residents.</p>

This email was generated by the dynamic web forms contact us form on 7/23/2020.

Shelby Guizar

From: Frazz Wick <frazzman8@gmail.com>
Sent: Thursday, July 23, 2020 11:15 PM
To: Planning Comments
Subject: Public Comment - Costco Kuebler Gateway Project

Good Evening Mr, Panko,

I am providing public comment on the Costco Project on Kuebler, case number SPR-DAP18-15;REMAND.

I live in the South Salem area and fully support the development of the Costco Warehouse project on Kuebler. This will greatly improve access to Costco with more options for shoppers than the smaller space on Market. Additionally, the city should not go back on it's word when it originally gave the green light for development. This type of behavior will keep businesses from wanting to invest in the city.

I believe that most people in the Salem area are used to traffic in the current Costco because it has terrible ingress-egress. This design is much better planned and shouldn't be an issue.

Lastly, some South Salem residents are using these 'historic' oak trees as a reason to protect the site and stall the project. While these trees might be big, they certainly lack any benefit to the local ecosystem and should be removed before they rot.

Not all South Salem residents are against this development. In fact, many people I know in the area are very excited to see Costco develop in the area. Please allow Costco to develop here and be part of our South Salem community.

Fraser Wick

Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Thursday, July 23, 2020 9:53 AM
To: Planning Comments
Subject: FW: Costco in south Salem neighborhood

From: Deleen Wills <dfwills54@hotmail.com>
Sent: Thursday, July 23, 2020 9:17 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Costco in south Salem neighborhood

To Salem City Council,

I am a Costco member and have been since the 1980s. My husband and I are homeowners and have been taxpayers since 1974 when we purchased our first home in south Salem.

The original request from Costco is drastically different than what they are proposing now. A regional center with thirty gas pumps is a far cry from a local store like a Safeway or Fred Meyer, which have several locations around our city our size and in many towns have multiple stores. They serve a smaller section like neighborhoods.

The proposed center will continue to draw residents already driving from Woodburn, Silverton, Mt. Angel, Turner, Aumsville, Sublimity, Stayton, Independence, Monmouth, all of Salem and Keizer, that currently use the Costco facility at Mission and Hawthorne. Numbers will not drop but most likely increase. This traffic would all be transferred from that industrial area to the middle of a medical center and neighborhood area and will create much more traffic through the neighborhoods and intersections. To put a regional facility in of this magnitude will greatly impact that neighbor in a negative way.

I won't go into the environmental issues because many others will. But it will negatively impact this formerly forested area.

If you have ever seen or been in lineups at a Costco before a holiday, it's chaos and the traffic jams and lineup are atrocious winding down Hawthorne around the corner with traffic stopped on a major highway. I avoid Mission and Hawthorne the entire week of Thanksgiving. Trying to go on a Friday is equally as bad.

I just want to reiterate and state that if Costco is granted permission to build in this neighborhood, it should be their original plans not what has morphed into the larger, more intrusive regional center.

Please ask Costco to consider building on Kuebler but further east in wide open spaces perfectly suited for industrial and mega facilities with access from Turner Road, Deer Park Drive, Kuebler and Aumsville Highway. A win-win for all.

Thank you.
Deleen Wills
2322 Soapstone Ave SE
Salem OR 97306

Deleen Wills

Travel Coordinator, Christensen's Travel Concepts

*Personal, Professional & Groups, Nationally and Globally

Certified Specialist with: Celebrity, Collette, Hurtigruten, Princess, Royal Caribbean & Viking
503-871-9016

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WATERWAYS OF THE TSARS, May 18, 13-days land and river on Viking.

NORWAY, August 1-16, customized land and sea tour. SOLD OUT.

2022

SOUTH AFRICA SAFARI, May, two-week land tour with Collette. Victoria Falls & Botswana, too. Limited to 18.

"The World is a book and those who do not travel read only one page." St. Augustine

My books, *Because of Colorful Doors* and *Behind Colorful Doors*, are available at Amazon.

Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Thursday, July 23, 2020 9:48 AM
To: Planning Comments
Subject: FW: COSTCO

-----Original Message-----

From: Patrice Aiello <aiello973@comcast.net>
Sent: Thursday, July 23, 2020 8:18 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: COSTCO

I wrote letters and attended the city council meeting when the last vote was taken.

I wish to go on record again to absolutely oppose this project. The reasons have all been heard before but have not changed.

- The original zone change to retail promised a small center
- This is a residential area that will be besieged by customer traffic and delivery trucks.
- South Salem is already developing this area with houses and apartments. My neighborhood has the actively building apartments in the Madras area and the 93 home development that is approved for Landau and Battle Creek. In addition, the 33 acres east of my house at Pikes Pass and Mistymorning is on track to annex into the city and has previously submitted plans to the city with 200 plus homes. According to Lisa Anderson-Ogilvie of the city, they will be delayed in building due to the clear cut of a beautiful forest that existed on this property in April 2018. We know though this is coming. A surveyor confirmed this to us last month. I know other residential projects are in the works. The Morningstar Church area I believe is also going to be homes.

Although it is sad to see the land being gobbled up, the city needs to expand and provide more housing. This is a necessity. What is not a necessity is COSTCO!!!! The streets cannot handle this. The traffic draw from Costco will be pulling from all over Marion and Polk counties. Thousands of vehicles a day will be targeting southeast salem. This area will have enough congestion with the residential development. The streets even now have impeded flow. And, the traffic studies done by PAC Trust have been flawed.

In addition, it is preposterous for PAC Trust to claim they can transplant the White Oaks. These century old trees cannot survive. This is a blatant deception and should be totally disregarded.

My husband and I both implore you to stop a Costco from coming to this location.

Patrice Aiello
6067 Pikes Pass St SE

Shelby Guizar

From: Lynn Albright <shazam57@gmail.com>
Sent: Thursday, July 23, 2020 11:39 AM
To: Planning Comments; Aaron Panko
Subject: Fwd: Proposed Keubler Gateway Shopping Center/Costco

Hello

I should have stated the case #, which is SPR-DAP18-15 REMAND

Thanks!

Lynn Albright
shazam57@gmail.com
805-320-8152

----- Forwarded message -----

From: **Lynn Albright** <shazam57@gmail.com>
Date: Thu, Jul 23, 2020 at 11:08 AM
Subject: Proposed Keubler Gateway Shopping Center/Costco
To: <planningcomments@cityofsalem.net>

Hello,

We are strongly against the proposed site for Costco at Battlecreek. Let us just say that we LOVE Costco. We're from WA state originally and have been satisfied Costco shoppers since the 1970s. We'd love to have them build a newer, more spacious store in the city of Salem.

What's at stake here is more untamped development, loss of environment and native habitat, and loss of quality of life. City Council has already allowed massive development in South Salem. We've only lived in Salem since 2012 and since that time so much acreage has been destroyed, making way for disgusting apartment buildings like the mess that has been created off Wiltsey and Reed Av SE. More and more habitat has been destroyed to make room for housing at a rampant pace. Drive along Mildred Avenue between Sunnyside and Liberty - more development. Turn onto Liberty off Mildred and see more of the same. The list goes on.

The developer was to have built a small shopping center, not Costco with 30+ bays of gas pumps. Their traffic study was flawed and doesn't represent the current reality. Allowing Costco to build on this site would be a tragedy and a travesty. Access to neighborhoods along Battlecreek, Keubler, Commercial, etc would be seriously impacted. How would any of you like to live on Mission where Costco is presently located? We strongly disagree with trying to move the white oaks - they would be killed. Others say just plant more trees. Doesn't anyone respect the age of these trees? Their loss would be devastating. Quality of life allows for interaction with nature. We need more parks, not more mega developments in the middle of an existing neighborhood!!!

Why not move it to a site east of I-5 onto Cordon Road? Other massive buildings already exist there. Zoned industrial? I'm sure the Planning Dept could create a zoning variance. That's where it belongs!

Thanks for adding our dissent to your tallies.

Lynn & Don Albright
5989 Nelson Pl SE
Salem 97306

Shelby Guizar

From: noreply@cityofsalem.net on behalf of robertaanne1@gmail.com
Sent: Thursday, July 23, 2020 8:02 PM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	Roberta Cade
Your Email	robertaanne1@gmail.com
Your Phone	5035802878
Street	1321 Chemeketa St NE
City	Salem
State	OR
Zip	97301
Message	Has Costco considered building a high rise parking structure over their current parking lot, then expanding their store into the current parking structure?

This email was generated by the dynamic web forms contact us form on 7/23/2020.

Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Friday, July 24, 2020 8:47 AM
To: Planning Comments
Subject: Fwd: Contact City Council
Attachments: ATT00001.bin

From: noreply@cityofsalem.net <noreply@cityofsalem.net> on behalf of mc97338@gmail.com <mc97338@gmail.com>
Sent: Thursday, July 23, 2020 4:27:52 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Contact City Council

Your Name	Martha Christian
Your Email	mc97338@gmail.com
Your Phone	503-884-6173
Street	3100 Turner Rd SE n#428
City	Salem
State	OR
Zip	97302
Message	Cutting huge old oaks for another big box store is how this country and species got into the mess we are in. Huge store with huge parking lot, rain run off into our streams with all the litter and chemical with it. Have we not learned anything. But hey, people need 50 pk toilet paper and cases and cases and cases of bottled water, sodas, and the health juice of the month. Come on, Costco wants profits and cares little about our city. Please stand up and protect us Thank-you Martha Christian

This email was generated by the dynamic web forms contact us form on 7/23/2020.

Shelby Guizar

From: Kelly Comm <kellycomm@me.com>
Sent: Thursday, July 23, 2020 9:36 AM
To: Planning Comments
Subject: Case SPR-DAP18-15; REMAND

We don't need a massive Costco in Salem. This location is not suitable. The reference to ancient trees as being as a "renewable resource" is short sighted and a testament to how our society believes everything is disposable. This is disgraceful.

Sent from my iPhone

Shelby Guizar

From: Deborah Dobay <tim_deb@comcast.net>
Sent: Thursday, July 23, 2020 6:58 AM
To: Planning Comments
Subject: NO NO NO to giant Costco at Kuebler

Why do I voice my concerns about this project?

Increased traffic would overwhelm this well-established neighborhood of homes, schools, and parks. Shoppers, delivery vehicles, and gasoline tankers would strain Kuebler intersections. Frustrated drivers would zoom through residential streets used by children and adults walking to schools and parks.

The traffic study done was flawed and is outdated as Amazon is now using that I-5 exit.

Residents were misled by PacTrust as to the size and scope of the original proposal for a shopping area for that space. Shame on PacTrust and any councillor who thinks this project serves the taxpayers of this neighborhood and the shoppers who would use this space.

Deborah Dobay
Salem resident and taxpayer since 1977

Shelby Guizar

From: noreply@cityofsalem.net on behalf of Douville4@centurylink.net
Sent: Thursday, July 23, 2020 6:48 AM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	Sherri Douville
Your Email	Douville4@centurylink.net
Your Phone	5039305083
Street	18400 Bridgeport road
City	Dallas
State	OR
Zip	97338
Message	No one wants another shopping mall where a nice open field for wildlife is. No to Costco and all the traffic and noice it brings. It has no purpose except for greed.

This email was generated by the dynamic web forms contact us form on 7/23/2020.

Shelby Guizar

From: noreply@cityofsalem.net on behalf of dave.etzel@hotmail.com
Sent: Thursday, July 23, 2020 7:26 PM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	Dave Etzel
Your Email	dave.etzel@hotmail.com
Your Phone	503 507-7905
Street	920 Sunmist ct SE
City	Salem
State	OR
Zip	97306
Message	Drive down Keubler at rush hour. It's infuriating. Now add even more vehicles to heavy traffic and you will have Orange County Ca. Have you noticed the traffic going into the current Costco? It's usually backed up onto highway 22. Now you will have congestion out to I-5. Is there anyone who has done a study of the impact it will have on I-5? Put it in West Salem. There's a bigger population to draw from. ie: Dallas, Independence, Monmouth. Why on earth would you stick it in a residential area. Do not approve the latest proposal to build on Keubler. Thanks Dave Etzel

This email was generated by the dynamic web forms contact us form on 7/23/2020.

Shelby Guizar

From: Doug Fish <dofish1969@gmail.com>
Sent: Thursday, July 23, 2020 4:23 PM
To: Planning Comments
Cc: glennbaly12345@gmail.com; hughes.m@comcast.net
Subject: Case Number: SPR-DAP18-15 REMAND (Public Comment)
Attachments: Costco.pages

Attached are comments related to the Costco project in South Salem Thanks

July 16, 2020

David and Jeanette Fish
5008 Bow Ct SE
Salem, OR 97306
503.881.4807
Re: SPR-DAP18-15 (Costco)

*“The Costco store is a ‘shopping center’ within the meaning of SRC 111.001, a ‘retail use’ that is allowed in the CR zone, and PacTrust’s proposal does not exceed either the 240,000 GLA limit for a store or the 299,000 GLA for the subject property.” LUBA Decision Slip Op *18.*

While the statement above copied from the city website pertaining to this project may be accurate and true, what was omitted is the fact that at the very earliest public meetings with neighborhood residents Pac Trust sold the idea to homeowners that this would be a neighborhood shopping development. Pac Trust representatives repeatedly informed the neighborhood members that their development was necessary to make shopping easier and more accessible than driving “all the way to Commercial Street” to shop. No matter how you look at Costco stores they are not neighborhood shopping facilities. Membership is a requirement to shop at any Costco. My wife and I have been faithful customers of Costco since it’s inception here in Salem and I can honestly say in all these years I have never seen anyone walking home with a bag (box) of groceries. It is my opinion that while I like Costco as a store, it is quite a stretch of the imagination to think of it as a neighborhood store where you could send your children over to pick up milk or a loaf of bread.

Does anyone see a problem with a round a bout within half a block of a traffic signal at Kuebler? Along with the traffic light proposed at Battlecreek and Boone, again less than a block away from the Battlecreek-Kuebler intersection! Both of these traffic changes will cause bottlenecks for traffic on either end of this completed project (east and west) issues for traffic utilizing Costco and local traffic just trying to get out of their street or returning to their homes.

There are considerably more young children in the neighborhoods now due to the Lulay development that was completed this past year. This brings additional safety concerns with increased traffic and emergency vehicle traffic for the Boone Ridge

retirement center. Boone road will not be able to provide adequate demand for traffic with a Costco and its associated traffic. For many of the neighbors near this project our only access to the outside world is Boone road. For instance turning left out of Bow Ct will likely be difficult with the additional traffic from the “street frontage improvement” or exit from Costco on to Boone at Bow Ct.

I am proposing the following bullet points for consideration if Costco is approved to alleviate some of the concerns stated in this letter.

- Because Costco cannot logically be considered a neighborhood shopping store, Costco could provide lifetime memberships free of charge and for the life of its operation at this site to all households in the “neighborhood association” boundaries. By doing so, all citizens within the neighborhood of this Costco store would be welcome to shop without the requirement of purchasing memberships every year.
- Create a 4 way stop at the intersection of Boone and Bow Ct.

While it is unfortunate that Pac Trust has already spent considerable capital on upgrades to Kuebler Blvd in preparation for this site. Sometimes companies make poor business decisions and it shouldn't be up to the citizens of a city to have to live with their mistakes. Had Pac Trust stayed with the original plan agreed upon by the city and the neighborhoods I don't believe they would be in this situation.

Sincerely yours,

David D. Fish

Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Thursday, July 23, 2020 11:00 AM
To: Planning Comments
Subject: FW: Public Hearing on PacTrust

From: Peter Gatehouse <g8house@earthlink.net>
Sent: Thursday, July 23, 2020 11:00 AM
To: citycouncil <citycouncil@cityofsalem.net>
Cc: lcat5016@gmail.com; letters@StatesmanJournal.com
Subject: Public Hearing on PacTrust

If the site of PacTrust's proposed development in SE Salem is seen in the light of the CostCo complex at Mission and Hawthorne, it is easy to understand how dreadful the PacTrust proposal is.

It is obvious how inadequate the access is to meet the traffic flow such a site would generate, let alone the logistical problems while building it.

Beside the disruption caused, there is no mention of complementary facilities. In fact, the area would be better served by medical, police and fire-fighting services.

Not only does PacTrust demonstrate an arrogant and bullying intent, hoping to browbeat what it perhaps sees as a weak-minded City Council with legalistic threats, it intends to insult the citizens by uprooting part of their environmental ecology.

It is not acceptable to hoodwink Salem's citizens with switch-and-bait plans for the site, and the City Council must stand firm with its ruling.

If it takes a Public Hearing to get the message to both sides, then a Public Hearing is necessary.

Peter Gatehouse
Salem
503 363 6136

Shelby Guizar

From: Laurie Hall <laurietpc@yahoo.com>
Sent: Thursday, July 23, 2020 1:32 PM
To: Planning Comments
Subject: SPR DAP18-15/Kuebler Gateway - OPPOSITION

I want to go on record in opposition to the plan to move Costco to Kuebler.

This thoroughfare absolutely cannot absorb the increased traffic this plan would bring, and it is absolutely ludicrous to rely on a traffic impact study from 2007 as a basis for an approval.

Most of us who reside in south Salem have spent a ridiculous amount of time sitting in traffic, just trying to get to work or home after work, and the LAST thing that we need is to increase that wasted time with a much higher traffic volume.

It is obvious that the property owners have changed their plans SUBSTANTIALLY since their 2007 plans were approved. It makes no sense to rely on a 13 year old approval when they are now asking for a totally different plan that will increase traffic so significantly.

Thank you for the opportunity to submit comments.

Laurie Hall
Salem, OR

[Sent from Yahoo Mail for iPad](#)

Shelby Guizar

From: noreply@cityofsalem.net on behalf of Karihaywardhairdesign@yahoo.com
Sent: Thursday, July 23, 2020 8:45 AM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	Kari Hayward
Your Email	Karihaywardhairdesign@yahoo.com
Your Phone	9492935717
Street	4707 Southampton Dr SE
City	Salem
State	OR
Zip	97302
Message	<p>I am commenting on the proposal for the Costco on Kuebler. Absolutely not! I live on Southampton Dr in the Cambridge neighborhood. We are the main road that cars cut through from Commercial St to get to Kuebler to avoid traffic lights and traffic. It is a very steep hill and a sharp S turn getting to Battlecreek. Cars from the residents park on the street which now makes it a single lane getting in and out of the neighborhood. This street is very busy! So busy that most residents will not let their children play out front. There have been police signs tracking speed to get people to slow down to no avail. If Costco opens up this street will become more unsafe. Many accidents have already happened on Southampton and Battlecreek. There are large trees that block your view when exiting looking to your right and a steep hill where you can't see cars coming from the left. This is a parking lot of cars trying to get on to Kuebler (from Battlecreek) from 4:30 on to 6:00. Commuters trying to get on the freeway are backed up from Kuebler towards commercial and Kuebler to 27th street. A huge Costco will make traffic impossible to get anywhere. If this Costco is unavoidable please do us a favor in Cambridge and put speed bumps on Southampton Dr Se and a stop light at Southampton and Battlecreek as a deterrent and for everyone's safety. Thank you, Kari Hayward</p>

This email was generated by the dynamic web forms contact us form on 7/23/2020.

Shelby Guizar

From: Becky Isom <becky.isom@gmail.com>
Sent: Thursday, July 23, 2020 8:43 AM
To: Planning Comments
Subject: Kuebler Gateway Shopping Center Development - Public Comments

Good morning.

My name is Rebecca Isom, and I am a current resident of the City of Salem. I live on Cultus Ct SE, and can see the proposed site from my front yard. My husband and I bought this home in 2015, knowing that eventually there would be some kind of shopping center on the land at the end of Cultus. At that time, we were told that the planned development would be something along the lines of a Safeway/Roth's/Fred Meyer, a local neighborhood store.

When word made it to us that the planned store was Costco, we were shocked. A Costco was definitely not a neighborhood store, and has a much larger, regional, draw. One only has to look at the current Costco's traffic footprint to know that this will drastically change our neighborhood, just with traffic. And historically, Kuebler has been a bit of a nightmare for traffic flow. It only got better AFTER all the work that PacTrust and the City did to widen that part of Kuebler. I remember sitting in traffic, trying to get from I-5 to Commercial Street before the road was widened. Even NOW it's really rough during what Salem considers 'rush hour' traffic.

After reviewing the proposed parking lot ingress and egress locations, my concern has ramped up to extreme worry. My subdivision is tucked into a pocket between I-5, Kuebler, and Battle Creek. We have a total of five streets that allow us to get onto a major arterial road, and we already have issues turning onto Battle Creek from Foxhaven Dr due to current traffic situations, not to mention turning left OR right at Battle Creek and Boone. During the morning commute, traffic backs up from the light at Kuebler and Battle Creek past Foxhaven. Now, PacTrust is suggesting adding a second light to the intersection of Boone and Battle Creek? This will cause even more backup. And even more delays.

The proposed modifications to the street are worrisome to those of us who live in the homes on the streets that come off of Boone. Three of these streets are cul-de-sacs that will see the amount of traffic trying to 'cut through' our neighborhood to skip the traffic. The traffic on Cultus already is higher than it should be when there is an issue between I-5 and Commercial because some people try to cut through our neighborhood to 'get around' it. (Turn left at the light on 27th, turn right onto Boone, turn left onto Cultus, turn left onto Foxhaven.) We're a residential zone, not a by-pass.

Having a Costco with a gas station right off the freeway, where there are no other 'directly off the freeway gas stations' means that this will be a HUGE draw to people who are driving through Salem. And with only two ways OUT of this huge complex, one of which is directly onto Boone Road, at the entrance of a current single cul-de-sac neighborhood, causes a lot of concern.

I love my neighborhood. I've lived all over the state of Oregon, yet my husband and I keep coming back here. We both went to high school here (McKay!) and have lived in NE Salem (near McKay), Central Salem (near Bush Park), and South Salem (off Liberty & Browning). Salem is the biggest town I have ever lived in, I spent my childhood in small towns throughout Oregon and we lived in Aumsville for over 10 years (with my husband working at a business located on Skyline and Kuebler). Trust me when I say that I feel my current neighborhood is more welcoming and friendly than any small town I've ever lived in. And that we have an understanding of the history of Kuebler traffic.

Traffic here has been steadily increasing since we moved onto Cultus in 2015, especially with the new State Police station down the road, and the new Amazon distribution center. At the very least, a new traffic impact study needs to be done.

I appreciate Staff's work, and I know that we have a HUGE need to move the existing Costco from it's horrible location. The current location is 100% of the reason I ended my membership. However, at the risk of being a complete NIMBY person, this is not the place for it. Now, affordable housing/apartments? THAT should go here. (I'm biased, I work for Oregon Housing and Community Services and have helped the Salem Housing Authority over the last few years with their rehabilitation plans for a number of their current and future projects.)

Thank you for your time and patience.

Rebecca Isom
5175 Cultus Ct SE

I know nothing with any certainty, but the sight of the stars makes me dream - Vincent Van Gogh

Shelby Guizar

From: noreply@cityofsalem.net on behalf of xjacob@gmail.com
Sent: Thursday, July 23, 2020 11:07 PM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	Jacob Nicholson
Your Email	xjacob@gmail.com
Your Phone	5033074582
Street	4042 Braden Ln Se
City	Salem
State	OR
Zip	97302
Message	<p>I'm writing to affirm my belief that the Salem city council made the correct decision in its initial denial of the application to develop the Kuebler property around a new Costco, and should not change their decision. I have read through the initial zone change approval document and it is quite explicit that the property is for community, not regional, commercial use. E.g. "The Applicant requires a location where the market lacks community shopping services. The subject vicinity is such an area." Our community does not lack access to Costco, we lack convenient access to grocery and other commercial services. The document further clarifies the contextual definition of "regional": "For purposes of the SACP, the Salem Urban Area is "the area within the Salem City limits and the area within the Salem/Keizer urban growth boundary which is unincorporated and is located to the southeast and west of the common city limits boundary between the cities of Salem and Keizer." Costco very clearly serves an even greater area than the defined region. Approval of the Costco plan would not only be a clear violation of the originally approved intended use documents, but also a complete violation of the community's trust. We deserve the community shopping center we were promised. I look forward to being able to safely bike to the grocery store some day, as was implied by the initial approval. Thank you.</p>

This email was generated by the dynamic web forms contact us form on 7/23/2020.

Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Thursday, July 23, 2020 9:53 AM
To: Planning Comments
Subject: FW: Contact City Council
Attachments: ATT00001.bin

From: noreply@cityofsalem.net <noreply@cityofsalem.net> **On Behalf Of** tonypatty99@yahoo.com
Sent: Thursday, July 23, 2020 8:44 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Contact City Council

Your Name	Tony E Lopez
Your Email	tonypatty99@yahoo.com
Your Phone	5039492816
Street	4084 Duane Dr S
City	Salem
State	OR
Zip	97302
Message	I just wanted to give my personal input concerning the Costco development I am 100% in favor of the move ! I wasn't sure how to make my voice heard officially . If you need more info , please reply . Thank you , Tony E Lopez

This email was generated by the dynamic web forms contact us form on 7/23/2020.

Shelby Guizar

From: noreply@cityofsalem.net on behalf of MONICALIESKE@GMAIL.COM
Sent: Thursday, July 23, 2020 8:05 AM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	Monica Lieske
Your Email	MONICALIESKE@GMAIL.COM
Your Phone	5038125444
Street	122 RADIANCE AVE SE
City	SALEM
State	OR
Zip	97306
Message	<p>I really encourage you to revisit the plans for Kuebler Costco. The area is zoned for Commercial use, having a Costco there is a lot better than many many other options. They have shorter business hours, look at any other Costco, they always keep their parking lots and area clean and free of people just lingering. Costco is also a huge support of the local community and treat their employees very well. It would be a huge shame if Salem lost Costco and the tax revenue and they end up in Keizer. The Costco would be right off I-5 and Kuebler, traffic would not be going thru to any neighborhoods. The people living in the nearby neighborhoods have to travel thru their neighborhoods to get to Kuebler REGARDLESS what is in that land space. People are not going to drive around just to go thru a neighborhood to get into Costco! Plus...the road from the nearby Neighborhood to Costco can get closed off so no one could enter/exit that way. Look at the current location, we do just fine with one entrance/exit. With this new location they can easily put in 2 entrance/exits to/from Kuebler to have a better flow. Win Win. The nearby neighborhood is not affected. This seems like such a waste of City money to continue in Court. And the Oak Trees...there are a lot of options. Not only to move them but build a little park area around them. It could be for shoppers to eat their Costco hotdog, the employees a place to have their lunch break etc. Something is going to get built there. Lets put in a good tried and try company, Costco, that has respect for the local community versus wasting more tax payer money to fight it and do what, another tacky strip mall with a few pot shops and convenience store or empty store fronts??!! We have too many of those as it is. Please put in Costco! Stop wasting Tax Payer dollars. Lets be real...an Orenco Station would be nice but that is really not realistic. More strip malls is way worse for the neighborhood than a Costco!</p>

This email was generated by the dynamic web forms contact us form on 7/23/2020.

Shelby Guizar

From: Chad Montgomery <chad@mcgcorp.net>
Sent: Thursday, July 23, 2020 2:59 PM
To: Planning Comments
Subject: Kuebler Gateway Shopping Center-Costco

To Whom It May Concern,

I am in support and in favor of the new development and Costco being an anchor tenant for the community of South Salem.

Regards,

Chad Montgomery

President

Cell 503.881.1841

Office 971.915.2527

Fax 971.915.2526

www.mcgcorp.net

CCB# 215124

WA# MONTGCG839MG



Shelby Guizar

From: noreply@cityofsalem.net on behalf of jaumann@frontier.com
Sent: Thursday, July 23, 2020 11:27 AM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	Donald Murha
Your Email	jaumann@frontier.com
Your Phone	5038733310
Street	627 Ross Ave
City	Silverton
State	OR
Zip	97381
Message	The proposed Costco location is a terrible idea. Costco is a store that not only serves South Salem, but also the surrounding communities. I live in Silverton, OR. If I were to take Corden Rd on to Kuebler, I would have to cross the TWO lane bridge to get to the new location. Insane! Costco is to be available to more people, not just South Salem!!!! I hope you will find a better location. By the way, Keizer would be a far better choice.

This email was generated by the dynamic web forms contact us form on 7/23/2020.

Shelby Guizar

From: Rachel Nicholson <rachel.k.nicholson@gmail.com>
Sent: Thursday, July 23, 2020 9:02 AM
To: Planning Comments
Subject: Case Number SPR-DAP18-15; REMAND

Hello,

I am a resident of Salem and wanted to voice my opinion on this case.

NO to Costco. NO to removing or "moving" the oak trees.

Thank you,

Rachel Nicholson

Shelby Guizar

From: Aaron Panko
Sent: Friday, July 24, 2020 11:55 AM
To: Planning Comments
Subject: FW: New Costco

-Aaron | [503-540-2356](tel:503-540-2356)

From: Thomas Hyde <thomas.g.hyde@gmail.com>
Sent: Friday, July 24, 2020 11:48 AM
To: Aaron Panko <APanko@cityofsalem.net>
Subject: New Costco

I live at 2734 Vintage Ave SE, Salem. About 4 streets south of the proposed new Costco location.

I considered:

1. NIMBY
2. Zone use. This probably should have been thought out, or fought out when the land was zoned.
3. Stumbling blocks to economic growth.

Do what is best for all of Salem.

I am not real happy considering how it will effect me.

However I believe Costco should be allowed to build there.

Thanks,
Tom Hyde

Shelby Guizar

From: JUDY KIDNEY <jlkidney@comcast.net>
Sent: Friday, July 24, 2020 8:35 PM
To: Planning Comments
Subject: Proposal for Costco

I would like to join in with my former neighbors that are against the building of Costco on Kuebler Blvd. This is not what the neighbors were told that would be developed on this property. I think they should stick to the original plans for building a 'small' strip mall on this property. What is the problem with leaving Costco where it is presently and building another one in the Keizer area? Putting it on Kuebler will cause congestion beyond belief! As it is, I am a senior citizen having to drive from West Salem and I don't look forward to the extra miles to have to travel through town! I don't understand catering to the south end of town. Costco should be more accessible to ALL of Salem.

Thank you,
Judy Kidney

Shelby Guizar

From: noreply@cityofsalem.net on behalf of nanaelita@yahoo.com
Sent: Friday, July 24, 2020 11:11 AM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	Elizabeth Koller
Your Email	nanaelita@yahoo.com
Your Phone	503-409-8892
Street	6861 Lemongrass Loop SE
City	Salem
State	OR
Zip	97606
Message	Yes, we need this Costco here on kuebler. Lived in this area for over 30 years. This is an ideal location for a new Costco, close to the freeway and on a Major boulevard like kuebler, and this new site includes multiple entrances to the store, not like the terrible Costco on mission Street now. We need this job provider here in South Salem. Don't lose this great retailer to keizer!

This email was generated by the dynamic web forms contact us form on 7/24/2020.

Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Friday, July 24, 2020 11:15 AM
To: Planning Comments
Subject: FW: time process

Expires: Thursday, October 22, 2020 12:00 AM

From: Lora Meisner <lmgb@earthlink.net>
Sent: Friday, July 24, 2020 11:21 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: re: time process

Why has no one heard about a public hearing? The city needs transparency on this remand process and people need to be able to SPEAK to their elected representatives. Figure it out.....there are PHONES, there is ZOOM. Also why do the city regs allow for 7 days for an applicant's final written appeal yet this applicant has been given 30 days.....where is the public's 30 days????? It was cut short because Dan sat on his hands for two weeks. Are we mad as hell, you bet we are !!!!

Lora Meisner
1347 Spyglass Court SE
Salem, OR 97306
503-588-6924

Shelby Guizar

From: noreply@cityofsalem.net on behalf of rosenix@comcast.net
Sent: Friday, July 24, 2020 11:53 AM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	Rosemary Nixon
Your Email	rosenix@comcast.net
Your Phone	5033630733
Street	5160 Dome Rock CT SE
City	Salem
State	OR
Zip	97306
Message	<p>I'm totally against Costco going in at the proposed site. The original plans were for a much smaller shopping center. The current plans have less parking then the current site does. The traffic waiting for gas will back up onto the local streets. and now with the multi leveled senior living apts, mini mall and medical offices going in around Boone Ridge just east of the Costco site it will be impossible for the homeowners in the area to commute. With the added cars going in and out of the mini mall , independent living apts, and medical offices the area will already be congested. I'd like to know who else can buy property with one land use then want the city to repay them back for improvements when they are changing from the original plan? Please don't cave on your original decision to decline Costco from being built there. The other side of I-5 near Amazon would be much more appropriate.</p>

This email was generated by the dynamic web forms contact us form on 7/24/2020.

Shelby Guizar

From: Nathaniel Price <nathaniel.t.price@gmail.com>
Sent: Friday, July 24, 2020 6:00 PM
To: Planning Comments
Subject: New Costco Development at Kuebler Gateway Shopping Center in Salem

Good afternoon

I would like to voice my concerns regarding the proposed new Costco at the Kuebler Gateway Shopping Center in South Salem. In general I am in favor of growth and development as it helps our economy grow and thrive. However, it needs to be done responsibly. In this case, I don't think proper care was taken in studying the impacts on the neighborhood, and the surrounding transportation system.

The original zoning request was for a local shopping center. They talked about focusing on the local neighborhood and drawing the customer base from there. A Costco does not make this development a local shopping center focusing on a local customer base. The Costco, being the only one between Albany and Wilsonville, will draw customers from throughout the region, even as far west as the Oregon coast.

Did the traffic studies that were originally conducted include a development that would draw traffic from all around the region, or did it focus on the local neighborhood? The traffic on Kuebler is already bad, especially during the peak hours. What will the addition of the Costco do to Kuebler traffic? What will it do to the I-5 interchange, especially with the addition of extra commercial vehicle traffic headed towards all the new warehouses? What will happen to the surrounding neighborhood streets - when Kuebler is too crowded to get out and traffic decides to cut through the neighborhoods? Did the traffic studies include the new Boone Ridge Care Facility? What about the new 144 unit independent living facility on the Boone Ridge campus? There is only one way in and out of there. What is going to happen when emergency services are trying to get back there and the traffic is tied up because of Costco?

I'm not immediately across the street from the proposed location (but I am around the corner) and will probably be able to see the building from my house. However, if I were directly across the street, I would want to know what Pac-Trust and Costco are going to do to help buffer between the commercial and the neighborhood zones. Maybe some more trees planted, or some decorative walls to act as a buffer. Something needs to be there as a buffer.

Again, I'm not against growth and development. And, I can think of a lot worse businesses that could be placed in this location than a Costco. A 24 hour grocery store, or a bar or pot store would be much worse. At least with a Costco we know the hours of operation will be reasonable. I think before the City Council decides to approve this development, they need more information on the actual impacts from this type of development, with all of the new growth in the area. And they need to make Pac-Trust fund the needed improvements to accommodate the added traffic to the area. They also need to fund the improvements to help prevent traffic from cutting through the neighborhoods and keep the traffic on the streets intended.

Before you blindly approve this development just to add to our tax base, please reconsider the impacts and what can be done to mitigate them. Request additional traffic studies. Determine the impact to emergency services. Determine what mitigation can be done to make the development work, and then put that cost back on the developer. They want to build here, they want to induce the additional traffic, they can pay for the impacts so we don't have to.

Thank you.

--

Nathaniel T. Price

Shelby Guizar

From: becky ray <becky1217@centurylink.net>
Sent: Friday, July 24, 2020 6:35 PM
To: Planning Comments
Subject: Kuebler Shopping Center

Hi,

I understand that this area is being processed considered by Costco. That area is too small for a store the size of Costco, its fuel station and parking. Additionally, Kuebler is already heavy traffic and this additional traffic would contest that area even more, driving people into side roads and neighborhoods. I have seen this happen with the new housing around Wiltsey and Madras with people using the side roads to avoid Commercial.

It would seem a shopping center similar to those where Great Harvest is located or the Sunnyslope Shopping Center would be better traffic wise. It's worth considering.

This location could house a restaurant such Pastini Pastarias, Johnny Carino's or a larger restaurant like Cracker Barrel and Cheesecake Factory. There would be heavy traffic but it would be manageable.

Thank you for allowing opinions.

Nancy Ray
6371 Fairway Ave SE
Salem OR. 97306

Sent from my Verizon ASUS tablet

Shelby Guizar

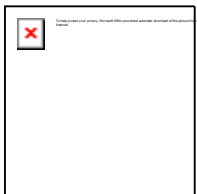
From: Alex Rhoten <arhoten@cbcre.com>
Sent: Friday, July 24, 2020 4:44 PM
To: Planning Comments
Subject: Costco

I fully support Costco on Kuebler Blvd. in South Salem.

Thank you.

Alex Rhoten

A Licensed Principal Broker in Oregon
Coldwell Banker Commercial Mountain West Real Estate
960 Liberty Street SE, Suite 250
Salem, OR 97302
[\(503\) 587-4777](tel:(503)587-4777) Office
WWW.CBCRE.COM



We'd like to hear from you. Review us on [Google](#) and [Facebook](#).

Shelby Guizar

From: noreply@cityofsalem.net on behalf of Schafer@Schafferfamily.com
Sent: Friday, July 24, 2020 4:34 AM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	TJ Schaffer
Your Email	Schafer@Schafferfamily.com
Your Phone	503 743 0000
Street	Pob 457
City	Turner
State	OR
Zip	97392
Message	<p>This contest seems to be about deficient staff and public planning around failure to understand the economics of larger businesses. Cosco is a large retailer trying to locate to a relatively small and relatively undeveloped neighborhood site. A capacity to handle large traffic volumes and/ or local emergencies is not there. Smart Cocos managers really does not want that. Planners should study larger retail sites in the Portland area, to better understand how public resources for large retail sites differ from neighborhood retail locations. The Woodburn site illustrates how a small shopping center is a poor location choice for high traffic uses. Poor business planning is dramatically illustrated when infrequent events cripple public access. In the instance of Woodburn, the excess vehicle traffic cripples the neighboring interstate highway and requires routine police engagement. Tacoma, Washington, illustrates a more successful development. Miles of shopping access seems to have been a part of the resolution. I have no "horse" in this race, tough I do have relevant experience and education. I think Cosco would have better business results from a couple smaller retail sites in the Salem/ West Salem area, in addition to the Mission Street, retail location. That might make better business-financial sense.</p>

This email was generated by the dynamic web forms contact us form on 7/24/2020.

Shelby Guizar

From: Aaron Panko
Sent: Monday, July 27, 2020 7:23 AM
To: Planning Comments
Subject: FW: Costco

-Aaron | 503-540-2356

From: Sue Stuhr <suedon302@comcast.net>
Sent: Friday, July 24, 2020 8:41 PM
To: Aaron Panko <APanko@cityofsalem.net>
Subject: Costco

My husband and I would like the City of Salem to reconsider its decision on Costco's application to build their new operation on Kuebler Blvd. We **heartily approve** their plan to build on the Kuebler Blvd. property. Their present location is inadequate and ties up traffic on Mission St (Santiam Highway 22). We also do not want to lose our Costco to Keizer.

Thank you,
Susan and Donald Stuhr
2595 Mountain View Dr. S
Salem, Oregon 97302
503-399-1595

Shelby Guizar

From: Sheila Tuthill <sheila.tuthill@gmail.com>
Sent: Sunday, July 26, 2020 3:29 PM
To: Planning Comments
Cc: citycouncil
Subject: Fwd: Costco proposed development

Begin forwarded message:

From: Sheila Tuthill <sheila.tuthill@gmail.com>
Date: July 24, 2020 at 11:13:19 AM PDT
To: CityRecorder@cityofsalem.net
Subject: Costco proposed development

To City Council Members;

I am outraged that Costco wants to build a behemoth big box store in the midst of our little residential neighborhood; this is emblematic of corporate arrogance. I walk down 27th street everyday and observe children on bicycles and skateboards while listening to the birds singing in the magnificent Oak savanna. I have observed traffic backed up on Kuebler Boulevard all the way from Battlecreek to south Commercial at rush hour; Costco would exacerbate this to me point of traffic gridlock. The fumes from the 30 Gas pumps would blow over to the streets and yards of our neighborhood and be absorbed into the lungs of our children! Costco is a bad corporate citizen and is placing profit over community livability. Costco is a Goliath and you are David, only you can save our precious community.

Thank you,
John Tuthill

Shelby Guizar

From: jenvbend@aol.com
Sent: Friday, July 24, 2020 10:31 PM
To: Planning Comments; citycouncil
Subject: Pactrust / Costco remand issue

To: Salem citycouncil and City of Salem Planning Department Subject:

Hello, I'm a homeowner at 5581 Hawk Hill SE, Salem, OR 97306. I understand you are accepting public comments on the proposed construction of a Costco off Kuebler.

I am very opposed to Costco being built at Boone RD SE / 27 ave SE and Kuebler Blvd.

For the following reasons.

Salem should take a stand to require that any development at this location maintains adequate buffering around the oak trees to ensure survival of around the old growth Oak habitat. Too little is left of Oregon's oak savannah habitats, and removing trees removes important wildlife habitat for birds, including woodpeckers, native grasses and supports countless species that cannot easily find new homes and may be endangered. Was a full environmental impact study conducted by the applicant? It would be warranted to gain a full understanding of the habitat destruction by scientists who can more impartially assess these impacts. Any building on this location, must aim to protect these trees. The original plan for a mixed-used development that supports community shopping and medical needs could still be achieved with a re-design to ensure protection of these trees and habitat. It will also look much better than other places in Salem that have become big-box wastelands. LUBA did affirm that the city policy protecting oak trees may be applied to the decision to approve or reject the development plan. I urge the City to uphold its decision to reject the development plan. The tree preservation policy is sufficient for rejection, contrary to PacTrust's most recent submission. PacTrust must also be bound by LUBA ruling's affirmation that the oak-tree protection policy is valid and sufficient grounds for rejection. PacTrust has said they can't build without removing the trees due to their economic loss. At what point does the city lose its soul completely? When it can't decide that somethings about livability are more important than the almighty dollar.

This is a traffic nightmare, despite PacWest's contributions to improve the site, they appear to be trying to use that as blackmail to tell the city to overlook serious concerns about traffic for current plans. Contributions should not be used to say Salem has to allow an development no matter how egregious just because investments have been made. No this is a process and they have gone ahead to propose the building that will make the most money for them, not what will be a best fit for the community. The application for this large of a business in this location does not make for smart planning and is not the same as a center for businesses that draw primarily local residents. Salem has made too many development mistakes in the past that have created too many ugly big box stores and traffic congestion headaches. I can get to a movie theater in Independence faster than I can get to one in Salem. Traffic already backs up at the I-5 interchange everyday. Salem has better locations that would better suit Costco and the volume of traffic, parking and congestion it creates on a daily basis. The traffic will come from JEFFERSON, TURNER, AUMSVILLE, STAYTON, NORTH SALEM, WEST SALEM, KEIZER, SILVERTON, WOODBURN, DALLAS, AMITY, MONMOUTH, INDEPENDENCE, to name a few. The I-5 interchange at Kuebler is not adequate to handle this amount of non-local traffic. The interstate exit already often backs up in the evenings as the on-ramps do in the mornings. The site already would not offer adequate parking and COSTCO would have the same problem they have in their current location. This site could handle additional medical, or a local bakery sitting or coffee shop. There are too many close by neighborhoods where traffic back-ups will cause major hardship to families daily lives and significantly impact these homeowners investment. While I live farther away off Kuebler, I anticipate impacts on length of commutes to work or to other activities in Salem, even to get to other commercial locations on Commercial. This development will also create noise and pollution, and dangerous driving conditions for neighborhoods surrounding the area. What about the kids trying to bike and cross intersections?

As others have written based on PacWest proposals: PacTrust pledged to develop a "community shopping and services" center with retail and medical operations serving the local neighborhoods which it said were an "underserved base of consumers for community commercial services". In its re-zoning application, PacTrust stated that, " We're not creating something drawing for ten miles, we are responding to a market that exists... This idea that we are pulling from all over Salem just isn't going to happen." In a form of bait-and-switch, PacTrust's current proposal is to locate one of the largest retail operations in the city, Costco, one that draws not only from "all over Salem", but from a wider region. They propose

to locate this massively traffic-generating big-box retail operation at a transportation choke-point, where the vast majority of ingress and egress transit from southern Salem to I-5 must pass. Traffic congestion at this location will be intensified for decades to come, imposing tremendous private costs and costs on the community. The traffic impact estimates offered by Kittelson are simply not credible.

It also appears that city staff have significantly let down the public by not sharing the information with the public in a timely way providing for very little time and opportunity in public comment. This should be reviewed and processes improved.

Sincerely, Jennifer Valentine 5581 Hawk Hill St SE, Salem OR 97306 jenvbend@aol.com

Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Friday, July 24, 2020 11:49 AM
To: Planning Comments
Subject: Fwd: Case #SPR DAP 18-15, Costco
Attachments: Costco letter 2.pdf

From: Bill <willisw2001@aol.com>
Sent: Friday, July 24, 2020 11:48:11 AM
To: Chuck Bennett <CBennett@cityofsalem.net>; citycouncil <citycouncil@cityofsalem.net>
Cc: Glenn Baly <glennbaly12345@gmail.com>
Subject: Case #SPR DAP 18-15, Costco

Mr. Mayor and Councilors, I wish to submit the attached comments, and thank you for your consideration.

Bill Worcester

Sent from [Mail](#) for Windows 10

July 24, 2020

Mayor Chuck Bennett
Salem City Council

Re: TRAFFIC: Case #SPR DAP 18-15, Proposed Costco Relocation

Dear Mayor Bennett and Councilors:

We believe the developer's traffic engineer, Kittelson and Assoc., has failed to provide a realistic traffic impact study, as outlined in Bill's testimony at the 12/10/18 public hearing and 3/18/20 letter. In view of this and the size of the proposed development, we remain **OPPOSED** to the regional Costco store and industrial-scale fueling station at the Kuebler location.

Kittelson's comments after the hearing only reinforced the inadequate conclusions of the original TIA, which significantly underestimates trip generation and ignores the aggregate impacts of ancillary retail outlets on the site. To our knowledge, Kittelson has not addressed how off-site developments, such as the Boone Ridge retirement facility and Amazon distribution center will add to Costco's impacts on Kuebler, Battle Creek, and connecting neighborhood streets, especially during peak hours.

We would be glad to have a retail development consistent with the PacTrust's original proposal. However, we now see a classic bait and switch: Get preliminary approval for a *neighborhood* shopping center, then come back with what is clearly a *regional* Costco big-box store and mega gas station on a much larger scale.

The Council made the right decision in denying the current PacTrust proposal. We sincerely hope you will stick to your guns and protect the proximate neighborhoods and infrastructure from overwhelming traffic that will surely result from allowing a development that is so oversized for the location and local transportation system. Thank you for the opportunity to comment once again.

Respectfully,

Bill & Roslyn Worcester
1935 Wickshire Ave. SE
Salem 97302

503-371-9293
Willisw2001@aol.com

C: Glenn Baly

Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Sunday, July 26, 2020 12:48 PM
To: Planning Comments
Subject: Fwd: South Gateway Neighborhood Association Letter

From: Dan Atchison <DAtchison@cityofsalem.net>
Sent: Friday, July 24, 2020 7:46:54 PM
To: Glenn Baly <glennbaly12345@gmail.com>
Cc: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>; Norman Wright <NWright@cityofsalem.net>; Steve Powers <SPowers@cityofsalem.net>; Aaron Panko <APanko@cityofsalem.net>
Subject: Re: South Gateway Neighborhood Association Letter

Mr Baly:

See my response sections 4(a) & (b). They are set apart because they serve different purposes as explained on those responses.

On Jul 24, 2020, at 6:29 PM, Glenn Baly <glennbaly12345@gmail.com> wrote:

Dan,

To be clear. The public and any interested party has until August 12 to submit comments. Correct? If this is the case why does the Notice divide the process between an Initial Comment Period and a Rebuttal Period.

Thx.

Glenn Baly

On Fri, Jul 24, 2020, 4:55 PM Dan Atchison <DAtchison@cityofsalem.net> wrote:

Mr. Baly:

To respond to your follow up:

1. The City is providing an extended comment period. The City has no procedures that apply specifically to a remand from LUBA. The UDC typically provides for a 15 day public comment period before a land use decision is issued. Given the interest in this application we wanted to provide a longer period. Between the initial comment period and the rebuttal period, both of which are open to all interested persons, the City is providing a 43-day comment period open to the public. Factoring in the time needed for staff to prepare a report to council (which occurs after the record closes) and for council to deliberate on and adopt a final written decision, there is not enough time to extend the record period any longer. As for shortening

the applicant's time for final written argument; as I previously informed you the applicant granted a two-week extension to the 120-day decision deadline. That extension was granted with the understanding that the applicant be provided additional time for final written argument. If the City were to reduce the time for final written argument, the applicant's extension would no longer be valid and could be withdrawn – meaning the City would have to reduce the comment period.

2. Council Rules regarding the applicant's final written argument. The City, like most jurisdictions, does not have specific rules that apply to proceedings on remand from LUBA. The City Council rule conforms with ORS 197.763(6)(e), which applies to initial hearings. This is a remand proceeding. ORS 227.181 applies in this instance and does not provide for a suspension of the 120-day decision deadline for final written argument.
3. Period from June 16 to July 1. During this period, the City was reviewing the materials submitted and preparing the notice of remand. Given the attention this matter has received, the City desired to make the notice as accurate and error free as possible.
4. Record periods. I just received your follow up inquiry regarding the rebuttal period:
 - a. The initial open record period is open to all interested parties. All parties can introduce any evidence and testimony regarding the application. This period ends July 28, 2020 at 5:00 pm.
 - b. The rebuttal period is also open to all parties. As stated in the notice, parties may provide any evidence and testimony that rebuts any arguments or evidence previously made. This period runs from July 29 to August 12 at 5:00 pm.

From: Glenn Baly <glennbaly12345@gmail.com>

Sent: Thursday, July 16, 2020 9:00 PM

To: Dan Atchison <DAtchison@cityofsalem.net>

Cc: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>; Norman Wright <NWright@cityofsalem.net>; Steve Powers <SPowers@cityofsalem.net>; Aaron Panko <APanko@cityofsalem.net>; Chip Davis <salemguy2012@hotmail.com>; Jake Krishnan <jakekrishnan@gmail.com>; Jerry Sachtjen <JerChar04@msn.com>; John Ledger <jledger@comcast.net>; Sylvia Machado <ladymachado@gmail.com>; Trevor Elliott <trevorelliott@remax.net>

Subject: Re: South Gateway Neighborhood Association Letter

Dan,

Thank for including SGNA in your email to the Council regarding our procedural concerns regarding the Costco/PacTrust Remand. However we still have questions regarding the timeframe for public comment and public testimony at the City Council hearings.

You mentioned in your email that the Remand Application was submitted on June 16, 2020 and would probably end on October 26, 2020 meaning that the process will take 132 calendar days. This accounts for the required 120 days plus 12 of the 14 days granted by the applicant for extended comment period. This raises a number of questions and possible changes that would allow the City to extend the public comment period

1. City Council Rules require at least seven days for an applicant to develop a final written argument, but the Remand process grants the applicant 29 days. Why not shorten the written argument period, especially since the applicant can use the Public Rebuttal Period to counter any new information raised during the Public Comment Period.
2. City Council Rules for land use hearings state that "A seven-day period for submittal of final written argument provided to the applicant shall likewise result in a corresponding extension of the 120-day time limitations." Doesn't this mean that the 132 days currently devoted for the Remand should be extended to account for the length of the Applicant's Final Written Argument Period.
3. The Remand process started on June 16, 2020, but SGNA and affected residents weren't informed of the Application until July 1, 2020

We also strongly disagree that the Zoom platform or phone-based testimony cannot be used to facilitate a City Council devoted to public testimony for both proponents and opponents. At its recent Special Session, the Oregon State Legislature held committee hearings that allowed for Zoom and phone-based public testimony from various parties.

We feel that it's vital to provide enough time for the public to review the Remand Application and testify directly to their City Council representatives.

Please respond as soon as possible.

Glenn Baly

SGNA

On Wed, Jul 15, 2020 at 3:25 PM Dan Atchison <DAtchison@cityofsalem.net> wrote:

This email is being sent to all members of the Salem City Council:

Council:

Attached is the letter from SGNA concerning the remand proceeding on the Costco site plan application. The letter will be included in the record of the application, so you are free to read it,

however, please do not respond directly. I sincerely appreciate SGNA and others being mindful of the restrictions on communicating directly with council due to the State law ex parte restrictions and attempting to limit their communication to procedural matters. SGNA raises two concerns/requests; 1) that the comment period be extended, and 2) that members of the public be given an opportunity to testify orally at a council meeting.

In regard to the request for an extended comment period, state law requires the City to issue a decision on remand within 120 days of the date the applicant submits a letter to the City requesting action. The applicant's letter was submitted on June 16, 2020. In addition, the applicant has granted the City a 14 day extension to provide for an extended comment period already. At this point the City is required to issue its final written decision by October 28, 2020. The comment period is broken into three different period; 1) open comment from July 1, 2020 to July 28, 2020; 2) rebuttal period open to all from July 29, 2020 to August 12, 2020 and; 3) Applicant's final written argument from August 13, 2020 to September 10, 2020.

After the comment period ends on September 10, 2020 staff will be tasked with providing council a comprehensive staff report detailing all the application materials, comments received and responses to those comments, as well as a recommendation to Council. We want to get that report to you as early as possible so you will have adequate time to review it individually and ask questions of staff, before deliberating as a council on the application on September 28, 2020. The schedule provides for one additional council meeting, on October 12, 2020 for continued deliberations if needed. Once council votes, staff will need some time to draft a final written order with comprehensive facts and findings for council to adopt at a subsequent meeting (most likely, October 26, 2020). Given the 120 day deadline and the extended comment period already provided, there simply is not sufficient time to schedule and provide notice of a public hearing or provide additional time for public comment. Lastly, hearings must be conducted virtually, through the Zoom platform. While the platform has been a tremendous tool for the City to facilitate virtual meetings, it is not conducive to several hours of public testimony in three minute blocks.

Please keep in mind that this application was originally filed on June 6, 2018. The application has not substantially changed since it was originally submitted. SGNA and affected neighbors had an opportunity to submit written comment at that time. The application was then reviewed by city council at a public hearing on December 10, 2018. The parties had another opportunity to submit written comment as well as testify at the council meeting.

If you have any questions or concerns, please contact me at your convenience.

If members of the public wish to submit comments on the application, they may be submitted to: planningcomments@cityofsalem.net. A copy of the public notice of remand is also attached for your reference.

Dan Atchison, City Attorney

Due to the COVID-19 Pandemic, City of Salem offices are closed to walk-in visitors and many employees are working remotely. I am working remotely on most Wednesdays and Thursdays, and do have access to my email and voicemail.

Dan Atchison

City Attorney

City of Salem | Legal Department

555 Liberty St SE, Suite 205, Salem OR 97301

datchison@cityofsalem.net | 503-588-6003

[Facebook](#) | [Twitter](#) | [YouTube](#) | CityofSalem.net

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Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Friday, July 24, 2020 8:46 AM
To: Planning Comments
Subject: Fwd: Contact City Council
Attachments: ATT00001.bin

From: noreply@cityofsalem.net <noreply@cityofsalem.net> on behalf of pclarke.lcsw@gmail.com <pclarke.lcsw@gmail.com>
Sent: Friday, July 24, 2020 8:29:26 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Contact City Council

Your Name	Paula Clarke
Your Email	pclarke.lcsw@gmail.com
Your Phone	661-877-8113
Street	736 Rural Ave S
City	Salem
State	OR
Zip	97303
Message	I am writing in response to the proposed Kuebler Gateway Shopping Center. I am firmly opposed to the developed as it is currently designed. It is too large for the neighborhood and would have a negative impact environmentally. It is important for us to cherish the White Oaks we have left in the Willamette Valley. A better use would be a much smaller development AND A park with the trees protected. Sincere, Paula Clarke

This email was generated by the dynamic web forms contact us form on 7/24/2020.

Shelby Guizar

From: Dianna Dobay <dmdobay@gmail.com>
Sent: Friday, July 24, 2020 5:08 PM
To: Planning Comments
Subject: Kuebler South Gateway Development - No Thank You!

For the past several years residents of the South Gateway neighborhood have voiced our concerns - loudly- at our displeasure for the idea of a Costco or other large development on Kuebler west of I5. However, the idea continues to come up and be presented. Let us be blunt. THIS IS A BAD IDEA. Just a few reasons that have been discussed amongst neighbors:

- Increased traffic to Kuebler would force drivers to increase their use of side streets, overwhelming the residential streets that surround the area.
- Recently the Kuebler/I5 off-ramp was widened and can now barely accommodate the current traffic load.
- The traffic study that was completed is too outdated. We now have FedEx and Amazon delivery trucks using that as a primary exit, as well as the Oregon State Police.
- The South Gateway neighborhood has a large number of schools and parks that attract child pedestrians, even after hours and on weekends.
- Large old growth Oak trees would need to be cut down to make room for the large development, negatively impacting the unique wildlife in the area.
- Pringle and Lee elementary schools' main traffic arteries are Battle Creek Rd and Kuebler Blvd, along with Leslie Middle School's. The additional traffic will cripple parent commuters, and unnecessarily and disproportionately place children's lives at high risk.
- Boone Rd to Reed Ln is a particularly dangerous section of road, with its sharp blind turn already causing traffic congestion and accidents.

Residents were misled by PacTrust as to the size and scope of the original proposal for a shopping area for that space. A much smaller development is welcome, but a large development would be irreversibly damaging to the area and residents.

Thank you,
Dianna Dobay

Shelby Guizar

From: pauleckley@comcast.net
Sent: Friday, July 24, 2020 11:17 AM
To: Planning Comments
Subject: SPR-DAP18-15; REMAND

The City should approve this project. My family and I have lived in south Salem for 35 years and we are not members of or shop at Costco. The idea of regional versus local makes no sense. How many people come to Salem from other areas up and down the valley to enjoy the river, our parks, our restaurants, our events, and our stores. Does that make them “regional”. I don’t think so.

- 1) City staff and the City Manager are professionals who know the best in regard to City laws, rules and regulations. They recommended, in 2018, that Council approve the project. Council should have listened to staff and done so. This denial has been handed back to them twice, first by LUBA and second by the courts.
- 2) The property is zoned for this type of project. Regarding “promises” made, if the property was sold to another developer, any so called promise made by a previous owner would have no standing.
- 3) The project has and will pay for their fair share of transportation system improvements. They will also pay for Citywide improvements to parks, and the water, sewer and stormwater systems.
- 4) The oaks, which are my favorite tree, will likely die no matter what development happens. Oak trees don’t like pavement and irrigation systems. (They probably don’t like people too.)
- 5) Council needs to focus on more important community issues at this point in time, like homelessness and social justice.
- 6) The best answer is for Council to work with the developer to find a way to approve the project with conditions acceptable to the developer. To deny the project again will end up having a distant judge make the final decision about the project where neither the community or the applicant win. And please remember the pending lawsuit. The City does not have millions of dollars to settle this.

Paul Eckley
503-580-6476

Shelby Guizar

From: Danielle Roman <daniellemroman85@gmail.com>
Sent: Friday, July 24, 2020 11:55 AM
To: Planning Comments
Subject: Approval of Costco

Case Number: SPR-DAP18-15; REMAND

I am writing in favor of the Costco being built at the 2500-2600 block of Boone Road SE in Salem, OR 97306. I have a very large family and we tend to do most of our shopping at Costco. I don't see how traffic would be an issue as it would be safer to have a Costco at this location rather than at it's current location on Mission St. My Husband actually works at Les Schwab at 1405 Barnes Ave Salem, OR 97306. So we take Kuebler everyday to get back on the freeway to head home. We have never had any issues with traffic being backed up on either Kuebler or Battle Creek ever. We take Battle Creek to get to my moms house every other day as she lives off of Pringle and Heather. Kuebler is a very wide road on both sides heading both north and south. If it was to be built my only suggestion would be to widen Battle Creek Rd from just one lane to two lanes for at least 1/2 a mile to 1 mile starting from Kuebler heading West towards Madrona Ave.

Thank you for allowing me to have some input towards this possible development.

Sincerely,
Danielle Gidley

Shelby Guizar

From: Jay Buswell <jbuzz48@gmail.com>
Sent: Saturday, July 25, 2020 5:31 PM
To: Planning Comments
Subject: Costco

Traffic Impact

- Salem requires that a Site Plan Review have a current/relevant to today Traffic Impact Analysis. The Costco/PacTrust TIA is 2.5 years old. Additionally the development uses standards from 2007 when the zone change was requested. Therefore the City Council needs to request a new TIA based on current traffic volumes, needs and additional development impacts like Amazon. Even by 13 yr old standards this was a whale in a bathtub situation. It is even more so now. Imagine two traffic control intersections within a few feet of each other at Boone and Keubler on Battle Creek. At rush hour it's hard to transit that area now.

Tree Retention

- About 96% of oak habitats have been destroyed. The Oregon white oaks on the PacTrust property are 200-300 years old and form their own ecosystem. Transplanting these trees (as proposed by PacTrust) destroys the ecosystem and it's highly unlikely they will survive. Any development on this property should protect the oaks and their ecosystem. Oregon white oaks of any size can be easily damaged by change such as pruning or transplant. Trees of this size simply would not survive transplant. Ask any arborist.

Neighborhood Shopping Center

- If PacTrust fulfilled their original promises and built a neighborhood shopping center like Orenco Station in Hillsboro the white oaks could be saved and the traffic impact would be appropriate for a development of this size. Further, if the PacTrust people pushing this whale in a bathtub debacle lived near any of the streets involved, you can bet it would not be happening! Additionally we do not have another gas station in the neighborhood or countless freight trucks that are a part of a retail establishment of this size!
- Public Hearing
- The City Council needs to hold a public hearing with direct testimony from residents so that all voices are heard on the Remand Application since residents cannot directly communicate with their City Councilors due to *ex parte*.

Please let the City know by [Tuesday, July 28 at 5:00 pm](#) how you feel the proposed Costco development will impact your quality of life. Also, please tell your friends and neighbors to send

Sent from my iPhone

Shelby Guizar

From: Aaron Panko
Sent: Monday, July 27, 2020 7:31 AM
To: Planning Comments
Subject: FW: Yes for Costco

-Aaron | 503-540-2356

From: Cathy Jarman <cathjar@comcast.net>
Sent: Saturday, July 25, 2020 11:09 AM
To: Aaron Panko <APanko@cityofsalem.net>
Subject: Yes for Costco

Sir/Ms

I would like the City of Salem to reconsider its decision on Costco's application to build their new operation on Kuebler Blvd. We **heartily approve** their plan to build on the Kuebler Blvd. property. Their present location is inadequate and ties up traffic on Mission St (Santiam Highway 22). We also do not want to lose our Costco to Keizer.

Cathleen Jarman
5140 Mountain Crest Way S
Salem 97302

Shelby Guizar

From: Kay Buswell <kathleenbuzz@gmail.com>
Sent: Saturday, July 25, 2020 5:52 PM
To: Planning Comments
Subject: Costco

This is NOT the location for Costco!! It was never supposed to be a big box store. Pac trust lied and tried to get it by the City Council thinking they could get away with it. Don't let liars win.

Sent from my iPhone

Shelby Guizar

From: Kay Buswell <kathleenbuzz@gmail.com>
Sent: Saturday, July 25, 2020 3:58 PM
To: Planning Comments
Subject: Costco

. Here are some issues to consider:

Traffic Impact

- Salem requires that a Site Plan Review have a current/relevant to today Traffic Impact Analysis. The Costco/PacTrust TIA is 2.5 years old. Additionally the development uses standards from 2007 when the zone change was requested. Therefore the City Council needs to request a new TIA based on current traffic volumes, needs and additional development impacts like Amazon.

Tree Retention

- About 96% of oak habitats have been destroyed. The Oregon white oaks on the PacTrust property are 200-300 years old and form their own ecosystem. Transplanting these trees (as proposed by PacTrust) destroys the ecosystem and it's highly unlikely they will survive. Any development on this property should protect the oaks and their ecosystem.

Neighborhood Shopping Center

- If PacTrust fulfilled their original promises and built a neighborhood shopping center like Orenco Station in Hillsboro the white oaks could be saved and the traffic impact would be appropriate for a development of this size.

Public Hearing

- The City Council needs to hold a public hearing with direct testimony from residents so that all voices are heard on the Remand Application since residents cannot directly communicate with their City Councilors
- Thank you.

Sent from my iPhone

Shelby Guizar

From: Janet Lundeen <jrlundeen@aol.com>
Sent: Saturday, July 25, 2020 5:59 PM
To: Planning Comments; citycouncil
Subject: Proposed Costco development

I urge you to deny the proposed Costco development. It will have a negative impact to the living conditions in the south Salem area. It will bring more traffic than the area can handle. Is the traffic study submitted by the development recent enough to take into account the increased traffic in the area? I fear the environment (trees) will also suffer if the proposed development is allowed to proceed. Please don't bend to pressure from rich developers and have the living conditions for current residents suffer. I cannot attend the public hearing and hope that my comments are shared with the decision makers.

Janet Lundeen

Shelby Guizar

From: Nate Levin <natelevin200@earthlink.net>
Sent: Saturday, July 25, 2020 9:30 AM
To: Aaron Panko; Planning Comments
Subject: Comment Re: REMAND, Case # SPR-DAP18-15

Dear Mr. Panko:

The following is my "submittal for comment", on the above noted case regarding the REMAND of the Council decision for the potential siting of Costco at the Kuebler and 27th Street location in Salem.

I am a local business person that moved to Salem with my family in 1978. We have all been active in the community. My wife was a nurse in a local pediatric office and I have been in industrial real estate as a Realtor and an investor.

We have seen many changes in the local economy, and experienced many changes in the size of the community as well as the volume of traffic on the streets. Our home is about 1/2 block off S. Commercial Street. Consequently, anyone expressing concern about changes in traffic or patterns is not a conversation that is foreign to us.

I was a member of the Salem Planning Commission when the site was originally considered for development.

The criteria required for it's use and development were quite specific. The restrictions were equally as specific pursuant to the community concerns expressed regarding the potential square footage of the development.

We considered those issues, in detail, and made our decision. That decision was reviewed and was let stand.

The development criteria, specifically the traffic demands caused by the potential development, were reviewed and re-reviewed, to make certain that the requirements placed on the developer for the build-out of the site more that responded to the static loads and volumes.

I do not believe that those numbers have changed. Nor do I recall that there have not been any conversations stating that the loads and volumes previously considered, have changed.

The site has the ability to accept traffic from more that one entry location and may discharge vehicles via those same locations.

The conversations regarding the change in traffic patterns has occurred with each and every home development and subdivision in the area.

As the city grows, we add homes. As we add homes, we add services.

The reason that the developer purchased and started development of the site and paid millions of dollars in development fees and installed the required traffic improvements was in anticipation of bring a use to the site, that would generate a return on their investment.

The City of Salem set the criteria and conditions for that development

at the time it was approved.

The owner of the property accepted the terms of the agreement and did the necessary work in compliance with that agreement.

To even consider a discussion of a claim now, that the agreement is invalid is more than problematic for the City and its future development.

If a business or individual can not rely on the validity of an agreement with the City, the likelihood that anyone will take the risk of doing business with the City drops decidedly.

If an agreement and the fulfillment of an agreement with the City have no meaning, the agreement is worthless.

More importantly, the City is then, NOT TO BE TRUSTED.

I can only encourage the Mayor and City Councilors to accept the gravity of the situation and endorse or reaffirm the current commitment.

I know that that will be a challenge for some of the folks that think that supporting their constituency is more important because of the NIMBY claims of the day.

What we have at risk is our credibility.

Nate Levin

Shelby Guizar

From: ryan nelson <ryanelmernelson@gmail.com>
Sent: Saturday, July 25, 2020 10:33 PM
To: Planning Comments
Subject: [SUSPECTED SPAM] Costco relocation

To whom it may concern,

As someone who lives and teaches within the immediate residence I hope you will decide to prohibit a Costco at it's new proposed location. This location would be great for a more local or slower business. I fear the impact the vast increase in traffic will have on the area.

Thanks,
Ryan Nelson

Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Sunday, July 26, 2020 12:10 PM
To: Planning Comments
Subject: Fwd: Costoc

From: Frances purdy <francespurdy@yahoo.com>
Sent: Saturday, July 25, 2020 6:46:48 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Costoc

I support the development of the Costco site as currently proposed. I think the current Kuebler traffic signals and roadway is adequate for the proposed Costco site.

Frances Purdy
6756 Continental Circle SE
Salem, 97306
francespurdy@yahoo.com

Shelby Guizar

From: SHERI SIDDALL <sheribear@comcast.net>
Sent: Saturday, July 25, 2020 8:32 PM
To: Planning Comments
Cc: citycounsel@cityofsalem.net
Subject: PacTrust/Costco Development

Good afternoon,

I am writing to submit my opinion for the upcoming meeting. I am in favor of the proposed development and feel that Costco is a good neighbor. I have lived at this address for 25 years and am ok with new development if it is planned for wisely. I also believe that the South Salem neighborhoods would benefit from an updated traffic plan; using the time frame of early in 2020 due to the Covid 19 stay at home orders. I live in the neighborhood just south of the development and have found the afternoon westbound traffic at Kuebler & 27, Battlecreek and Commercial to be excessively backed up in the 4:30-6pm time span. Working with the city ahead of time to plan for extra traffic would go a long way to settling the neighborhood down. I hear lots of neighbors including the morning commute hours in the Costco traffic issues, but this doesn't really make sense because Costco is not open during the morning commute. There are morning commute issues, but that's the city's problem.

Battlecreek at Kuebler would need 2 turn lanes onto Kuebler headed both east and west with ample holding to allow thru travel on Battlecreek to proceed unhindered. Many people use Pringle/Battlecreek as a route to I-5 and the back up to turn onto Kuebler during evening rush hour is several lights long with people continuing to turn well after the turn light is red.

Commercial and Kuebler is a mess.

The traffic pattern for turning left from southbound Commercial onto Kuebler is clogged most any day and night due to poor design of the intersection. When it was redone several years ago the southbound traffic on Commercial is allowed to turn east onto Boone Rd. This left turn lane and the back up of cars going straight through the intersection blocks access to the 2 turn lanes for traffic to turn east onto Kuebler. By the time the thru traffic clears, the turn light is red. Many people go straight across Commercial, back up traffic on Commercial so they can turn east on Barnes, go through the neighborhoods and come out at Boone and Battlecreek; right in the middle of the new development! The traffic pattern for westbound Kuebler traffic isn't much better. The westbound traffic on Kuebler is backed up clear from I-5 is because of the Commercial intersection. There are many cars that intend to turn south on Commercial from Kuebler, but they are stuck in the through lanes because the holding area for the turn lanes are inadequate. So commonly cars will drive in the center median of Kuebler between Stroh Lane and Commercial to get into the turn lanes. So the answer by the city has been to shorten the light sequences causing people to run red lights (hence the new red light camera at Commercial and Kuebler) instead of fixing the problems causing the back ups.

Yes, I get that the south area is frustrated with traffic and adding a Costco will intensify the problem. So fix the problem and build the shopping center.

Sorry for going into detail that will make no sense to someone not familiar with the area, but this isn't rocket science.

Sincerely,
Sheri Siddall
2784 Cindercone Ct SE
Salem 97306

Shelby Guizar

From: noreply@cityofsalem.net on behalf of Cindysuetoyou@hotmail.com
Sent: Saturday, July 25, 2020 8:38 AM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	Cindy Webb
Your Email	Cindysuetoyou@hotmail.com
Your Phone	5035514101
Street	5433 Ahrens Rd SE
City	Salem
State	OR
Zip	97317
Message	I had to laugh at the comment that traffic flow studies are outdated and inaccurate. Just try to drive on Kuebler and Turner Rd at 7:30 am or 5 pm. Even with minimal traffic due to Covid, it is jammed up. When things stabilize, Kuebler, Turner Rd, Commercial Rd, Boone Rd etc will be a nightmare. We already have Amazon out that way, and Fed Ex and the huge developed area below Corban....not that close to the proposed Costco site, but I'm concerned that South Salem is being industrialized by all these huge warehouses and commercial complexes. Please don't build a Costco in South Salem.

This email was generated by the dynamic web forms contact us form on 7/25/2020.

Shelby Guizar

From: Marilyn Acevedo <macevedo12@comcast.net>
Sent: Saturday, July 25, 2020 5:14 PM
To: Planning Comments
Subject: Costco Development

I live in Landau ST SE. the traffic on this residential street is very busy around increased work and school traffic times. In addition, there are 91 single unit houses that will be going in off of Battlecreek/Landau, not to mention the dozens of apartments that are being built off of Wiltsey Rd. As I understand it, there is no plan to extend Fabry or Soapstone from Baxter to Battlecreek in the near future.

A good share of residents in this neighborhood as well as to the south and west will undoubtedly choose to get to Costco via an easy shortcut by way of Landau or Reed, especially since Kuebler will likely be slow going at busy times of the day. I can attest to this as that is what people did when Kuebler and Commercial were being worked on. Landau has already been deemed unsafe as it has a steep hill where you cannot see traffic in either direction. And Reed goes right by an elementary school. Kids and cars clog the streets in the mornings and afternoons.

I urge the City to ask Costco to find another more industrial site for a new store, or that the City pushes Fabry and Soapstone through to Battlecreek before a new Costco opens so that increased traffic will be shared on the residential streets.

*Marilyn Acevedo
2190 Landau ST SE
Salem, OR 97306
503-871-1209*

Shelby Guizar

From: noreply@cityofsalem.net on behalf of aiello973@comcast.net
Sent: Saturday, July 25, 2020 7:37 AM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	Patrice
Your Email	aiello973@comcast.net
Your Phone	503-304-9113
Street	6067 Pikes Pass St SE
City	Salem
State	OR
Zip	97306
Message	<p>Re: Costco I wrote letters and attended the city council meeting when the last vote was taken. I wish to go on record again to absolutely oppose this project. The reasons have all been heard before but have not changed. - The original zone change to retail promised a small center - This is a residential area that will be besieged by customer traffic and delivery trucks. - South Salem is already developing this area with houses and apartments. My neighborhood has the actively building apartments in the Madras area and the 93 home development that is approved for Landau and Battle Creek. In addition, the 33 acres east of my house at Pikes Pass and Mistymorning is on track to annex into the city and has previously submitted plans to the city with 200 plus homes. According to Lisa Anderson-Ogilvie of the city, they will be delayed in building due to the clear cut of a beautiful forest that existed on this property in April 2018. We know though this is coming. A surveyor confirmed this to us last month. I know other residential projects are in the works. The Morningstar Church area I believe is also going to be homes. Although it is sad to see the land being gobbled up, the city needs to expand and provide more housing. This is a necessity. What is not a necessity is COSTCO!!!! The streets cannot handle this. The traffic draw from Costco will be pulling from all over Marion and Polk counties. Thousands of vehicles a day will be targeting southeast salem. This area will have enough congestion with the residential development. The streets even now have impeded flow. And, the traffic studies done by PAC Trust have been flawed. In addition, it is preposterous for PAC Trust to claim they can transplant the White Oaks. These century old trees cannot survive. This is a blatant deception and should be totally disregarded. My husband and I both implore you to stop a Costco from coming to this location.</p> <p>Patrice Aiello 6067 Pikes Pass St SE</p>

This email was generated by the dynamic web forms contact us form on 7/25/2020.

Shelby Guizar

From: Dan Atchison
Sent: Saturday, July 25, 2020 10:01 AM
To: Planning Comments
Subject: Fwd: Costco

Begin forwarded message:

From: Chuck Bennett <CBennett@cityofsalem.net>
Date: July 25, 2020 at 9:35:29 AM PDT
To: Dan Atchison <datchison@cityofsalem.net>
Subject: Fwd: Costco

Sent from my iPad

Begin forwarded message:

From: Gayle Caldarazzo <gaylehome@msn.com>
Date: July 25, 2020 at 8:06:15 AM PDT
To: Chuck Bennett <CBennett@cityofsalem.net>
Subject: Costco

Dear Chuck, will you share this with the council, I would appreciate it!!
Please, Dear City Council, give the 'green' light to allow Costco to relocate on their property by the Kuebler exchange. I don't understand why this has been controversial, Costco did everything right, and the City had approved it, and next thing we hear, it was overturned. Our community needs this wonderful company, please let Costco move forward and finally build!!
Thank you,
Gayle Caldarazzo

Sent from my iPhone

Shelby Guizar

From: noreply@cityofsalem.net on behalf of steve.deacon@deacon.com
Sent: Saturday, July 25, 2020 5:11 PM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	Steve Deacon
Your Email	steve.deacon@deacon.com
Your Phone	503-708-9683
Street	901 NE Glisan Street
City	Portland
State	OR
Zip	97232
Message	<p>RE: Costco Development at Kuebler Gateway Shopping Center I am not a resident of Salem, I live in Portland, but our company owns two retail properties in Salem: The Pointe at Glen Creek in W. Salem and the old Nordstrom building in downtown Salem. I support the philosophy that we have zoning regulations to provide for the greater good of our communities and that people/businesses should be able to count on those regulations being interpreted objectively. There will always be individuals who object to a development because of the impact they perceive it has on their property, but if we allow individual concerns to override the intent of our zoning and codes we will be left with almost every project being contested and no predictability or consistency. This is not a good way to run any operation, including a city. It is my understanding that the Kuebler property is zoned to allow for a Costco type of operation and that most of the traffic will come off I-5, a short distance from the property. I just hope the decision being made will be done by objectively reviewing the facts and will not be swayed by individual opinions or objections. We need to be able to rely on consistency in the use and interpretation of our codes and rules. Steve Deacon</p>

This email was generated by the dynamic web forms contact us form on 7/25/2020.

Shelby Guizar

From: David Hodges <davidhodges1949@gmail.com>
Sent: Saturday, July 25, 2020 3:56 PM
To: Planning Comments
Subject: Costco Project

Dear Sirs,

My wife and I live on Cultus Ave, just south of this 'project'. If this project gets put in it will ruin our neighborhood. The traffic will become terrible. Our street will not be a safe place to play, walk or live. It will become a drive-through street. We have lived here only 5 years, but we really love the neighborhood. On our block, mostly retired folks, with about 7 kids. However, a block south, many younger families, and those kids need to street to play in. We don't want shopping carts scattered thru our neighborhood, as you always see next to shopping centers. We don't want the homeless camping through the area. WE DON'T WANT THE AFFECTS OF A SHOPPING CENTER!!

Please hear our voices.

Thank you.

Dave Hodges

Shelby Guizar

From: Mike Hughes <hughes.m@comcast.net>
Sent: Saturday, July 25, 2020 5:51 PM
To: Planning Comments
Subject: Re: Case # SPR-DAP18-15; REMAND

Dear Mayor and City Councilors,

My name is Michael Hughes and I live at 935 Barkstone Ct. SE, in Salem. As a member and board member of the South Gateway Neighborhood Association, I have observed and been involved in the discussion of the development of the PacTrust property near the intersection of Kuebler Blvd and 27th Ave. for some time now. I have learned a lot about land use regulations and think they are working well for the most part but there are some obvious exceptions. One of them is the "Kuebler Gateway" property owned by PacTrust.

2007 zone change

I think there are very few people who are arguing against the idea of a neighborhood shopping center as proposed in the 2006 request for a zone change, only that it should be consistent with the concepts approved in the 2007 decision. Even though the city failed to "memorialize" the testimony as conditions of approval, we have audio recordings of PacTrust representatives promising that it wouldn't be a regional shopping center drawing from the whole area surrounding Salem and it also wouldn't have a gas station. The Applicants seem to be arguing as if there were no other possible plan for a shopping center than a regional Costco or another "big-box" store, even though that was how they presented their development concept when arguing for a zoning change in 2006-07.

2013 M&T petition

In 2012, PacTrust and M&T Partners petitioned to allow the construction of a medical complex on the western end of the property even though all the conditions required for the zone change had not yet been fulfilled. They claimed that they had not been able to complete all their plans due to the economic crash and subsequent recession. An improvement agreement was reached in 2014 wherein the developers would be allowed to proceed with the medical complex after contributing \$3 million as part of the cost of widening Kuebler Boulevard SE. The city would contribute another \$2 million as well as conduct the construction. In return, PacTrust would be entitled to \$2 million in SDC credits and allowed to proceed with the medical center.

Pac Trust Expenditures

In a letter dated June 15, 2020, PacTrust Vice President Shari Reed submitted a list of all the expenditures her company had made towards completing development of the property. Of all these, only the money for transportation and waterline improvements were required as conditions of the zone change and she conveniently fails to mention the \$2 million in SDC credits that her company got in return. The rest of the expenses were all part of the process of developing the property for the medical center and preparing the adjacent property for any other approved use. I'm not sure what the letter was supposed to prove since, other than the conditions required for the zone change, all the expenditures were either to build the medical center or to develop some kind of shopping center, all of which would allow the developer to recover their expenses. No one is denying that they have a right to develop a shopping center, only that they build one suitable to the neighborhood as they represented during their zone-change testimony.

Trees

Salem has strict ordinances to protect significant large trees in the city. These were enacted after many of these large trees had been removed needlessly by developers. Indeed, a few developers have gone so far as to remove such trees and write off the penalties as a cost of doing business (which would seem to indicate that the penalties are not severe enough to be effective). In this particular case, the only reason the stand of white oaks would need removal is because of the plan to include a 30-pump fueling station in addition to a big-box regional warehouse/store. There are plenty of other possibilities which would result in preserving the oak trees while developing a community shopping center as the owner promised when petitioning for the zoning change to CR. The developer seems to be implying that there is nothing else that can be possibly be done with the property. The latest proposal calls for transplanting all but one of the significant oaks which, while ostensibly possible to do, is likely to be very traumatic for them. If this is allowed, for a Costco or any other development, there should be very significant penalties imposed if they do not survive for at least another 10 or 20 years.

Code Updates

It would appear that there are some problems with the city's existing process for obtaining a change in zoning. Since we are currently in the process of updating and revising the comprehensive plan, this seems like an ideal time to incorporate some changes that would benefit the city and its residents in the 21st century.

Since one of the problems was that verbal promises were not "memorialized", even though there were audio recordings and since the recordings indicate an entirely different concept of a community shopping center than what is now being proposed, it would seem the applicant was purposely misleading about their intentions with statements about no gas pumps or drawing from a 30-mile radius. Consequently, it would seem that we need to have a lot more conditions with much more specificity when granting a zone change. Much as I hate this idea, it appears to be necessary when big developers, who can afford lots of legal help, do not keep their promises unless it's detailed in writing. This is not the first time this has happened in Salem and the taxpayers have ended up footing the bill for things such as "reimbursement districts".

There also appears to be a problem with the ease of obtaining a zone change. An owner or developer can apply for a change with a vague concept that they argue is an "equal or better" use for the property and then sit on it for years as the surrounding neighborhood may change until the "equal or better" use no longer applies. I suggest there should be a time limit for a specific site review and approval after which the property reverts back to the original zoning designation.

Another obvious problem is with the definitions used to apply for proposed uses such as shopping centers. In the 2007 approval for a zone change, it was stated that the proposed use for the property was a "Community Shopping Center" but apparently the only criteria for this was the "Gross Leasable Area" and had nothing to do with whether it fit in with the surrounding residential neighborhood. It was deemed "Suitable", after a lot rationalization, simply because of the square footage on a certain acreage and it didn't matter how many acres might be devoted to paved parking.

Finally, I would like to say most of the people I have talked to about this have accepted that there will be some kind of shopping center on this property. They are only opposed to the particular site plan that has been presented by PacTrust and do not feel that it is suitable for this location. If PacTrust would develop it as they described when petitioning for a zone change, most of the opposition would vanish.

Thank you for all your unpaid time and effort to help make Salem a great place to live.

Shelby Guizar

From: Tom Cowan Jr. <tcowanjr@mac.com>
Sent: Sunday, July 26, 2020 12:58 PM
To: Planning Comments
Subject: SPR-DAP 18-15; REMAND 2500-2600 Block of Boone Road SE 97306

Case Manager:

I am sending this electronic letter in opposition to proposed siting of a Costco regional store at the location noted above. The reasons for my opposition are:

1. The traffic Kuebler is already very heavy and will only increase. It can not handle an increase. Once can only imagine a line of cars going into Costco as cars zoom by in frustration trying to get on the freeway.
2. The site was not proposed as the site as a super store nor was it proposed as the site of a multi stall gas station. The developer changed everything based on the buyer and is trying to jam it down everyone's throat.
3. The notion that the developer spending money is reason for approval is ridiculous. They spent money on an unapproved project or at least a project approved for another purpose. They don't have an issue if they go back to the initial design or go to another buyer. They are not harmed!
4. The neighbors do not support the project.
5. To propose that the White Oak trees can be safely moved is just plain dumb and to think any rational person would believe it is in insult to public intelligence. In fact, a heavily trafficked area will hurt the trees as it is.
6. I have an issue with a developer being a bully. They have lied or at least done a bait and switch. And now are screaming and trying to bully the City into getting their way.
7. The new location, if approved does NOT help anyone but a few, very few people. Such a move should be good for the City of Salem, the local residence, and not put a burden on the infrastructure. None of these are true. Since only the develop and possibly Costco are winners and no one else, this proposal should be denied.

Tom Cowan Jr.
902 Sahalee Ct SE
Salem, OR 97306

Shelby Guizar

From: danka8@juno.com
Sent: Sunday, July 26, 2020 5:38 PM
To: Planning Comments
Subject: PacTrust/Costco

From the Kittleson TIA of 2006 (funded by PacTrust) is the following: "To account for regional traffic growth, a 1% annual growth rate was applied." A comparison of actual trip numbers at the Kuebler/Battle Creek intersection for the years 2006 and 2017 shows a 3.8%* annual growth rate. That's a rate almost four times assumed in the study. It makes a huge difference. This figure was computed from traffic counts provided by Kittleson. Since it has been three years since the last traffic counts were taken, we can reasonably assume traffic growth is even larger given considerable development in the area. If a TIA is not accurate, what good is it? Who does it serve except the developer? Test my assertion. Require another TIA and adjudicate accordingly. That's reasonable. PacTrust, states, "Kittleson's Costco trip generation calculations are based on actual data from years of study of Costco trip generation." Has there been any confirmation of this data by the City? Why not? Does Salem just accept any assertion a developer makes? The proposed establishment is larger than most Costcos. It is planned to accommodate up to 30 fueling stations. How were the trips numbers computed for a facility such as this? Does anyone know? Produce the evidence! I live on the corner of Chauncey and Wickshire and experience considerable cut-through traffic. Drivers avoid the Kuebler/Battle Creek intersection by cutting through my neighborhood. They often exceed 25 mph and ignore the intersection stop signs. Even Kittleson recognizes this will become worse, and did so before the Costco proposal. In 2006 it stated, "Increased traffic can be expected to infiltrate through the newly developing residential areas to the west of Battle Creek." [I am on the west edge of the (now) fully developed area.] Does the City not have a policy of minimizing such traffic? Even to this day the City has done nothing except to increase the number of cut-throughs at this intersection. Is this not a matter of trust? Is the City believable? Does it care? Dan Reid Ward 3

*From the 2007 Kittleson TIA, Figure 5, the peak weekday evening traffic count for westbound vehicles at the Kuebler/Battle Creek intersection is 925. Figure 3 from the 2018 study shows a corresponding count of 1285. That equates to an annual growth rate of 3.8%.

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Shelby Guizar

From: Carol Dare <cdare14@yahoo.com>
Sent: Sunday, July 26, 2020 11:42 AM
To: Planning Comments
Cc: citycouncil; citycouncil
Subject: Costco Development

Please allow additional public comment for the PacTrust Costco Development.

The concerns about the outdated traffic analysis using old standards have not been addressed at a City Council meeting.

The over hundred-year-old, white oak trees and their surrounding habitats will likely be destroyed. The oak trees deserve more thought. Transplanting them as proposed by PacTrust will probably be unsuccessful. They will die, a tragic loss for our area.

A real neighborhood shopping center, as initially promised, could preserve the historic white oak trees.

Thank you for your consideration.

Yours very truly.

Carol Dare, Battlecreek Commons

Shelby Guizar

From: noreply@cityofsalem.net on behalf of ddonaca@comcast.net
Sent: Sunday, July 26, 2020 12:57 PM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	Diane Donaca
Your Email	ddonaca@comcast.net
Your Phone	503-364-3828
Street	735 idylwood dr se
City	Salem
State	OR
Zip	97302
Message	I am in favor of allowing Costco to build at the proposed Kuebler site. It is zoned and prepped or commercial businesses, close to the freeway, and doesn't seem to be getting filled up with other projects.

This email was generated by the dynamic web forms contact us form on 7/26/2020.

Shelby Guizar

From: noreply@cityofsalem.net on behalf of gelliott3941@gmail.com767440
Sent: Sunday, July 26, 2020 3:35 PM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	Gail Elliott
Your Email	gelliott3941@gmail.com767440
Your Phone	5033634508
Street	3941 Camishaun Ct. NE
City	Salem
State	OR
Zip	97305
Message	What a terrible mistake it would be to sacrifice one of the last oak grove savannas for profit. Salem has encouraged multi-million dollar businesses into Salem only to see small business people close shop. The City is in the hole for six million plus. What else has to happen before the City Counsel understands that these companies are draining the life blood from Salem and destroying livability? Make the livable decision: make the oak savanna a nature preserve where residents can enjoy nature and help keep Salem from being the heat sink that it is becoming. Thank you.

This email was generated by the dynamic web forms contact us form on 7/26/2020.

Shelby Guizar

From: cc fin <dymaymwdy@yahoo.com>
Sent: Sunday, July 26, 2020 9:25 PM
To: Planning Comments
Cc: citycouncil@cityofsalem.net
Subject: No Costco

Please. I beg of you. For the love of all that is holy and good in the world.

Why can't you just build that monstrosity anywhere out in a field? Why here? Why cram it into a little suburb that can not take all that traffic?

This is small, sleepy bedroom community that is going to be destroyed. And now I'm going to have to sell my home and move.

It seems like a no brainer, but so many people only care about money and not saving what little bit of land I have to stretch my eyeballs.

I have no statistics to share-only my opinion.

Thank you for listening.
Tom Finkle



Shelby Guizar

From: noreply@cityofsalem.net on behalf of larryhill2@msn.com
Sent: Sunday, July 26, 2020 9:40 AM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	larry hill
Your Email	larryhill2@msn.com
Your Phone	5035855611
Street	4430 century dr s
City	Salem
State	OR
Zip	97302
Message	I live out south. I believe that Costco would be a good business for the plot of land. I believe that traffic issues can be addressed when they occur. I believe the while oaks can be replanted. The city was wrong in changing its mind after money for development had been spent. It's a shame that a small group of opponents can alter or affect the decisions that supposedly benefit the city as a whole.

This email was generated by the dynamic web forms contact us form on 7/26/2020.

Shelby Guizar

From: LuAnne Keeton <lkeeton@keetonia.com>
Sent: Sunday, July 26, 2020 9:08 PM
To: Planning Comments
Cc: citycouncil
Subject: Comments on South Salem Costco Development

The people living and working in the Salem Oregon area have repeatedly and consistently made their views regarding moving the Costco to the site considered as a negative impact to the livability and character of the city of Salem and its outlying areas. This is based on the plan submitted which includes removal of majestic trees, and a multi-pump gas facility.

Trying to push this old, outdated, and unwanted plan onto the citizens of Salem, with no further analysis of the impact to current traffic, communities and neighborhoods is shortsighted. The City of Salem needs thoughtful, detailed, analyses, and community input on any plans that impact the character, pace, and needs of the city and its citizens.

Here are some of the many aspects and issues needing serious consideration:

Traffic Impact

- Salem requires that a Site Plan Review have a current/relevant to today Traffic Impact Analysis (TIA).
The Costco/PacTrust TIA is 2.5 years old. Also, the development is using standards from 2007 when the zone change was requested.
Therefore the City Council needs to **request a new TIA based on current traffic volumes**, taking into account current and future needs and additional development impacts, such as the Amazon distribution center, and other recently added distribution centers and the like.
Traffic in Salem has not improved since 2007. Steps should be taken to ensure traffic is not negatively impacted by any new developments.
Let's **design smarter** for the people and future of Salem, not for greed on an unsuspecting public who will have to live the results..

Tree Retention

- About 96% of oak habitats have been destroyed. The Oregon white oaks on the PacTrust property are 200-300 years old and form their own ecosystem. Transplanting these trees (as proposed by PacTrust) destroys the ecosystem and it's highly unlikely they will survive. Any development on this property should protect the oaks and their ecosystem.
Salem claims itself to be the 'City of Trees'. The city should stand by its self-proclaimed title.

Neighborhood Shopping Center

- If PacTrust fulfilled their original promises and built a neighborhood shopping center like Orenco Station in Hillsboro **the white oaks could be saved** and the **traffic impact** would be appropriate for a development of this size.

Public Hearing

- The City Council needs to hold a public hearing with direct testimony from residents so that **all voices are heard** on the Remand Application since residents cannot directly communicate with their City Councilors due to *ex parte*.

- The Salem public deserve an opportunity to review this plan and comment on concerns and needs.

Please consider doing the right thing for both Salem and its citizens.

LuAnne Keeton
3395 Dogwood Dr S
Salem OR 97302

Shelby Guizar

From: Rick Kercheski <rkercheski@gmail.com>
Sent: Sunday, July 26, 2020 10:13 PM
To: Planning Comments
Subject: Costco Remand Case No. SPR-DAP18-15

Dear Aaron,

I want to strongly oppose the Costco location in South Salem on Kuebler yet again! The original plan for neighborhood shopping, which was approved by the City, is not a problem, but putting a big box regional store on that site adjacent to a residential area is still a terrible idea. The new current plan is no different than the last one except for the proposed idea of moving the White Oaks to a new location, when of course any reasonable person knows that is an absurd proposition. PacTrust is pulling a bait and switch from the Neighborhood Shopping of the original site plan approval and trying to put in a regional big box store and large fueling station that were never approved for that site. A traffic report that claims a Costco will have no impact on traffic is equally absurd.

The City Council already came to the right decision in December 2018. I urge them to stand strong against dishonest, bullying developers and hold fast to that decision.

Sincerely,

Rick Kercheski

Sent from my iPad

Shelby Guizar

From: Kathleen Kolman <kathleenkolman@comcast.net>
Sent: Sunday, July 26, 2020 10:13 PM
To: Planning Comments
Subject: Costco Remand Case No. SPR-DAP18-15

I am writing to adamantly oppose the proposed Costco development on Kuebler Blvd.

The City Council chose wisely in December 2018 when they rejected the plan from PacTrust. It is absolutely PacTrust that has been disingenuous, not the City Council, in these talks. Nothing has changed since the rejection in 2018, except for PacTrust now saying they will move the white oaks. That is an absolutely laughable proposition. Of course those trees are far too old and too large to be moved - anyone knows that. PacTrust is only further proving how underhanded and dishonest they are, stating the ridiculous to get their way. Now they are trying to push this through amidst a pandemic, on a very short timeline. Nothing about the actions of PacTrust has been reputable. I can not imagine why Mayor Bennett is afraid of scaring away this character of developer. And in suing the city they have no case -- they misrepresented their project from the beginning.

We are certainly not opposed to the type of development that was initially proposed and in fact, we would welcome it with open arms. A New Seasons Market, or similar store, and some other small shops, would be great, as are Salem Clinic and PT Northwest. A restaurant would be wonderful, as we have often noted the lack of restaurants close to I-5 as we travel both north and south. These are all things that neighbors could walk to, increasing the livability of the neighborhood rather than destroying it.

All of the reasons that spurred reams of disapproval still exist - the destruction of our neighborhood with a huge regional warehouse and fueling station that is absolutely incompatible with a neighborhood. Noise, traffic, fumes, and destruction of protected trees are as valid today as they were in 2018.

I implore the City Council and Mayor Bennett to do the right thing and deny this disastrous proposal.

Sincerely,
Kathleen Kercheski

Shelby Guizar

From: Adele Koltun <akoltun64@gmail.com>
Sent: Sunday, July 26, 2020 1:03 PM
To: Planning Comments
Subject: Costco/Packtrust Remand Application

I had hoped this issue was settled. I invite all of the City of Salem staff and the Packtrust to go to the current Costco and watch the daily traffic nightmare and then tell me this will not have an impact on a residential area. Currently the traffic is lined up coming from the north on the I-5 freeway and from Hwy 22 from the west. In November and December the lines increase ten fold and the parking lot is packed all year. Kuebler Road is a four-lane road whereas Mission/Hwy 22 is six lanes. The size of the new Costco building and its 31 bay gas station will be a 24 hour traffic jam (semi-trucks deliver at night). You're proposing an even worse traffic nightmare in our neighborhood. Need I remind you that there is a stream of delivery semi-trucks (in addition to hundreds of cars) that would have to turn onto 27th St. or Battle Creek Road to get to Boone Road. All three streets are TWO LANE roads and are the ONLY access to Costco. I also invite the City of Salem staff to go look across the street of the proposed Big Box store and 31 bay gas station and ask how you would like to live in any of those homes. And have you considered that not only has the value of their property will plummet but their quiet neighborhood is now a noisy never-ending traffic jam of cars and semi trucks. You have a responsibility to serve and protect the residents of Salem... their quality of life and value of their property. The very least you should do is a traffic impact analysis.

I went to the "open house" the Packtrust had last year for those of us living in the area. They had drawings of the proposed buildings and grounds. The drawings show an empty parking lot and lovely shrubs. They don't depict the horrific traffic jams and chaos nor the loss of white oaks where they have lived for at least a century. Transplanting is irresponsible. This is an endangered Oregon treasure. I thought that this state and city were committed to saving endangered indigenous plants. So you are willing to destroy a neighborhood and threaten an endangered species for a Big Box store that is not only ugly but incongruent with this area. I know the land is zoned for commercial use but all those who have built there are low-impact on traffic and the environment.

I don't think the president of Packtrust would allow a big box store to build across the street from his home. So this email should come as no surprise. Treat others the way you want to be treated..

Thank you for your consideration ...

Adele Koltun

Shelby Guizar

From: Dave McKenna <davemckenna4@gmail.com>
Sent: Sunday, July 26, 2020 5:37 PM
To: Planning Comments
Cc: citycouncil
Subject: Costco/Pactrust Remand Application

Aaron Panko, Planner III
City of Salem Planning Division
555 Liberty Street SE, Room 305
Salem, Oregon 97301

Dr. Mr. Panko:

We are very concerned about Costco/Pactrust Remand Application to continue this proposed development on Kuebler Blvd. Pactrust has made a bait and switch from their original plans for a neighborhood shopping center for this site to an extremely high volume relocation and expansion for Costco. It would create a traffic nightmare at the Kuebler exit from I-5 and the roads surrounding the proposed site; and, access to all of south Salem. The City should demand that Pactrust go back to their plans for a neighborhood shopping center as originally proposed for this site.

Here are a few of our concerns for the proposed Costco:

Traffic Impacts

- The existing Costco site on Mission Street already causes traffic problems at the exit from I-5. This site has a smaller parking lot and gas station area than the proposed site on Kuebler. It also has a much easier access plan with right turns off of both I-5 and Mission to enter the site. Traffic at the existing Costco already causes backups to and on I-5 at the Mission/Hwy. 22 exit. The site on Kuebler will require a left turn for access to the site from either 27th Ave. or Battle Creek Road. During high traffic periods this will cause back-up and snarling of traffic at the left turn lanes trying to enter the site and impact traffic back on I-5. This will make access from Kuebler to the rest of south Salem difficult.
- The heavy traffic from the proposed development will increase levels of air pollution, noise, safety hazards and crime. It will make access to existing retailers and residential areas from the I-5/Kuebler exit more difficult. It will reduce the quality of life and damage the character of south Salem
- Salem requires that a Site Plan Review have a current/relevant to today Traffic Impact Analysis (TIA). The Costco/Pactrust TIA is 2.5 years old. Additionally the development uses standards from 2007 when the zone change was requested. Therefore the City Council needs to request a new TIA based on current and proposed traffic volumes, This should include projected traffic from additional developmental impacts along Kuebler like Amazon.
- The proposed southeast entrance to the parking lot from Boones Road SE will increase traffic, noise, air pollution and safety concerns for the adjacent residential neighborhood. This entrance makes sense for the original neighborhood shopping center but not for a Costco.

Tree Retention

- About 96% of oak habitats have been destroyed. The Oregon white oaks on the Pactrust property are 200-300 years old and form their own ecosystem. Transplanting these trees (as proposed by Pactrust) destroys the ecosystem and it's highly unlikely they will survive. Any development on this property should protect the oaks and their ecosystem.

Neighborhood Shopping Center

- If Pactrust fulfilled their original promises and built a neighborhood shopping center like Orenco Station in Hillsboro the white oaks could be saved and the traffic impact would be appropriate for a development of this size.

Public Hearing

- The City Council needs to hold a public hearing with direct testimony from residents so that all voices are heard on the Remand Application since residents cannot directly communicate with their City Councilors due to *ex parte*.
- It is highly unjust that Costco/Pactrust is pushing through this Remand Application during a pandemic when the public is not able to fully respond.

This site proposal will damage the character of south Salem. The City should demand that Pactrust go back to their plans for a neighborhood shopping center as originally proposed for this site.

Yours truly,

David R. McKenna
Arlene J. McKenna

Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Sunday, July 26, 2020 12:10 PM
To: Planning Comments
Subject: Fwd: Kuebler Gateway Shopping Center

From: SUZI NERLI <mbsstudio@gmail.com>
Sent: Sunday, July 26, 2020 10:55:13 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Kuebler Gateway Shopping Center

Council Members,

I live in Boone Wood Estates and submit this letter in complete opposition to the proposed Kuebler Gateway shopping Center that is to include a Costco for the following reasons:

1. The size is wholly inadequate for a store with the current daily volume that Costco has, not to mention what it will be in 3-5 years as Salem continues to grow.
2. There will be numerous direct negative impacts on the neighborhoods around Costco. These include:
 - a. Increase in pollution including noise, light and emissions from vehicles including cars, delivery trucks.
 - b. Negative impact on surrounding residential property values.
 - c. Increase in crime as more traffic will bring car and other property break-in, vandalism and damage, as well as accidents including those involving cyclists and pedestrians. There are many of us, including children and the elderly, who walk and cycle and were attracted to this area because of the ease and enjoyment from this area.
 - d. Significant increased traffic along 27th and Boone per Westtech Engineering's overall plan drawing C2.0. Do not put the traffic burden onto these roads thus increasing traffic (and associated problems) and slowing residents' travel times as well as delaying fast access for emergency vehicles.
 - e. There is a poorly inadequate "buffer" in the plan between the south side of the proposed Costco building and Boone Rd.
3. Unsatisfactory and unacceptable tree plan. It is impossible to transplant established, mature trees and expect them to survive. Additionally, moving them destroys the surrounding ecosystem. Destroying these mighty creatures and even expecting to replace them with younger, smaller trees would not be equivalent.
4. Outdated Traffic Impact Analysis. The last one completed is 2.5 years old. There has been an increase in residential and commercial presence in this area over this time including, but not limited to, Boone Ridge and Bonaventure Senior Communities, more single-family homes constructed and Amazon Fulfillment Center. A NEW TRAFFIC STUDY MUST BE DONE.
5. A public hearing with the opportunity for citizens to provide direct testimony must be held. It is cowardly on the council's part to do otherwise.

Thank you,

Suzi Nerli

mbsstudio@gmail.com



Virus-free. www.avast.com

Shelby Guizar

From: Dick Prather <pratherr@gmail.com>
Sent: Sunday, July 26, 2020 2:21 PM
To: Planning Comments
Subject: Kuebler Gateway Shopping Center, including a Costco store

I support developing Costco at this location. It has access to I-5, which would support most of the traffic. Traffic from the west on Kuebler could increase but I think the current road can handle the increase. One problem that could occur is traffic backing up on Kuebler as vehicles try to get in the parking lot. This happens at the current location. Could the oak trees be saved if the Costco building was moved to northside and backup to Kuebler? This would also reduce the noise from night deliveries away from houses. Might also look at relocating the fueling station away from the corner to allow more room for cars waiting to fuel?

Dick P
home 503.363.3805
cell 503.551.0041

Shelby Guizar

From: Anita Samaniego <anita7762@gmail.com>
Sent: Sunday, July 26, 2020 12:31 PM
To: Planning Comments
Cc: citycouncil
Subject: Costco

I'm in favor of allowing Costco to be built on Kuebler. The City of Salem already has woefully too few retail stores as it is. Please keep Costco here.

Anita Samaniego

Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Monday, July 27, 2020 8:48 AM
To: Planning Comments
Subject: Fwd: Copy of Costco Remand Comments (Case# SPR-DAP18-15) Sent to Aaron Planko, Salem Planning Division
Attachments: Costoco Remand Comments-7-24-2020.docx

Follow Up Flag: Follow up
Flag Status: Flagged

From: hiddencreek3 <hiddencreek3@gmail.com>
Sent: Sunday, July 26, 2020 3:31:16 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Copy of Costco Remand Comments (Case# SPR-DAP18-15) Sent to Aaron Planko, Salem Planning Division

Yesterday morning, we sent a letter with our comments regarding the above Costco Remand to Aaron Panko, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem OR 97301 as we had been directed to do on a cityofsalem.net site. Later yesterday, we received an e-mail from Glenn Baly, Southgate Neighborhood Association, requesting that a copy of any letters or e-mails we had sent, be copied to your e-mail address. Attached, you will find the 2 page letter we wrote, strongly encouraging the City Council to uphold their previous decision to turn down PacTrust/Costco's request to build a Costco in our residential area! Thanks! Dr. Karen Eason and Dr. Jackie Rice-2411 Wintercreek Way SE, Salem OR 97306 (hiddencreek3@gmail.com)

To: Aaron Panko, Planner III
City of Salem Planning Division
555 Liberty Street SE, Room 305
Salem, OR 97301

From: Dr. Karen Eason and Dr. Jackie Rice
2411 Wintercreek Way SE
Salem, OR 97306 (hiddenecreek3@gmail.com)

Re: Costco Remand, Case # SPR-DAP18-15

Dear Mr. Panko:

We were part of the very passionate group that attended the December 2018 City Council meeting to oppose the construction of a Costco store in our neighborhood. Anyone who was part of that meeting could sense the strength of the opposition by seeing the numbers of opponents who attended and by hearing the objections voiced by many in attendance. One of us spoke for both of us at that meeting. Besides the group that filled the Council Chambers and overflow room, there were 944 people who had signed a change.org petition prior to the meeting opposing the Costco construction. The feelings of all of those opponents have not changed. We all still strongly oppose placing a Costco in a residential neighborhood. Someone at the time used the analogy of putting a semi truck in a car parking space. It still is very appropriate. At the time of that meeting, the City Council listened to those voicing their concerns and acknowledged the inconsistencies in what had been requested by PacTrust and what they actually were doing. The Council made the right decision by voting 5-3 to turn down the PacTrust/Costco proposal. The City Council is now having to review that decision. We are asking that the Council stick by it's decision for the sake of the neighborhoods surrounding the proposed construction, for the quality of living in Salem, and for holding PacTrust responsible for misrepresentations to the City. Although some of the promises that PacTrust made were not written in documents at the time, there are enough people who heard their pledge of using that land for community shopping and services that they should be held to their given reason for requesting a change from residential to commercial use in 2006/2007. It is very clear that if they would have been making the request for the reason of building a huge box store at that time (instead of saying that they would not do that), they would have been turned down flat. They should now not be rewarded for misleading the City when they requested that change. It, also, begs the question of, if they wanted to build a regional shopping center, why didn't they buy land right next to the freeway or in an industrial area (like on Cordon Rd. across the area from the Kubler exit) instead of buying land in a residential area (and then, working to get that land re-designated to fit their commercial plan)?

The current documents talk about evaluation of 4 key factors relating to Vested Rights. PacTrust has brought up repeatedly the fact that they have spent over \$3 million dollars on transportation improvements. One of these key factors talks about whether the expenditures have any relationship to the project or could they apply to other uses of the land. If PacTrust were to develop the land as originally promised (community or neighborhood center), they would, also, need to make the kind of changes they supposedly have made to service that type of development, so it is not like the improvements they have made would be for nothing. Another of the key factors related to Vested Rights has to do with the good faith of the landowner in making the prior expenditures. This, also, brings to mind the question of why they would make the expenditures before they had final approval? Were they "counting their chickens before they hatched" and/or were they assuming if they went ahead and spent the money, they could use it as leverage to get final approval (which they are trying to do now). Either way, the expenditures they have made to this point are necessary for whatever development they make on that land (neighborhood based center or a Costco—would have to do more than have done for either of these types of developments). It appears that it would be stretching the

“good faith” factor if they have misled the City and neighbors to the area to be developed about their intent for use of the land.

I will briefly touch on some of the other main points against building a Costco at the proposed site.

- **WHITE OAK TREES**- These should not be removed. They are very old, special trees that will not live if they attempt to move them; and, they most certainly will not equitably be replaced by planting new trees of any type. The Land Use Board has agreed that they need to stay.
- **TRAFFIC**- (1) Their traffic analysis is flawed—many more vehicles would be using Kuebler, Battle Creek, 27th, Boone, and the surrounding streets that cut through than they have indicated, (2) Numerous people who live in South Salem are commuters who get on I-5 to go to work and get off I-5 on their way home. It is already overcrowded during those times and the drive time of those individuals would be significantly impacted by the huge number of additional vehicles in the area. (3) Not only would the main streets be impacted, but side streets in the neighborhood would become heavy traffic areas. (Example, we live across from the proposed development area on the corner of Battlecreek and Boone. We live in Woodscape Glen, which has only one way out. That entrance on Boone is difficult to use at certain times of the day now, because people use back streets to avoid Kubler congestion. Imagine how much worse that would be, if people are trying to avoid the extra Costco traffic on Kubler). Other streets beside ours would be equally disrupted. Our quiet, casual neighborhoods would be changed drastically. (4) They think traffic is a problem at the current location; there would be more of a backup on Kuebler, Battle Creek, 27th, and Boone than the current location, if the Costco is allowed to be placed on the proposed site.
- **NOISE**-The noise from the cars going to the store and from the delivery trucks would be constant and would definitely alter the quality of life of those anywhere near the site.
- **MEMBERSHIP**- Costco is a membership business. Many seniors and small families don’t need/want items in the large bulk amounts they sell. So, if you don’t need/want a Costco membership, that business is taking up a big space in the neighborhoods near it, with many negative side effects and no benefits to those neighbors (unlike what a neighborhood center would provide).
- **SIZE**- Everyone thinks the current Costco is huge, in relation to the business itself, number of parking stalls, and number of gas pumps. The new building is indicated as over 26,000 sq. ft. larger. There are about an additional 170 parking stalls, and the number of gas pumps would go from 16 up to about 30. Looking at how big everything is now, these changes would make the new Costco enormous! Can you imagine this size business in a residential setting??? We can’t; and, we hope the City Council can see the non-fit here, also!

This is not a NIMBY situation. We all expect that development will occur at that site. We object to the type of development! Big box (warehouses, Costco calls them), regional stores do not belong in residential neighborhoods. The law suit PacTrust filed against Salem indicated that they had been stopped from making use of the land for economic gain. If they would have built an upscale community shopping center, instead of Costco, they would have been receiving economic gain for the last few years they have been fighting to build the Costco. Most of us would like a shopping area with nice businesses (not a strip mall). We imagine a center built with the buildings in the center and the parking around the edges—a center where you can easily walk from building to building (not like Keizer Station, which requires a car to go from many stores to others)—a place like a mini-Bridgeport or a set-up like The Barnyard Shopping Village in Carmel, CA. Stores like New Seasons or Whole Foods, a nice bakery, a quality deli, a nice breakfast lunch place, one or two medium sized quality lunch/dinner restaurants, a hardware store, a coffee roasting place, a bank or two, one or two boutiques, a toy store, etc. would be appropriate (not a Dollar store or a lottery deli or a gas station or a bunch of fast food places). It could be a really nice place, heavily used by “locals”.

The problems and concerns are the same as they were before in 2018. We ask the City Council to once again stand with us in requesting that the land here be used for an appropriate purpose, not a Costco!

Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Monday, July 27, 2020 7:41 AM
To: Planning Comments
Subject: Fwd: Hearing on Proposed Costco

From: Roy Arce <arceacres@yahoo.com>
Sent: Sunday, July 26, 2020 8:38:14 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Hearing on Proposed Costco

City Coucil of Salem:

Transparency on this project has not been forthcoming and it is obvious that certain members of the council are in the pockets of Costco or it would have been killed in the 2007 PacTrust when a zone change was applied for. Not only are there environmental issues of endangered species of agriculture and animal as well. Going forward without public input would be a tragic action since it was the public that aided in killing the project in 2007.

Respectfully Yours,

Sotero Occiano Arce

5035 Riley Court SE
Salem, Oregon, 97306

[Sent from Yahoo Mail for iPad](#)

Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Sunday, July 26, 2020 7:24 PM
To: Planning Comments
Subject: Fwd: Proposed Costco near Kuebler and Battle Creek

From: Patricia Beaman <pat5036@centurylink.net>
Sent: Sunday, July 26, 2020 7:23:07 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Proposed Costco near Kuebler and Battle Creek

July 26, 2020

Salem City Council Members,

Our family is very concerned about the proposal to bring Costco, along with their large gas station, to the property between Kuebler Blvd. and Boone Rd. in SE Salem. When we moved to Riley Ct. SE in 1998, this property was zoned residential. About 10 years later there were community meetings because PacTrust wanted the property rezoned to commercial. Although our neighborhood was against this change, the council granted it with some restrictions. Now PacTrust is planning to go beyond those restrictions. The development they are planning at this time will have a terrible impact on the traffic on Kuebler Blvd, 27th Ave, Boone Rd, and Battle Creek SE as well as the surrounding area. We feel that there are many areas much more suited to the Costco development That would not have such a negative impact on traffic and residential neighborhoods.

We have also heard that PacTrust does not want to allow public input on the decision. We hope that the city of Salem leaders will require a careful evaluation of the traffic impact in this area. We also hope that there will be open public hearings so that those who will be most affected by this will be heard. We feel that putting in a big box store and gas station at this location will have major long term negative effects and should be avoided.

Thank you,

Robert and Patricia Beaman

Shelby Guizar

From: Keith Blair <kblair218@gmail.com>
Sent: Sunday, July 26, 2020 6:37 PM
To: Planning Comments
Subject: Proposed Costco Construction

City of Salem,

Again, I want to voice our opposition to the construction of the new Costco in the 2500-2600 blocks of Boone Rd SE. I will try to keep this email short and to the point. We cannot believe our public representatives would even entertain the proposal for this construction for the following reasons:

1. It would be located across the street from a residential neighborhood where children play placing these children at risk due a dramatic increase in traffic congestion.
2. The increase in traffic congestion to an already extremely busy Kuebler Rd SE. Customers not only from Salem, but customers from out of the area would be shopping at this business creating increased congestion to the area. Kuebler Rd SE is an already busy thoroughfare and does not need an increase in traffic congestion.
3. With the increase in traffic congestion, there will be an increase in demand for public services such as the police responding to traffic accidents, thefts and other crime related incidents.

We believe the construction of Costco and other retail stores for this area is a bad idea and we are opposed to it. Thank you for considering this email.

Keith & Tammy Blair
663 Lacreata Dr SE
Salem, OR 97306

Shelby Guizar

From: Chris Clarke <cclarke777@gmail.com>
Sent: Sunday, July 26, 2020 10:34 AM
To: Planning Comments
Subject: Case SPR-DAP 18-15 Costco

To the City Council Members:

Please uphold your prior denial of this project. A project this size always causes a negative impact on the surrounding community. In fact, it could be argued that big box retail is a relic of the past. Look nation wide at all of the failing shopping centers.

The homeowners nearby will certainly see a decrease in value of their properties.

Salem must protect its citizens against unforeseen intrusions such as this project. For many, their home is their only lifetime investment and to impact it in this way is cruel. Please allow all of these families to continue quiet enjoyment of their homes.

Salem is our home, please protect it.

Respectfully,

Chris Clarke
736 Rural Ave S
Salem, 97302

Sent from my iPhone

Shelby Guizar

From: Dustin Wylam <dustinwylam@yahoo.com>
Sent: Monday, July 27, 2020 6:07 AM
To: Planning Comments
Subject: Pandemic uncertainty/Respect Salem residents desires/Do not cave to PAC Trust

Dear Salem city council,

Please do not allow the proposed Costco development. If you approve the development Salem residents will see that the city council leaders caved to big out of town business pressure and neglected the promises made about the development years ago. Do not use the confusion and new normal of the pandemic to avoid further public hearings and approve the project, going against what the citizens have voted and fought for. For years the residents of south salem have overwhelmingly voiced their frustrations with the proposed development and have worked long and hard to prevent the development which you voted down already! Do not succumb to big dollar influence and the dishonest legal representation of Costco. The following reasons are why the Costco development must be prevented!

- Salem requires that a Site Plan Review have a current/relevant to today Traffic Impact Analysis. The Costco/PacTrust TIA is 2.5 years old. Additionally the development uses standards from 2007 when the zone change was requested. Therefore the City Council needs to request a new TIA based on current traffic volumes, needs and additional development impacts like Amazon.

Tree Retention

- About 96% of oak habitats have been destroyed. The Oregon white oaks on the PacTrust property are 200-300 years old and form their own ecosystem. Transplanting these trees (as proposed by PacTrust) destroys the ecosystem and it's highly unlikely they will survive. Any development on this property should protect the oaks and their ecosystem.

Neighborhood Shopping Center

- If PacTrust fulfilled their original promises and built a neighborhood shopping center like Orenco Station in Hillsboro the white oaks could be saved and the traffic impact would be appropriate for a development of this size.

Public Hearing

- The City Council needs to hold a public hearing with direct testimony from residents so that all voices are heard on the Remand Application since residents cannot directly communicate with their City Councilors due to *ex parte*.

Sincerely

Dustin Wylam DMD - South Salem resident and business owner

Sent from my iPhone

Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Monday, July 27, 2020 8:54 AM
To: Planning Comments
Subject: FW: Proponent Statement
Attachments: Proponent Statement for Costco Develoment 7-25-20.rtf

From: David Desmarteau <davedesmarteau@aol.com>
Sent: Saturday, July 25, 2020 10:48 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Proponent Statement

Attn: Salem City Council,

Attached is my one page statement for the Costco on Kuebler issue.

Thank you,

David Desmarteau
3282 Tanglewood Way SE
Salem, OR 97317
503-269-3589

PROPONENT STATEMENT FOR COSTCO ON KUEBLER

1. Costco is a very successful Pacific Northwest company, headquartered in Seattle; they are not a corporate multinational giant with no interest in the PNW, except to do business here. Communicating with management in a company like Costco is much more effective than a East coast conglomerate that has no interest in the local environment.
2. Costco has proven to be a valuable employer for our Community- providing hundreds of career jobs at their Salem store that pay outstanding wages & benefits with opportunities for employee growth. It is a solid employer for many Salem area residents- some have worked at the local store since it moved here 20 plus years ago. We need Costco to stay in the Salem area for the hundreds of residents who work there.
3. The issue of traffic congestion on Kuebler Blvd. and nearby arterials will be a concern no matter what retail or commercial developments locate at the Kuebler site. With the Costco store so close to I-5, traffic flow could be enhanced with an added lane both East and West, which will likely happen in coming years as the S.E. Salem population grows.
4. Most residents in the Kuebler area are in favor of keeping the ancient oak trees on the Kuebler property. Perhaps Costco could build around the trees, creating an inviting park for residents and customers alike.
5. To alleviate the issue of the fueling depot at this site, perhaps Costco could develop a nearby property specifically for car/truck fueling, such as the Fred Meyer fueling depot on S. Commercial. This concept would also help to decrease traffic at the main store.
6. The millions of dollars invested by PacTrust to improve traffic flows on Kuebler, Commercial and Battle Creek Rd. intersections were made with the City of Salem, so that a major retail development, like Costco, would locate at the Kuebler site. The City needs to abide by this legal agreement by proceeding to allow development of the Kuebler property- or face law suits which will cost the City millions of dollars.
7. Inevitably a major retailer or a group of stores will be built on the Kuebler site. No matter what is built there, traffic will be increased. Dealing with a local company, such as Costco, that has a vested interest in the PNW economy is much preferred than trying to deal with a out of area business venture that just needs a location where they can tap into a cheap labor market. Oftentimes, these out of state businesses are the first to close and skip town during a down turn in the economy. **Costco is a solid employer for the Salem area community and will thrive at the Kuebler site for years to come!**

Submitted by: David Desmarteau, 3282 Tanglewood Way SE, Salem OR 97317

July 26, 2020

Shelby Guizar

From: Beckie Brown <cheechurbeckie@yahoo.com>
Sent: Monday, July 27, 2020 3:29 PM
To: Planning Comments
Cc: citycouncil
Subject: Costco/Pactrust site

I 1st want to say that i am apposed to the construction of the proposted Costco. Potential traffic concerns and the environmental impacted to the neighbors as hunderads of cars sit with the motor running waiting to fuel up. A question i have is why the location can not be in the industrial site on the East side of the I5/Kubler intersection? It seems a lot of the issues like the impact to neighbors and traffic are better suited on that side of the freeway.

Shelby Guizar

From: noreply@cityofsalem.net on behalf of ladycynburcher@aol.com
Sent: Monday, July 27, 2020 7:04 PM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	Cynthia Burcher
Your Email	ladycynburcher@aol.com
Your Phone	503-390-3622
Street	4798 Lisa St. NE
City	Salem
State	OR
Zip	97305
Message	<p>This is about the Costco off Kuebler. I think it's a great site for it. There are 3 entrances; Kuebler, Battle Creek and 27th. There are 2 exits. No one can convince me this is worse than the Mission/Hawthorne location. What did THAT plan have that was so great? As for the trees; can't there be less gas pumps and leave the trees as a small park? Put parking spaces all around them and let people enjoy the shade. Do all the retail businesses really have to go in there and sacrifice the trees? Lastly, the comment about not wanting people from all over the region to shop here...are you completely ignorant of the fact that people all over the region are now shopping at Costco on Mission? Seriously? For real? Does Salem not want the extra revenue coming in from all over? Wise up and think smarter.</p>

This email was generated by the dynamic web forms contact us form on 7/27/2020.

Shelby Guizar

From: janelleckly47@gmail.com
Sent: Monday, July 27, 2020 1:30 PM
To: Planning Comments
Cc: citycouncil
Subject: Costco/Pactrust

To Whom it Concerns,
I'm writing to protest the building of Costco at the present planned site on Kuebler and 27th for the following reasons;

My house is on Foxhaven Dr. which is less than a block off Boone Rd. which would be one of the entrance/exits for Costco. Our house has been flooded 5 times in the 21 years we've lived in it, (along with at least 4 other houses in my neighborhood). If Costco builds on the proposed acreage, it will turn the whole area into concrete and asphalt. Where will all the water run-off go then?

We were also lied to by Pactrust. They claimed they only wanted to put a neighborhood shopping center in that area. I know many people that come from all the surrounding cities, as well as some coming from the coast area to shop at Costco. That is hardly a neighborhood shopping area.

At the original proposal, Southgateway Neighborhood Association had a traffic study done that stated the area was inadequate to handle the amount of traffic Costco would bring, and that was before Amazon and the new Boone Ridge Care facility were built. We also had studies done by the Salem Police, the water and sewage companies. Their reports all said the area was inadequate to sustain the increase that would be required by a large store like Costco.

The Salem downtown area is already dying and many needed businesses have pulled out. If the long-term plan is to turn the whole intersection of Kuebler and 27th into a commercial zone with big box stores, businesses and shopping centers, it will destroy our neighborhoods and it will not help the already struggling downtown area.

Thank you for your time in reading and consideration,
Janelle Coakley

Janelle Coakley Sent from [Mail](#) for Windows 10

Shelby Guizar

From: Dan Atchison
Sent: Tuesday, July 28, 2020 1:27 PM
To: Planning Comments
Subject: Fwd: TESTIMONY RE. PACTRUST/COSTCO REMAND PROPOSAL
Attachments: COSTCO REMAND TESTIMONY - WBD 7-27-20.docx; ATT00001.htm

Begin forwarded message:

From: Tom Andersen <TAndersen@cityofsalem.net>
Date: July 28, 2020 at 12:54:51 PM PDT
To: Dan Atchison <datchison@cityofsalem.net>
Subject: Fw: TESTIMONY RE. PACTRUST/COSTCO REMAND PROPOSAL

Dan, to be safe, here is what Mr. Dalton sent to four councilors which should go to the council as a whole.

Thanks,
Tom

From: daltfam@comcast.net <daltfam@comcast.net>
Sent: Monday, July 27, 2020 5:34 PM
To: Jackie Leung <JLeung@cityofsalem.net>; Tom Andersen <TAndersen@cityofsalem.net>; Chris Hoy <CHoy@cityofsalem.net>; Vanessa Nordyke <VNordyke@cityofsalem.net>
Subject: TESTIMONY RE. PACTRUST/COSTCO REMAND PROPOSAL

Dear City Council Members:

I am attaching a copy of my 'testimony' regarding PacTrust's (slightly...) modified Proposal/site plan submitted in response to the Court of Appeals and LUBA's "Remand".

As I have noted, I trust that the Council will demand accuracy and an update of the related "Traffic Impact Analysis" related to this PacTrust Proposal. The impact of traffic related to PacTrust's development will affect quality of life for not just the specific area of development, but all of South Salem.

As a Salem resident and taxpayer, I have been appalled and dismayed regarding the ongoing attitude/posture of some of our City Development staff. It seems that some in that office have consistently not just 'favored' development interests over citizen input, but at times actually act in ways to undermine both City guidelines and Council wishes.

I don't see how we can have effective, responsive, and lawful government in Salem if City Staff consider themselves a force beyond citizen and Elected Official direction and control.

I deeply appreciate your hard work and attention to the important issues that affect our City.

Warmly,

Bill Dalton

Shelby Guizar

From: Carel DeWinkel <cdewinkel@comcast.net>
Sent: Monday, July 27, 2020 4:00 PM
To: Planning Comments
Cc: Edna Denton
Subject: comment on the Kuebler Gateway Shopping Center, including a relocated Costco store.
SPR-DAP18-15, Remand

Dear Mayor and Councilors:

My wife and I are concerned about the proposed development of the Kuebler Gateway Shopping Center, which will include -as we understand- a relocated Costco store, a retail fueling station and four new retail shell buildings. We are worried about the viability of the shopping center downtown (we already lost Nordstrom and J.C. Penney). The last thing we need is another competing shopping center on the edge of the city. We are also concerned that the attempt to move Oregon white oaks will result in failure. We continue to loose so many of those magnificent trees due to various developments.

Therefore, ***we strongly ask you to continue to oppose the plan to move Costco to this new location.***

Thank you,
Carel DeWinkel and Edna Denton.
1795 Fir Street S.
Salem

Shelby Guizar

From: David Ellis <ellis5804@comcast.net>
Sent: Monday, July 27, 2020 9:13 AM
To: Planning Comments
Subject: Costco issue

Just understanding the potential traffic problems should be enough to torpedo this idea. Please drive by here during the 5 pm rush and consider adding Costco traffic to this. David Ellis 6580 Huntington Circle SE

Shelby Guizar

From: claudia hagedorn <cihagedorn@yahoo.com>
Sent: Monday, July 27, 2020 10:51 AM
To: Planning Comments; citycouncil
Subject: Costco Development

Dear Planning Commission and City Council,

As I wrote to you a couple of years ago regarding the proposed Costco development, traffic congestion on Kuebler, Battlecreek and the surrounding neighborhoods will be greatly impacted by this development. As a homeowner in the Sunnyslope neighborhood just off Kuebler and Battlecreek, we already have traffic back-ups and people cutting through our neighborhood to avoid the congestion on Kuebler.

If Costco is allowed to build its proposed regional store with gas station, the traffic problems will be much, much worse. Already during rush hour, it is almost impossible to turn onto Battlecreek from our neighborhood. Cars cutting through are already a major concern for the safety of children playing in the neighborhood and people getting their mail or walking their dogs etc.

Home depreciation is also a major concern for people in several neighborhoods in the area.

We do not want a regional Costco in this location. As the council rightly determined two years ago, this is not the development for this plot of land. A neighborhood center is fine, but not a regional one drawing from the entire Salem area.

Claudia Hagedorn
2054 Southampton Ct SE

Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Monday, July 27, 2020 6:35 PM
To: Planning Comments
Subject: FW: Comment for PacTrust/Costco Project

From: Jennifer Martin <jennifer@mid-valleycre.com>
Sent: Monday, July 27, 2020 6:17 PM
To: citycouncil <citycouncil@cityofsalem.net>; CityRecorder <CityRecorder@cityofsalem.net>
Subject: Comment for PacTrust/Costco Project

Mayor and members of City Council,

As a 20+ year veteran of the commercial real estate industry whose career has primarily focused on retail landlord and tenant work and site selection in the greater Salem-area region, I provide the following comments related to the PacTrust project on Kuebler. I only provide my background to ensure you understand that this is my field of expertise and I have a higher level of knowledge in this area than most of the folks from which you are receiving comments. I urge your approval of this project for the following reasons:

- 2007 Comprehensive Plan/Zone Change approved by City Council – **ONLY ALLOWS THE SITE TO BE DEVELOPED FOR A “SHOPPING CENTER WITH NO MORE THAN 240,000SF OF RETAIL USES”. NO OTHER TYPES OF DEVELOPMENT ARE ALLOWED ON THE SITE.** Current plans call for approximately 190,000SF of retail uses, well under the maximum density allowed and the site plan meets all conditions of approval.
- PacTrust plans to construct over \$1,000,000 in traffic enhancements above that which is required by code which includes a roundabout on 27th that will enhance orderly movement of traffic. The site plan has been developed to ensure delivery trucks access from 27th and do not drive on Boone Road.
- In 2015, PacTrust funded almost \$3,500,000 in improvements to widen Kuebler in partnership and at the request of the City of Salem to streamline widening of the eastbound lane. This investment was part of the 2007 conditions of development but normally would not be required until a project was permitted.
- The city traffic engineer indicates in a March 27, 2020 memo that “Nearly all required mitigations have been constructed. Any outstanding improvements identified in the 2007 analysis will be conditioned with this development and constructed prior to occupancy.”
- PacTrust has hired an arborist to relocate the oak trees, eight of which are considered significant (greater than 24” in diameter) to the primary entrance to create a grand focal point at the gateway to the project. They are also planting an additional 40 white oaks. Experts worked on six potential site plans and the proposed plan was the only one to meet all conditions of approval.
- Based on current construction estimates, at completion, Costco is expected to have the following positive financial impacts. These figures do not include the tax income from the \$6,750,000 investment for the four retail buildings planned along Kuebler:
 - \$634,100 in total property taxes
 - \$242,800 to City of Salem
 - \$90,500 to Marion County

- \$166,700 to Schools
- \$134,100 to bond repayment
- Annual payroll costs for 2020 are estimated to be \$10,850,733 paid to 401 employees. The average hourly wage is over \$27.70. 90% of employees company-wide are eligible for healthcare benefits and 88% are covered. 85% of current employees live in the Salem area.
- Costco is a good community partner and donates day-old bakery items to Marion Polk Food Share, Willamette Valley Food, Union Gospel Mission, Hope Station, and composts between 400-600 pounds of produce daily to keep it out of landfills.
- Costco draws shoppers from the mid-Willamette Valley (recognizing there is a Costco in Albany and one in Wilsonville) who will visit other locally-owned retail and restaurant businesses during their visit to Salem, enhancing our local economy.
- There is no other retailer in the city that provides the same goods in the same fashion as Costco which **WILL FORCE SALEM RESIDENTS NEEDING THEIR OFFERINGS TO TRAVEL TO WILSONVILLE OR ALBANY, ADDING UNNECESSARY EMISSIONS AND POLLUTION.** Additionally, those consumers will eat and shop at ancillary businesses in those cities which will hurt our local economy.
- Costco's hours (9am-8pm) are considerate to the neighborhood compared to other types of retailers who have hours to 10pm or later. Some Salem grocers have hours until midnight.
- In early 2020, an independent poll of Salem residents in the city council wards for election was completed by the Salem Chamber of Commerce and the Marion Polk Homebuilder's Association which polled approximately 300 voters and 48% of them opposed the city's decision to block this development.
- The risk to the City of Salem to not approving this development is enormous:
 - Risk of loss of lawsuit at close to \$10,000,000
 - Risk of loss of property and income tax revenue that the city desperately needs
 - **RISK OF FUTURE FAMILY-WAGE EMPLOYERS OVERLOOKING THE CITY OF SALEM BASED ON PRECEDENT OF ARBITRARY APPLICATION OF ZONING RULES.**

Because I am working remotely, the best way to reach me by phone during regular business hours is at 503.851.9428. I can also be reached by email or text message.

Jennifer Martin, CCIM

A licensed Principal Broker in Oregon



340 Vista Ave SE, #150
 PO Box 3001, Salem, OR 97302
 503.339.7400 - Office
www.mid-valleycre.com

Shelby Guizar

From: Lora Meisner <lmgb@earthlink.net>
Sent: Monday, July 27, 2020 2:47 PM
To: Planning Comments; citycouncil
Subject: re: Wrong size; wrong shape
Attachments: alternative plan 001.jpg

Expires: Sunday, October 25, 2020 12:00 AM

The city council stood up against the Third Bridge because it was NOT in the best interest of our community. The proposed PacTrust/Costco development in its present size and design, is NOT either. This development is strictly at size 11 foot trying to fit into a size 6 shoe. Isn't it amazing that after you deemed, and rightly so, that the oak trees are necessary, that for the past 2 ½ years PacTrust could not manage to come up with a design, a size, or a shape of a building, that would accommodate saving these precious oaks trees (which by the way, they incorrectly measured in their Remand Application). This smacks of PacTrust bullying tactics and "sucker-punching" the City Council. There is no way to have commercial development and save the trees, REALLY? They must think that you as well as the public are pretty gullible. Even our own public works department has been co-opted by their tactics. I am not an architect but I've attached a drawing that I did over one of their "rejected" designs which showed saving the white oaks. Costco touts themselves as "environmentally responsible." Here's a quote from their own Web site:

<https://www.costco.com/sustainability-environment.html> Costco promotes: "Good land stewardship practices include, but are not limited to: •avoiding deforestation and conversion of natural ecosystems; •conserving or restoring natural ecosystems."

Destroying these White Oaks with their own eco-system goes against Costco's own principles.....are they just for a Web site or are they willing to put them into practice. So shouldn't the city council ask Costco why they are not living up to their own environmental standards? And order them to do so.

We know—despite public works recommendations—that you need to order a new TIA to assess current conditions—traffic volumes, recent development like Amazon—this is the only responsible course of action to protect residents and neighborhoods quality of life. This is your responsibility as councilors representing Salem's residents.

Stand by your principles—continue to deem the trees as necessary, order a new TIA and keep south Salem from a development that doesn't fit and will destroy a special environmental eco-system. Thank you.

Lora Meisner
1347 Spyglass Court SE
Salem, OR 97306
503-588-6924

Site Plan Analysis:

- 1) 8 White Oak Trees retained. Overall landscape coverage is 28% including the oak tree protection area (21.9% not including the Oak Protection area). The higher landscape percentage compared to the preferred plan (18.2%) is primarily due to the required location of the fueling positions and configuration of the north property line at the back of the proposed Costco building. It is not possible to reduce the landscaping and in its place add parking because to do so creates an unsafe condition for vehicles and pedestrians and therefore conflicts with SRC 220.005(f)(3)(B).

A retail shopping center consisting of 189,550 sf requires a minimum of 758 (4/1,000 sf) parking stalls (SRC 806.005(a)(1)/806.015(a) Table 806-1). The parking needed to allow for maximum leasing opportunities (shops, cafes, fast casual and sit-down dining, etc.) on the western portion of the shopping center is 104 parking stalls (7/1,000), and 147 is provided resulting in 43 spaces available for the eastern portion of the project. The eastern portion of the site requires a minimum of 699 (4/1,000 sf) parking spaces, but only 546 (3.13/1,000) parking stalls can be provided creating a total deficit of 110 parking spaces (153 east shortfall minus 43 west extra = 110 parking spaces). Therefore, this option fails to meet (SRC 806.005(a)(1)/806.015(a) Table 806-1).

Site Access:

- New roundabout on 27th Ave is the primary access to the site.
- Location of this roundabout is fixed as ROW was acquired on 8/14/18 per the Development Agreement approved 5/25/18. This location is also consistent with the City's best practices for site access (2007 Decision condition 4 and 5).
- Existing RI driveway off Kuebler provides adequate access to the site.
- Existing driveway off Boone Rd provides adequate access to the site.

Both vehicular and pedestrian circulation is inefficient, unorderly and pedestrian circulation is unsafe. This conflicts with SRC 220.005(f)(3)(B) and (C) and 800.065(a)(3 & 5).

This shopping center layout is poorly coordinated with the commercial development to the west. Both pedestrian and vehicular circulation are inadequate.

Does not comply with a Class 3 Site Plan Review requirements or the 2007 CPC/ZC decision.

The fuel facility is located in the SE corner along Boone Road, which is necessary to allow adequate traffic flow to and from the main access at 27th Ave. This is the least desirable location within the site due to the proximity to residences along the south side of Boone.

Receiving dock faces Residential Uses.

Fuel Trucks would have to access the site from Boone Rd creating conflicts and impacts with adjacent residential neighborhood.

Roundabout location fixed

Stormwater swales

Site area needed to make up grade difference between 27th and the finished elevation of the site.

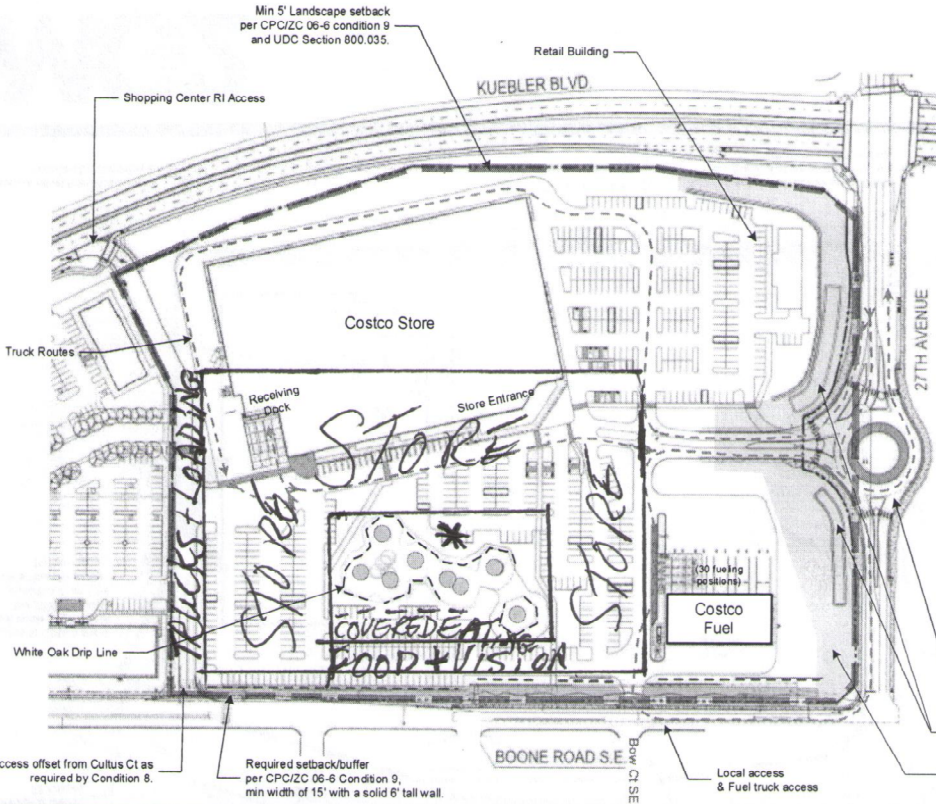
Local access & Fuel truck access

Boone Rd SE

BOONE ROAD S.E.

Required setback/buffer per CPC/ZC 06-6 Condition 9, min width of 15' with a solid 6' tall wall.

Access offset from Cultus Ct as required by Condition 8.



MG2

Costco Wholesale

Salem, OR

NW Option

MG2 Project: 17-0413-01A

Project Manager: S Bullock

Date: June 11, 2020

* WHITE OAKS ECO-SYSTEM
PRESERVED - WITH COVERED
EATING AREA - COSTCO
HAS FOOD + VISION
CAN BORDER OAKS
PRESERVE

Shelby Guizar

From: Carol M <merrileemom@outlook.com>
Sent: Monday, July 27, 2020 5:35 PM
To: Planning Comments
Subject: Regarding proposed Costco shopping center in South Salem

Please do not proceed with this plan. The traffic and pollution impact would be devastating to the neighborhood and to the white oak trees there. It is extraordinarily unlikely that the trees could be successfully transplanted, as offered by the developer.

Thank you,

Carol Mitchell, Ward 2 Salem

Shelby Guizar

From: PATTI NEWTON <pattin19@comcast.net>
Sent: Monday, July 27, 2020 12:47 PM
To: Planning Comments
Cc: citycouncil
Subject: Costco project Salem
Attachments: costco letter.docx

Thank you for taking time to consider my concerns in the Costco project.

To Salem City planning commission and Salem City Council members,

I am writing in regards to the continued plans for the new Costco on Kuebler Blvd.

I will limit my concern today with the traffic problems and safety that I believe will occur by placing Costco in this location. I have lived in my neighborhood since 1981 and believe our area is considered 'ground zero'. I used to feel comfortable running/walking on Kuebler when it first opened and it was only 2 lanes, and even up to about a year ago, but had to give up being in the bike lanes due to the amount and the speed of the drivers, as well as the discourteousness of the drivers. I then changed to walking up as far as Kuebler on 27th and turning around and coming back and now feel like I am unsafe for above stated reasons to even walk on this road. I now have to limit my workout routine to go up as far as Boone retirement and turn around and come back. This summer once again, I am noticing a new increase of traffic on this road which is beginning to make me nervous. I see many folks from the retirement complex getting out for walks together on Boone and as they social distance due to Covid rules, I will on occasion see one on the sidewalk and one in the street close to the curb. I worry for their safety as people come speeding down Boone taking in my opinion, shortcuts to Kuebler. These safety concerns are based on today's traffic and I don't see how it is going to get safer or less with a big box store like Costco in that location.

I feel development on this land could be a plus to this area as long as it is the correct neighborhood development. A moderate sized strip mall with a few restaurants, a coffee shop, maybe a small store where you could stop and pick up a few dinner items would be well accepted here. On the other side of 27th I could picture a small gas station (not a fuel station) or maybe a fast food place. As a traveler in Oregon I think the ability for a quick pull off the freeway to get gas or eats then be able to easier return to the freeway would do quite well there. This kind of development could also reduce the amount of traffic all the way up to Commercial St and help with traffic flow there.

There are so many great locations for Costco to move to that would be well received, do well, and not be in a neighborhood. This location really should be rethought by all parties including the City of Salem. Traffic, noise, and safety are my biggest concerns for this development as well as many of my neighbors.

Thank you for listening to longtime residents from ground zero,

Patti and Richard Newton
2645 Foxhaven Dr SE
Salem

Shelby Guizar

From: Aaron Pesek <apesek@samhealth.org>
Sent: Monday, July 27, 2020 8:56 AM
To: Planning Comments
Cc: citycouncil
Subject: Costco Development - South Salem

City of Salem,

I am writing today to express opposition to the Costco Development in South Salem. The quality of life for us that live near this area will be forever changed to the negative. The biggest issue is the traffic. Traffic in South Salem is already getting worse and worse. I can't imagine adding in a Costco also in an area that was approved for a neighborhood shopping center. The previous city council got it correct by denying this move. The biggest overlooked item I believe is that this new Costco would require a LEFT TURN into it from the interstate. This will bottleneck traffic terribly. Traffic is already bad at the current Costco, but that is a RIGHT TURN off #22. Somebody along the line made a huge mistake by letting Costco believe they can develop in an area that was approved for a small neighborhood shopping center. Don't punish the residents of South Salem for somebody else's mistake. Our lives have already taken a beating lately. We don't need another negative against our quality of life.

Thank you for your time,

Aaron Pesek

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Shelby Guizar

From: Scott Pillar <scott@greycoast.com>
Sent: Monday, July 27, 2020 6:11 PM
To: Planning Comments
Subject: in favor of Costco going on Kuebler

Salem City Council and Planning commissioners,

I am in favor of moving forward with the shopping center, anchored by Costco on Kuebler Blvd. I believe, like LUBA, that the city erred in its interpretation.

Sincerely

Scott B. Pillar
Turner, Oregon

Shelby Guizar

From: er@vksafety.com
Sent: Monday, July 27, 2020 8:28 AM
To: Planning Comments
Cc: citycouncil
Subject: Costco Development

The new Costco development will make Kuebler a traffic mess, especially with the new housing that is being built. The Oak trees will be destroyed, they won't survive being moved. Finally, this land was promised to be a neighborhood shopping center as promised by PacTrust. The Costco needs to be in a commercial area East of I-5.

Thank you for your time.

Regards,

Elmer Rasmussen, CSP
Principal
Viking Safety Consultants Inc.
Cell 503-910-2537



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From: Sarah Rohrs <sarahjrohrs@gmail.com>
Sent: Monday, July 27, 2020 2:06 PM
To: Planning Comments
Subject: Costco/Pactrust Remand Application

City of Salem planners - I am submitting comments regarding the Costco relocation project in South Salem. I hear from the South Gateway Neighborhood Association that the city denied a request to extend public comment and hold a public hearing. This is unfortunate. I hope the city will reconsider this and allow for more public comment and a public hearing.

I am also troubled to learn that the mature white oaks (estimated in age between 200 and 300 years) on the property are not to be protected as the parcel is developed. It is my understanding that the applicant proposes MOVING the white oaks. This proposal to MOVE the trees is risky and foolish. It is highly doubtful that these majestic trees would survive being dug up and relocated.

Oregon has lost more than 95 percent of its white oak habitat plus countless numbers of the trees themselves. The oaks on the Costco/Pactrust property form their own ecosystem and deserve to remain living and thriving in the spot they have made their home all these years. They are part of the Salem neighborhood and should have full protection.

Any development on this property must save the white oaks and the habitat that supports them.

Thank you,

Sarah Rohrs

Salem, Oregon

Sarah Rohr

Shelby Guizar

From: Jim Scheppke <jscheppke@comcast.net>
Sent: Monday, July 27, 2020 11:07 AM
To: Planning Comments
Cc: citycouncil
Subject: Comment on the Costco/Pactrust Remand Application

Dear Mayor and Councilors:

I am writing to urge you to continue to oppose the plan to move Costco from its present location to a location on the edge of the city to become the anchor for another regional shopping center like Keizer Station.

This is such a bad idea for so many reasons. Years ago the City Council did everything it could to preserve retail shopping in our downtown. It famously limited the size of Lancaster Mall (now Willamette Town Center) in order to protect downtown businesses. This sort of thing needs to be done now more than ever. We have already lost Nordstrom and J. C. Penney. I would imagine executives at Macy's and Kohl's are watching plans for "Kuebler Station" to see if they have any future in downtown Salem. The pandemic has made a bad situation worse for the future of retail shopping in downtown Salem. Do we want a bunch of dead malls in our downtown? That's what we will get, I fear, if you allow Costco to anchor a regional shopping center. It will be the beginning of the end.

And then there are the Oregon White Oaks. I hope you will ask our new Urban Forester to comment on the odds that they would survive an attempt to move them. I have heard from a certified arborist that they would likely not survive. He cited a recent case at the State Capitol where three trees were moved and one has already died.

These are just two of many reasons why moving Costco is a terrible idea. The biggest reason I suppose is that it was clearly a corporate "bait and switch," and we should not reward such bad behavior.

Please continue to prevent the Costco relocation.

Thank you,

Jim

Jim Scheppke
1840 E. Nob Hill SE
jscheppke@comcast.net
503-269-1559

Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Monday, July 27, 2020 8:47 AM
To: Planning Comments
Subject: FW: Request to submit public testimony at tonight's meeting

From: J Staats <staats1@gmail.com>
Sent: Monday, July 27, 2020 8:24 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Request to submit public testimony at tonight's meeting

Hello, my name is Jason Staats and I would like to sign up to leave public testimony for an item not on the agenda for tonight's meeting. I was advised that there would be a survey link to sign up on the city website however I am not able to find it. Could someone please reply to my email with instructions or call me at 503-449-3889 or just find me up and send me the zoom link information to participate.

--

Warm regards,

Jason A. Staats

President, Where To Eat Guide | Co-Owner, Across the Street Vintage & Resale |
Founder & Board Member, Pacific NW Experience | Founder, Salem Rainbow Youth |
Honorary Board Member, Portland Concierge Association |

P.O. Box 5922
Salem, Oregon 97304
t (503) 449-3889
f (503) 972-1648

"The great man is he who does not lose his child's heart."
-Mencius, Book IV

"Train the will to do the thing that will produce the condition you desire."
-Sue Ferguson

Shelby Guizar

From: Howard Strobel <hkstrobel@gmail.com>
Sent: Monday, July 27, 2020 8:24 PM
To: Planning Comments
Cc: citycouncil
Subject: Pactrust/Costco Remand Application

I am writing concerning the future action on the Costco/Pactrust Application.

I strongly urge the city/city councilors to require that the Traffic Impact Analysis be redone to reflect the street/interstate traffic conditions as they exist in 2020. Additionally that the analysis uses the standards as they are in 2020, not the standards from 2007 when the zone change was requested.

Secondly, I urge the city to require retention of the existing Oregon White oaks on the site. These large trees add habitat that is badly needed in the City. These large trees do not lend themselves to transplanting. I do not believe any responsible horticulturist will recommend transplanting. In my opinion, long-term survival, five growing seasons, will be doubtful. I definitely do not support allowing the applicant to transplant them with only two or three year survival timeframe. I also urge the city/councilors to require that no paving or operating equipment during construction be allowed within 30 feet from the outer tree crowns in order to avoid compaction and to allow moisture to infiltrate the soil. Most of the water absorbed by the tree occurs through the tiny hair roots on the outer portion of the root system. I would prefer that the city does not allow the applicant to develop a Oregon White oak habitat elsewhere in Salem. I believe the City has the ability to require maintaining the stand as is and should do so.

Thirdly, I urge the city to hold fast to the neighborhood shopping center concept that Pactrust originally led the City to believe was intended for the development. This smaller development will be more suited to this neighborhood. Perhaps moving the Costco development to the flatland east to Turner road along Kubler/Cordon Road. This location is more compatible with the industrial area than the urban neighborhood site that is currently proposed.

Finally, I urge the city council to allow public testimony from the citizens of Salem before making a decision on the proposed development.

Thank you for your consideration of my comments.

Respectfully,

Howard Strobel
5985 Darcy St SE
Salem, Or 97306

Shelby Guizar

From: WD Smith <wds81028@gmail.com>
Sent: Monday, July 27, 2020 10:38 AM
To: Planning Comments; Glenn Baly
Subject: Costco Keubler Development

Nothing has changed since previous requests to stop this development except more traffic. The traffic study submitted dated 2007 is totally out of date. How can you approve a development based on out of date information?

The development is no longer a neighborhood shopping center but a regional center including a 30 plus pump gas station which will attract gas shoppers from I-5 who would not normally stop for gas on Commercial and Keubler. The existing service stations on Commercial will suffer loss of business because their regular customers will drive to the Costco Keubler Development.

The existing Costco plan will ruin the surrounding neighborhoods with excessive traffic and more auto generated pollution. Approval of this plan will only degrade South Salem.
Explain please why the development can't be on Keubler East of I-5 or Cordon Road.

William D and Sharon Smith
4774 Bradford Loop S E
Salem Oregon 97302

Shelby Guizar

From: Mary Walker <ohsadiesdog2@gmail.com>
Sent: Monday, July 27, 2020 4:51 AM
To: Planning Comments
Cc: citycouncil
Subject: Proposed Kuebler Gateway Shopping Center

Dear Council Members,

Please take into consideration that the grove of Oregon White Oaks on the Pactrust property are between 200-300 years old and form their own ecosystem. 95% of their habit has already been destroyed in the PNW, it is highly unlikely that they will survive if transplanted because their ecosystem will be destroyed in the process. Any development of this property needs to protect this grove of White Oak trees and their necessary ecosystem.

Also a new traffic impact analysis needs to be done before approving and issuing any kind of permits. The current TIA is over 2 years old and a lot has changed in that time. Additionally the original zone change request uses standards from 2007. The city council needs to request a new TIA based on current traffic volumes, needs and additional development impacts, like Amazon.

Yours,

Mary Sue Walker

503-749-4414

8632 Little Rd SE, Aumsville, OR 97325

Shelby Guizar

From: Dan Atchison
Sent: Monday, July 27, 2020 8:06 AM
To: Planning Comments
Subject: FW: PacTrust Costco proposal

DUE TO COVID-19 Salem Civic Center Offices are closed to walk-in visitors and many City staff are working remotely. I will be working remotely on most Wednesdays and Thursdays and will have remote access to email and voicemail while the COVID-19 state of emergency is in effect. Please visit the City's website for more information: www.cityofsalem.net

Dan Atchison
City Attorney
City of Salem | Legal Department
555 Liberty St SE, Suite 205, Salem OR 97301
datchison@cityofsalem.net | 503-588-6003
[Facebook](#) | [Twitter](#) | [YouTube](#) | CityofSalem.net

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From: Jackie Leung <JLeung@cityofsalem.net>
Sent: Sunday, July 19, 2020 12:09 PM
To: Dan Atchison <DAtchison@cityofsalem.net>
Subject: FW: PacTrust Costco proposal

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: BRENT JENNIFER WATKINS <jlw home18@msn.com>
Date: 7/18/20 2:51 PM (GMT-08:00)
To: Jackie Leung <JLeung@cityofsalem.net>
Subject: PacTrust Costco proposal

I am writing to request a public hearing in regards to the PacTrust processing of the LUBA remand, confirming the city could consider traffic impacts and the removal of the oaks. PacTrust request to deny a public hearing should not be allowed. PacTrust needs to stick to their original proposal of a small community shopping center. A large big box store would be devastating to our neighborhood, besides the fact this is not what voters agreed to in the zoning change.

Thank you,
Jennifer Watkins
South Gate neighborhood home owner

Sent from my iPhone

Shelby Guizar

From: Sally White <lvworms@yahoo.com>
Sent: Monday, July 27, 2020 6:10 PM
To: Planning Comments; citycouncil
Subject: Site Plan review for Costco/Pactrust

To all this concerns:

First- thanks to those thinking ahead on taking this low traffic time to repair our streets.
Second- It's time to apply this same forward thinking to the properties involving the Costco/Pactrust. Those proposing to relocate the Oregon White Oaks may know much about business practices, but little about the ability of these century old trees to survive such a move. We should be actively preserving this ecosystem as a carbon sink (a purely human concern due to our ignorance of their importance) rather than increasing traffic, heat generating black top and the reduction of the livability of the area. Those who made the decision to make this deal without considering the consequences need to take a step back and those who really care about making Salem a place to live rather than just the bottom line need to step up. Use today's knowledge instead of those based on 2007's.

As someone who has seen the degradation of Wallace Rd in west Salem due to the removal of trees to accommodate more traffic, I ask you to please reconsider before this moves forward.

Thanks for your time,
Sally White
3190 Wallace Rd NW
Salem, OR
97304

Empowering the innate curiosity and creativity of children through the science of nature.

Shelby Guizar

From: noreply@cityofsalem.net on behalf of kenpifer71@gmail.com
Sent: Tuesday, July 28, 2020 11:37 AM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	Ken Pifer
Your Email	kenpifer71@gmail.com
Your Phone	5036896046
Street	530 Waldo Ave SE
City	Salem
State	OR
Zip	97302
Message	<p>Hi, I want to express my support for the proposed Kuebler Gateway Shopping Center with a proposed Costco locaiton. I shop at Costco regularly, and it is clear that the current location is grossly inadequate, and the inadequacy of parking and circulation at that location is creating negative spillover effects in the surrounding area. I do not want to go to Albany or Wilsonville, or to Keizer if that becomes the only option for Costco, and it seems clear the Kuebler site is the best option for a Costco that can serve our city. I am also concerned that the city over many years has established Kuebler as an area that can support traffic and facilities consistent with businesses like Costco. This has included infrastructure investments supported by our tax dollars, as well as investments by developers who have a right to expect the city to support development allowing them to recoup their investments. Frankly, the decision not to approve this development was a failure of city planning and municipal governance. I understand the concerns of local residents. I also understand they chose to locate in an area clearly zoned and planned for larger retail and commercial development. I also understand this is a decision that affects all city residents, not just local homeowners. Please do the right thing - approve a development that meets planning standards and is consistent with years of city planning and infrastructure development, and provides significant benefits to all city residents. Ken Pifer</p>

This email was generated by the dynamic web forms contact us form on 7/28/2020.

Shelby Guizar

From: Aaron Panko
Sent: Tuesday, July 28, 2020 3:53 PM
To: Planning Comments
Subject: FW: Letter to City Council from Spencer Powell
Attachments: Salem Retail Health Letter to City Council -7.28.2020WLK.pdf

-Aaron | 503-540-2356

From: Monica Murray <mmurray@powellbanz.com>
Sent: Tuesday, July 28, 2020 3:30 PM
To: ShariR@PacTrust.com; comments@cityofsalem.net; Aaron Panko <APanko@cityofsalem.net>
Cc: Spencer Powell <spowell@powellbanz.com>
Subject: Letter to City Council from Spencer Powell

Good afternoon,

Please see attached letter from Spencer Powell.

PBV is open. With the Coronavirus impacting daily life our office location has closed to outside traffic, but you can still reach me via email or phone as I work remotely during this time.

Best regards,



Monica Murray | Production Support

mmurray@powellbanz.com

P: 503.371.2403 | F: 503.371.2613

Powell Banz Valuation, LLC | www.powellbanz.com



July 28, 2020

Via Electronic Mail to planning comments@cityofsalem.net and apanko@cityofsalem.net

City of Salem City Council
c/o Aaron Panko, Planner III
Case Manager
City of Salem Planning Division
555 Liberty St SE, RM 305
Salem, Oregon 97031

Reference: **The Fiscal Impact of Costco**

Dear City Council Members,

Changing shopping preferences and uncertainty about the end of Covid -19 have combined to threaten the paychecks of citizens and stability of Salem's retailers. Heavy debt, pandemic closures and on-line shopping have forced the closure of many local retailers. The pandemic has further exacerbated local retail troubles. When combined with job losses and city budget shortfalls a grim picture emerges.

In Costco's 26 years in Salem it has become a shopping mainstay in the community. It has combined a robust array of goods with reasonable prices to attract shoppers. It currently provides employment for over 400 workers at attractive wages and health benefits. They have outgrown their location and are looking to relocate to a new location on Kuebler Blvd. that provides a slightly larger store, convenient and safe access - all important to better serve their customers.

Costco pays real estate taxes that go directly to the city of Salem, which will more than double at the new site. They provide essential goods and services that many of us have relied on during the pandemic. And, Costco heavily contributes to local Salem schools and non-profits.

PacTrust and Costco have invested millions of dollars to design a development on a major arterial with connections to I-5 and Kuebler Blvd while remaining sensitive to community input. The location on Kuebler Blvd. received approval for the development of up to 240,000 sf of retail in 2007 (plus offices for a total shopping center of 299,000 GLA), which includes all of the necessary traffic mitigations that go along with a shopping center of this size. Should the Costco anchored Kuebler Gateway Shopping Center site plan approval be denied, Costco's ability to add much needed well-paying jobs and pay more taxes will be a significant loss to the City of Salem.

Salem Retail Health

Salem retailers are struggling with changing customer tastes and shopping alternatives. Before the pandemic many large retail companies with a Salem presence were saddled with a heavy debt burden. Further, the ongoing pandemic and closures imposed by Governors' office have pushed some to permanent closures or bankruptcy. Sears, K Mart, JC Penney, Shop Co, Pier 1, TJ Max, Hancock Fabrics and Nordstrom have already closed. Victoria's Secret, Tuesday Morning and retail giant Macy's have laid off thousands of workers and are closing thousands of locations. More retailers have been seeking Chapter 11 bankruptcy protection thus far in 2020 than in all of 2019.

The ongoing pandemic and lock-down have greatly expanded the public's familiarity with shopping on-line and two-day deliveries. The growth in use of Amazon has pushed many retailers to examine if their brick and mortar outlets are needed. Retail closures negatively impact property and personal taxes, jobs and community non-profit support.

Salem Job Market

Loss of many retailers and shut-downs due to uncertainty regarding the future of Covid-19 puts significant pressure on employees working in retail, food and hospitality providers in Salem. Historic unemployment filings have crippled many businesses in Salem.

The latest job losses in Salem by employment sector published the State of Oregon Employment Department illustrate from January to June of 2020 the unemployment rate for the Salem MSA is 10%. Further, Salem's job loss for retail was 11,800 or 6% of total employees. Leisure and Hospitality lost 73,900 or 34%. Total employment loss for Salem from June 2019 to June 2020 was 9.5%.

CoStar Analytics for Salem estimates a recession is likely forthcoming, with the coronavirus wielding an outsized impact on the leisure and hospitality and retail trade sectors, which together employ 20% of Salem's nonfarm workforce.

Salem City Revenue Shortfall

The adopted Fiscal Year 2020 budget had a shortfall of \$10.9 million. Savings and unused contingency funds may be as much as \$5.15 million leaving a shortfall of \$5.8 million. The eventual passage of the employee payroll tax may raise an estimated \$9 million but it is not anticipated until 2022. Further, job losses, retail and hospitality failures will put additional pressure on city services.

The city web site on April 6, 2020 stated: "Our community is growing but our funding isn't growing enough to keep up." "To maintain city services and keep pace with our growing community's needs, the City must raise \$16.2 million more per year." The ongoing pandemic, loss of retail employment coupled with loss of real and personal property taxes make this unlikely.

Conclusions

The City of Salem needs to uphold their 2007 approval of shopping center on the Kuebler site. Failure to do so will place the City's retail challenges at greater risk of further losses. Costco's impact on property and personal taxes, jobs and services to the City of Salem is significant. The Kuebler Gateway Shopping Center will benefit Salem:

- Currently 401 jobs increasing to 475 jobs averaging \$27/hour with health care benefits provided to many employees;
- Significant increase property, personal and payroll taxes for Salem;
- Provides construction jobs for local subcontractors while developing the \$40 million-dollar project;
- Provides supplies from local stores for construction materials and food for workers from local vendors;
- Will attract other businesses to lease the proposed 21,000 sq.ft. of retail space, which will have a similar positive impact to the City – increased property taxes, jobs, etc.
- Continued support for local schools and non-profits.

Sincerely,

A handwritten signature in blue ink that reads "C. Spencer Powell". The signature is fluid and cursive, with the first name "C." and last name "Powell" clearly legible.

C. Spencer Powell, MAI, AI-GRS
OR State Certified General Appraiser
No. C000154
Expiration Date: February 28, 2021

Shelby Guizar

From: diane pringle <dianepringle1245@gmail.com>
Sent: Tuesday, July 28, 2020 11:15 AM
To: Planning Comments

Please let this Costco happen

Shelby Guizar

From: CHARLES RIGHTMER <c.rightmer@comcast.net>
Sent: Tuesday, July 28, 2020 3:32 PM
To: Planning Comments
Subject: COSTCO

Hello,

We are a retired couple. We relocated to Salem recently to be closer to our family. We bought a house on Bailey Jean Ct SE and have appreciated the neighborhood and location. There are many children living nearby and are very active riding bikes, skating, shooting baskets and enjoying life. I enjoy knowing they feel safe and hope increased traffic will not prevent that.

We look at Boone Rd. out our living room window on many birds using the field in question. It is my greatest hope the land can be handled in a way conducive to birds, i.e. trees, shrubs, plantings as the plans proceed.

Thank you for your consideration.

Sheila Rightmer

July 27th, 2020

City Mayor and City Council

Salem, Oregon 97306

RE: Keebler Gateway Shopping center Remand Application (5PR-DAP18-15 REMAND)

Dear Mayor and city Council Members

I am writing to ask you to make Pact rust fulfill their original promise of a neighborhood shopping center, and not build a big box (Costco) center with 30 gas pumps. This will be a Truck Stop for cars or a refueling station. The additional traffic on Keebler Blvd will be excessive. This is the only logical way for south Salem residents to exit and enter the freeway going North or South.

Removing the Oak Trees is not good for the city since they are protected in Oregon. These trees will not survive transplanting since they are 200-300 years old. Removal will destroy the ecosystem of these trees.

I request that the city request to do a new traffic study since this TIA is 2.5 years old. There are new developments using this interchange, Home Depot, Amazon, and the Oregon State Police Dept. State offices.

I am asking the city council to reaffirm its rejection of the site plan review proposal.

Concerned citizen of so Salem

Jerry Sachtjen

2377 Red Shale Ave se

Salem Oregon 97306

503-930-7323 JerChar04@msn.com

Shelby Guizar

From: ed scan <edscannewsletter@gmail.com>
Sent: Tuesday, July 28, 2020 12:55 PM
To: Aaron Panko; Planning Comments
Subject: COMMENTS: Letter in Support of South Gateway re Costco Remand Case
Attachments: ATT00001.htm; COSTCO Denial Remand.pdf

Courtesy copy to you forwarded to you at the direction of Lorrie Walker, President, South Central Association of Neighbors (SCAN)

Attached are formal comments approved by the SCAN Board (12 Ayes, 0 Nays, 1 Abstain)

----- Forwarded message -----

From: **lorrie walker** <dakotalor@msn.com>
Date: Wed, Jul 22, 2020 at 9:43 PM
Subject: Fwd: Letter in Support of South Gateway re Costco

Begin forwarded message:

From: Jeff Schumacher <jeff.schumacher@gmail.com>
Date: July 22, 2563 BE at 7:11:44 PM PDT
To: Chuck Bennett <crbennett@cityofsalem.net>, "citycouncil@cityofsalem.net" <citycouncil@cityofsalem.net>
Cc: "glennbaly12345@gmail.com" <glennbaly12345@gmail.com>, Lorrie Walker <dakotalor@msn.com>, "cityrecorder@cityofsalem.net" <cityrecorder@cityofsalem.net>
Subject: Letter in Support of South Gateway re Costco

Hello Mayor Bennett and Councilors,

Please see the attached letter of support for the South Gateway NA's opposition to the PacTrust site plan application.

Thank you,
Jeff Schumacher
SCAN board member



July 22, 2020

Re: SPR-DAP18-15-Remand

Dear Mayor and City Councilors,

The South Central Association of Neighbors supports South Gateway Neighborhood Association's opposition to the PacTrust site plan application for the Kuebler Gateway Shopping Center at Boon Rd SE; and supports the City's original denial of that application.

SCAN asks City Council to aggressively address the remand to confirm it's original decision to deny the site plan application.

Thank you,

Lorrie Walker, President
SCAN Board

Cc: Glen Baly, Chair, South Gateway Neighborhood Association

This letter was approved 12 to 0 with one abstention by the SCAN Board via email on July 22, 2020.

Shelby Guizar

From: Jim and Lily Sehon <jimlilysehon@msn.com>
Sent: Tuesday, July 28, 2020 2:13 PM
To: Planning Comments
Cc: citycouncil; Jim Sehon
Subject: Costco Development in South Salem

Please consider the following comments/requests for action regarding the proposed Costco development in South Salem.

Traffic Impact:

The city of Salem requires that a Site Plan Review have a current/relevant to today, i.e., a Traffic Impact Analysis. The Costco/PacTrust TIA is 2.5 years old. Additionally the development uses standards from 2007 when the zone change was requested. Therefore, the City Council needs to request a new TIA based on current traffic volumes, needs and additional development impacts like Amazon.

Tree Retention:

The Oregon white oaks on the PacTrust property are 200-300 years old and form their own ecosystem. Transplanting these trees (as proposed by PacTrust) destroys the ecosystem and it's highly unlikely they will survive. Any development on this property should protect the oaks and their ecosystem.

Neighborhood Shopping Center:

If PacTrust fulfilled their original promises and built a neighborhood shopping center like Orenco Station in Hillsboro, the white oaks could be saved and the traffic impact would be appropriate for a development of this size.

Public Hearing:

The City Council needs to hold a public hearing with direct testimony from residents so that all voices are heard on the Remand Application, since residents cannot directly communicate with their City Councilors.

Respectfully submitted,

James and Lily Sehon
South Salem, Oregon

Shelby Guizar

From: DARRELL SNETHEN <dsnethen@comcast.net>
Sent: Tuesday, July 28, 2020 1:41 PM
To: Planning Comments
Subject: Kuebler Costco

Having a Costco on the proposed site at Kuebler and Battlecreek will paralyze local traffic. The Costco is a very large box store that does not fit the profile of the area. Costco has customer counts and parking space turnover data available. Lets make that data heard during the council hearing.

The hearing needs to be public, not behind closed doors. We now live in an age of transparency. Let the public have a voice.

Shelby Guizar

From: Susan Tribotti <stribotti@gmail.com>
Sent: Tuesday, July 28, 2020 10:42 AM
To: Planning Comments
Subject: COSTCO move to SE

My husband and I want to go on record for opposing this massive development in our neighborhood. We have written before, but this time we would like to make two additional points:

1. Trevor Phillips defeated Brad Nanke in Ward 3 on the last election because he represents the viewpoint of many of us who realized that Brad Nanke never represented us but only stood for more development in Salem. This development is obviously not a local one or COSTCO wouldn't want to expand their size so much. People will flood in from all around. No street work has been done on Pringle Creek or Battle Creek to provide for this increase in traffic.

2. This was not the City's vision when this shopping center was first approved in 2007. We have seen up close how the Fairview project has been developed in the last few years, and it's definitely not according to plan that had the development in the middle of the property with parks and walking trails and front porch neighborhoods. Instead large houses loom over Leslie Middle School with many trees cut down and houses all exiting out onto Pringle Creek Road.

We believe that the City of Salem needs to have developments more closely monitored. We think it is appalling that PacTrust has a \$10 million lawsuit against the city. That should impress everyone about how insincere they are to work with the City of Salem.

Respectfully submitted,

Susan & Bob Tribotti
Morningside Neighbor

Shelby Guizar

From: lorrie walker <dakotalor@msn.com>
Sent: Tuesday, July 28, 2020 3:43 PM
To: Planning Comments
Subject: Kuebler Gateway Shopping Center / Costco

Mr. Planko & All,

I support the city of Salem's original decision of denial. That area is not conducive to a Costco store - Gas station and shopping mall supporting thousands of people a day going to & from.

I am in support of a continued denial of a project of that magnitude in that area.

The current central location of Costco serves the citizens of Salem and Costco well. The nearby roads and highway are capable of handling the traffic.

Respectfully,

Lorrie Walker

Salem Resident, Homeowner, SCAN neighborhood

Sent from my iPhone

Shelby Guizar

From: Mike Wilkes <mkwilkes@gmail.com>
Sent: Tuesday, July 28, 2020 2:42 PM
To: Planning Comments
Subject: Re: Proposed Costco at Kuebler PacTrust property

Dear Mayor and City Council,

In the 1980's, I taught at the old Pringle Elementary School at the corner of Battle Creek and Kuebler and my wife and I have lived in the adjacent Woodscape neighborhood for nearly 23 years. As you can imagine, we have seen a lot of growth in that time. Most of the growth has been good for the community, but the proposed Costco on the PacTrust (Kuebler) property would be a disaster for the neighborhood.

We, who live in the neighborhood, are your traffic study. Every day we witness first hand the current problems on Kuebler and Battle Creek, even without a Costco. On Kuebler, traffic often backs up from 27th all the way to the I5 off-ramp and from Battle Creek (east) all the way to 27th. I can't count the number of accidents that have happened at the corner of Battle Creek and Boone as residents make their way to Kuebler or I5, and these aren't fender benders. In fact, there was one just today, Drivers on Kuebler don't drive 45 MPH, the majority drive 55-60 MPH. Those same Kuebler drivers are the ones who will meet the masses turning across Kuebler (in front of them) heading into Costco. That is a recipe for disaster.

Please reject the placement of Costco on the PacTrust (Kuebler) property. It would cause a dangerous erosion of traffic safety and neighborhood quality of life.

Sincerely,
Mike Wilkes

Woodscape resident
5278 Berkshire Ct SE
Salem, OR 97306
503-364-3498

Shelby Guizar

From: John Ledger <jledger@comcast.net>
Sent: Tuesday, July 28, 2020 4:16 PM
To: Planning Comments
Cc: citycouncil; 'John Ledger'
Subject: Comment for PacTrust application of Kuebler Gateway Shopping Center

My name is Julie Yip and I am a homeowner at 605 Valleywood Drive SE, Salem, OR.

I am asking you to deny the approval of the PacTrust application to develop the Kuebler Gateway Shopping Center with a 168,550 square foot building for Costco Wholesale and a retail fueling depots.

I have enjoyed the benefits of living in a residential area that skirts Christmas tree farms, grapevines and wineries. Population growth has spurred the development of numerous single-family neighborhoods, high-density apartments and retirement centers in Southeast Salem. It's only reasonable for the development of local grocery stores, restaurants, fast-food chains and service industries to follow, as they have along Commercial St. The scale of these local businesses complement the residential neighborhoods and apartment complexes they serve.

When PacTrust wooed the Salem City Council into rezoning land to develop the Kuebler Gateway Shopping Center, they held out their masterful development of Orenco Station (in the late 1990's) as an example of what they envisioned for this future project. Orenco Station, in the high-tech area of Hillsboro, was designed by PacTrust as a pedestrian-friendly mixed-use retail and residential development along with a large green-space named Central Park located just north of the retail core. The development has won awards including the Oregon Governor's Livability Award in 1998.

I approved of the Orenco Station vision that PacTrust put forward to the City Council and I felt reassured that the City Council also wanted to develop a project that increased the livability of Salem. For over a decade I watched the efforts of the city's Planning Department and Public Works Department to make Salem more pedestrian and bike friendly. I witnessed past city councilors promote healthy lifestyles and safe routes to school. And I walked with city employees and Dan Burden when he came to Salem to promote Walkable and Livable Communities. I truly thought that Salem's city planners, engineers and councilors walked the walk and talked the talk.

Once I learned that PacTrust was promoting a big box warehouse and a 30 pump fueling depot, I was compelled to comment on the proposal. I am a Costco member and I understand their need for expansion. However, trying to fit an expanded Costco store into Southeast Salem's Gateway Center is inappropriate for the area. In fact, Costco is a car-centric destination for an 80,000+ membership. The addition of a fueling depot ensures this. The Kittelson 2007 traffic impact analysis estimates a new Costco daily trip count of over 7,000 trips to the Kuebler center. It is difficult to comprehend Kuebler Blvd. handling this additional traffic on a post-Covid-19 "normal" workday and specifically during the 5pm rush hour with drivers utilizing the I-5 ramps. There will be traffic impacts as well to the side street neighborhoods once drivers find alternate routes around Kuebler traffic. Increased traffic in residential neighborhoods increase the risk to the safety of walkers and bicyclists. How can this plan be part of a Walkable and Livable Community that the City of Salem strives to become?

Please do not let the citizens of Salem down. Please do not surrender the Kuebler Gateway Shopping Center to a vast Costco Warehouse and 30 pump fuel depot. The Kuebler Gateway Shopping Center deserves the

Orenco treatment as promoted to the Salem City Council in 2007 by PacTrust. The promise and vision of a walkable and livable community does not only belong to Hillsboro or Portland or Bend. Salem can be that community, starting with this development.

Julie Yip
605 Valleywood Drive SE
Salem, OR 97306

Shelby Guizar

From: Aaron Panko
Sent: Tuesday, July 28, 2020 4:18 PM
To: Planning Comments
Subject: FW: MNA recommendations re. Costco remand.
Attachments: MNA to City re Costco 07-20-2020.pdf; MNA to City re Costco hearing 07-20-2020.pdf

-Aaron | 503-540-2356

From: Salem Planning <Planning@cityofsalem.net>
Sent: Tuesday, July 28, 2020 1:21 PM
To: Aaron Panko <APanko@cityofsalem.net>
Cc: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>
Subject: FW: MNA recommendations re. Costco remand.

-Steven 503-540-2363

From: P and D Schmidling <sidrakdragon@live.com>
Sent: Tuesday, July 28, 2020 1:17 PM
To: SALEM MAYOR <MAYOR@cityofsalem.net>; citycouncil <citycouncil@cityofsalem.net>; Salem Planning <Planning@cityofsalem.net>
Subject: Fw: MNA recommendations re. Costco remand.

From: Geoffrey James <geoffreyjames@comcast.net>
Sent: Tuesday, July 28, 2020 12:25 PM
To: MNA Pamela Schmidling <sidrakdragon@live.com>; Alan Meyer <alan.meyer@comcast.net>; RR + SR <richard@bluffhouse.org>
Subject: MNA recommendations re. Costco remand.

Two letters were approved.
They now need to be sent to the City by 5 p.m.

Geoffrey James
Geoffrey James A.I.A. Architect
503-931-4120
gjamesarchitect@gmail.com

via [Newton Mail](#)



Morningside Neighborhood Association

July 20, 2020

Mayor and City Council

City of Salem

Dear Mayor and City Council

COSTCO REMAND

1. MNA Morningside N.A. supports the recommendations of our neighbor SGNA South Gateway Neighborhood Association.
2. We also agree that City Council should allow more time for neighborhoods and the community to discuss this and to provide testimony to City Council.
3. We request that City Council hold a Public Hearing on this matter.

Sincerely,

Pamela Schmidling

MNA Chair

Morningside Neighborhood Assoc.
555 Liberty St SE Room 305
Salem, OR 97301

P - (503) 588-6207

W - MorningSideNA.org

E - MNAShared1@Gmail.com

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[Type here]



Morningside Neighborhood Association

July 20, 2020

Mayor and City Council, City of Salem

COSTCO REMAND

Dear Mayor and City Council:

Morningside N.A. discussed this "Costco" remand (from LUBA) at our July meeting. As we understand it, the subject property, owned by PacTrust Development, located off Kuebler, at Battlecreek to 27th. is in the South Gateway N.A. area.

We are aware that the property was re-zoned to Commercial Retail CR some 15 years ago, and the applicant stated then that a "neighborhood center with a neighborhood grocery store" was planned and intended. The City determined that the traffic impact of a 250,000 sq.ft. retail center required the applicant to fund the improving of Kuebler by adding a lane, from I-5 to Lone Oak. We understand the applicant did contribute much, but not all, the funds for that widening of the south side of Kuebler.

No grocery store, and associated strip center shops, ever materialized. A year or two ago MNA learned that the "anchor store" was proposed to be a membership club big-box store, Costco, plus a large fueling station.

The City process is called Site Plan Review, where the applicant has to submit detailed plans for the site, infrastructure, parking, landscaping, etc. and provide an updated Traffic Report because the scope and size has changed.

Neighbors objected, petitioned and appealed the planning commission approval, that the size and scale is not a promised neighborhood grocery store. The traffic seemed unworkable, in its context, and did not include adjacent land use patterns. The grove of Oak trees became the physical site (on the proposed site plan) of the actual Costco building, even though the applicant actually showed alternative plans showing the trees saved, by moving the building. The was motivation obviously that the trees take up developable real estate. However, neighbors, and eventually the City Council, agreed that was a violation of the tree protection ordinance.

Morningside N.A. is on record as being concerned about the cumulative effect and the potential overall plan for the area and really the incredible traffic impacts of three such developments, The neighborhood plan shows the proposed Costco at the SW quadrant, the approved Kuebler Station, kitty corner across, at 27th. at the NE

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Morningside Neighborhood Association

quadrant. A third CR zone change application for the SE quadrant (currently withdrawn). These three mega centers are estimated to be $\frac{1}{4}$ million sq. ft. of new retail, all at the lonely traffic signal at 27th. & Kuebler. That is $\frac{3}{4}$ million sq. ft. of new retail at that light. Also, there is a mega church at the 4th. Quadrant at the NW corner.

On the Morningside 360 Neighborhood Plan, adopted by the City Council, MNA shows a proposed large roundabout at the 27th. & Kuebler interchange, intended to keep the traffic moving, instead of being stalled and stuck at a traffic signal. That should be considered, to reduce air pollution, and driver impatience. The plan also shows a pedestrian bridge over, connecting MNA with SGNA, and connecting Kuebler Station to the Pac Trust property. These improvements should be equitably funded by each of the four quadrants of development. Currently our two neighborhoods are divided by the Kuebler limited access highway barrier that is not safe to cross, at grade.

In summary, Morningside has the following concerns and recommendations.

1. Cumulative traffic impact of three mega centers and a mega church all at the same traffic signal.
2. A huge membership store with fueling station probably belongs east of I-5, and not in a residential neighborhood.
3. The Site Plan violates the Tree Ordinance by proposing to cut down all the protected White Oaks.
4. The Morningside Plan proposal for a roundabout and a pedestrian bridge should be considered.

Sincerely,

Pamela Schmidling

MNA Board Chair

[Type here]

Shelby Guizar

From: editor film <solbjergghojfilm@gmail.com>
Sent: Tuesday, July 28, 2020 1:53 PM
To: Aaron Panko; Planning Comments
Subject: Re: INITIAL COMMENT: SPR - DAP -18- 15: REMAND

POINT OF CLARIFICATION:

Once a mature, significant Oregon White Oak is removed from a site, either by destruction or relocation, rarely are the ecological values replaced at the site of removal within a human lifetime. At least for decades. *Quercus garryana* is a climax or sub-climax species in the Valley.

On Tue, Jul 28, 2020 at 1:28 PM editor film <solbjergghojfilm@gmail.com> wrote:

COMMENT: SPR-DAP-18-15 REMAND
ATTENTION: A. Panko, Case Manager

Dear Mr. Panko:

Thank you for the opportunity to comment.

We concur with a decision not to allow the removal or relocation of on-site mature *Quercus garryana* (Oregon White Oaks). *Quercus garryana* is only one of four deciduous oaks native to the West Coast. Allowed to thrive, Oregon White Oaks may live 500 years. The tree is an important climax or sub-climax species.

PCWC monitors development in the watershed, and proposals that impact stormwater (Pringle Creek Basin), non-point sources of pollution, run-off, water quality and scale of parking. The proposed development includes a fueling station.

We have received concerns expressed by citizens and neighborhood associations.

In response, we reviewed documents of the Land Use Board of Appeals ruling (LUBA Case No. 2018 -143), the Notice to Remand, the Request, available Record, Decision and recent correspondence to City Council in the case.

We would ask that full attention to stormwater requirements and time applicable stormwater code, and the most permissible protective standards be applied to prevent contamination of water bodies, please.

Dr. David P. Craig, Chairman of the Biology Department at Willamette University has stressed the importance of the species to the biota and to ecology of Upper Willamette Valley. Native, the tree is well suited to our wet falls-winters and drought in the summer, and important habitat of hundreds of species, and vital food to birds and small mammals. A slow growing species, the trees are seldom replaced in ecological equivalent values on a site, removed or relocated, in a human lifetime.

Our city has a commendable, and increasingly so, record of encouraging sustainability, protection of our existing tree canopy and meaningful natural habitat. SRC 808.001 City policy supports the protection of heritage trees, significant trees and trees and native vegetation.

Sincerely,

Jon Christenson
president, Pringle Creek Watershed Council

Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Tuesday, July 28, 2020 12:32 PM
To: Planning Comments
Subject: Fwd: Costco relocation

From: George Grabenhorst <george.grabenhorst@svn.com>
Sent: Tuesday, July 28, 2020 12:27:15 PM
To: citycouncil <citycouncil@cityofsalem.net>; CityRecorder <CityRecorder@cityofsalem.net>
Subject: Costco relocation

Dear Mr. Mayor and Councilors

I am submitting my support for the proposed Costco relocation to the PacTrust site in South Salem. The Comprehensive Plan and Zone Change approvals from 2007 allow for this development to happen. PacTrust has done everything in their power to address the opponent's primary concerns over both traffic congestion and the removal of trees by spending approximately \$4.5 million in road improvements and bringing in an arborist to relocate the white oaks on the property - and to plant 40 more.

It is the appropriate and just decision to approve the Costco relocation.

Sincerely,

--



George M Grabenhorst | Senior Advisor
A licensed Principal Broker in the State of Oregon
SVN | Commercial Advisors, LLC

1665 Liberty St. SE, Suite 200
Salem, OR 97302
Phone 503.588.0400 | Fax 503.588.7312 | Cell 503.559.9397
george.grabenhorst@svn.com | www.svncommercialadvisors.com

1997 & 2011 Realtor of the Year, Salem Association of Realtors.

2018 Commercial Realtor of the Year, Salem Association of Realtors.

2018 Past President Oregon Association of Realtors.

IN GOD WE TRUST

July 28, 2020

Anne Wilson

[REDACTED]

Salem, Oregon 97302

Aaron Panko, Planner III

City of Salem Planning Division

555 Liberty Street SE, Room 305

Salem, Oregon 97301

Emailed to: planningcomments@cityofsalem.net

RE: CASE # SPR-DAP18-15; REMAND

Dear Mr. Panko,

I am in writing to request that Costco be denied to build at this location, for the following reasons:

1. White oaks have preference for protection here in Salem. They even have their own spot on the City of Salem Tree Conservation Plan Application.

How many Oregon White Oaks 24" or more dbh are proposed for removal?

2. Costco is currently not maintaining the land. They are allowing tansy ragwort to grow and multiply on the land.



A row of white oaks is seen at the proposed site of a Costco near Kuebler Boulevard and Boone Rd SE, in Salem, Oregon, on Tuesday, July 21, 2020. Residents in the area and South Gateway Neighborhood Association fear losing the ecosystem that the white oaks live in, and increase traffic in the area. (Photo: BRIAN HAYES / STATESMAN JOURNAL)

3. The Oregon white oak trees would likely not survive a move.

Oak tree habitat becomes an issue

John Miller, owner of nearby Mahonia Vineyards & Nursery, said the trees are about 200 to 300 years old.

Since Europeans arrived in Oregon, about 96% of oak habitats have been destroyed, he said.

Over the years, Miller has successfully transported trees with diameters up to 12 inches. The trees on the proposed Costco site are two to three times that size.

A move would most likely kill the trees, he said.

The collection of trees, known as an oak savannah, is home to woodpeckers, native plants and native grasses.

"Oaks are a symbol for Oregon and the Willamette Valley," he said.

4. The proposed site does not have the same infrastructure the current site does. Mission has up to eight lanes right in front of the current store. Driving Kuebler was painful before the recent upgrades, yet, heading west from the freeway exit during rush hour is stop and go for two miles. And this is before Costco and the development that is currently happening at the freeway off ramp.

Please deny Costco's request to relocate to this location.

Thank you for your consideration.

Best regards,

Anne Wilson

Shelby Guizar

From: Karl Anuta <kg@integra.net>
Sent: Tuesday, July 28, 2020 4:06 PM
To: Planning Comments; Aaron Panko; Dan Atchison
Cc: Lisa Anderson-Ogilvie; 'Wendie Kellington'; david.petersen@tonkon.com
Subject: PACTRUST/COSTCO 'REMAND' - CASE # SPR-DAP-18-15
Attachments: Salem Costco Review Greenlight 7-28-20.pdf; 7-28-20 Salem Miller, Dalton, Meisner Remand Comments.pdf

Attached is a comment letter, and a Report. Please confirm receipt, and that these materials have been added to the Record on Remand. Please also provide the link where members of the public can review all the comments timely submitted by COB today.

Karl G. Anuta
Law Office of Karl G. Anuta, P.C.
735 S.W. First Avenue
Strowbridge Bldg, Second Floor
Portland, Oregon 97204
503-827-0320 (phone)
503-228-6551 (fax)
<https://sites.google.com/site/lawofficeofkarlanuta/>



GREENLIGHT ENGINEERING

TRAFFIC ENGINEERING/TRANSPORTATION PLANNING

July 28, 2020

Karl Anuta
735 SW First Avenue
Portland, OR 97204

RE: Salem Costco Remand

Mr. Anuta,

Greenlight Engineering has been asked to evaluate the transportation related impacts of the proposed Salem Costco, fueling depot and other retail pads project.

We submitted a review of the applicant's transportation related documents in a Report dated December 10, 2018 and we provided traffic analysis addressing a number of the errors made in the applicant's Traffic Impact Analysis ("TIA") in a July 2, 2020 Report.

Based on our review of this application, it is clear that numerous errors and omissions have been made in the TIA. Without a TIA based upon the clear and objective criteria of the City of Salem, it is impossible to evaluate the adequacy of the transportation system or make a finding that the application meets the approval criteria. Additionally, it appears that if this application is approved without further mitigation, several intersections will operate inadequately, creating the need for the City of Salem, ODOT and/or other developments to address this development's unmitigated impacts.

The primary purpose of this Supplemental Report is to address the City of Salem's March 27, 2020 PacTrust Traffic Impact Analysis Discussion" and the applicant's June 6, 2020 "Response to Greenlight Engineering comments."

Executive Summary

- The City of Salem Public Works Director has now purportedly awarded an exception to the requirement for a TIA although city staff have previously stated publicly that a TIA is required. However, the conditions necessary to approve an exception are not present. A full TIA is required and relevant to this application.
- The applicant argues that traffic impact analysis requirements of the Salem Administrative Rules don't apply to this application, a Site Plan Review does not require the traffic analysis of off-site intersections and that a very limited TIA is all that is required as the Comprehensive Plan Amendment/Zone Change TIA addressed most transportation issues. These arguments are incorrect. As previously confirmed by City staff, a full TIA is required as part of the Site Plan Review application.
- The applicant has now provided limited evidence regarding the trip generation used in the TIA. However, there are numerous flaws in the methodology used and the TIA should be rejected. These flaws include:
 - The weekday PM and Saturday peak hour trip generation of the proposed Costco is based solely on traffic count data collected at the Salem Costco as it existed in

2005. The industry and City of Salem standards both call for the use of data from three to five local sites in developing a trip generation rate;
- The methodology assumes that the number of fueling positions of the fueling depot has no impact on the number of trips generated by the development, when that is not accurate; and
 - The methodology used in developing the daily trip generation and pass-by trip generation rates fails to comply with City of Salem and industry standards.
 - The intersection study area presented in the TIA does not remotely follow city requirements and many additional intersections are required for analysis in order to comply. City staff indicated that the study area is the same as the 2006 Comprehensive Plan Amendment/Zone Change TIA, but critical intersections were actually omitted from the Site Plan TIA.
 - The traffic growth rate presented in the TIA does not follow city requirements and is not supported by persuasive evidence.
 - The trip distribution does not follow city requirements and is not supported by persuasive evidence.
 - The proposed development is multi-phased, yet the TIA relies on a build-out year of 2019, a date that was always unrealistic given the scale of the project and required mitigation. The horizon year of 2019 does not meet city requirements.
 - The I-5 SB/Kuebler Boulevard intersection is analyzed with unsubstantiated right-turn-on-red volumes.
 - Traffic will back into the 27th Avenue/Site Access intersection, potentially blocking the roundabout and violating the requirements to approve the proposed 27th Avenue driveway.

Response to March 27, 2020 Public Works Memo

The March 27, 2020 City of Salem Public Works memo analyzes the requirements of SRC 803.015 regarding the need for a TIA, the need for transportation improvements and the approval criteria for granting an exception to the requirement for a TIA. SRC 803.015 reads:

- “(a) *Purpose.* The purpose of a traffic impact analysis is to ensure that development generating a significant amount of traffic provides the facilities necessary to accommodate the traffic impacts of the proposed development.
- (b) *Applicability.* An applicant shall provide a traffic impact analysis if one of the following conditions exists:
- (1) The development will generate 200 or more daily vehicle trips onto a local street or alley, or 1,000 daily vehicle trips onto a collector, minor arterial, major arterial, or parkway. Trips shall be calculated using the adopted Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the trips shall be calculated based on the proposed development that will occur on all lots that will be created by the land division.
 - (2) The increased traffic resulting from the development will contribute to documented traffic problems, based on current accident rates, traffic volumes or speeds, and identified locations where pedestrian and/or bicyclist safety is a concern.
 - (3) The City has performed or reviewed traffic engineering analyses that indicate approval of the development will result in levels of service of the street system that do not meet adopted level of service standards.

- (c) *Improvements may be required.* On-site and off-site public or private improvements necessary to address the impacts identified in the traffic impact analysis may be required as conditions of development approval. Improvements include, but are not limited to, street and intersection improvements, sidewalks, bike lanes, traffic control signs and signals, parking regulation, access controls, driveway approach location and design, and street lighting.
- (d) *Exception.* An exception to the requirement for a traffic impact analysis may be granted for development that generates more than the trips specified in subsection (b)(1) of this section if the Director determines the traffic impact analysis is not necessary to satisfy the purposes set forth in subsection (a) of this section.”

In evaluating SRC 803.015(b)(1), the staff memo concludes the proposed development meets the requirements to require a TIA based on the development's trip generation.

In evaluating SRC 803.015(b)(2), the memo concludes that “There are no documented traffic problems based on current accident rates, traffic volumes or speeds, and no identified locations where there is a pedestrian and/or bicyclist safety concern.”

There are, in fact, documented traffic problems that were presented in the 2006 Comprehensive Plan Amendment/Zone Change TIA for this property that anticipated numerous intersection failures before 2025. Additionally, we have documented in our July 2, 2020 Report that there are a number of intersection failures at the build-out of this development.

In evaluating SRC 803.015(b)(3), the staff memo concludes that the “2007 Comprehensive Plan Change and Zone Change (CPC/ZC) provided an analysis that shows the level of service at the identified intersections can be mitigated to meet the adopted level of service standards.”

This assessment is incorrect.

The 2006 CPC/ZC provides ample evidence that there will be intersection mobility standards failures prior 2025. The 2007 CPC/ZC conditions of approval and subsequent improvements, do not by any means, meet the adopted level of service standards if the Site Plan Review is approved with no further mitigation.

A traffic impact analysis for a CPC/ZC versus a Site Plan Review have very different criteria and goalposts. The approval of a CPC/ZC does not guarantee approval of a Site Plan Review nor does it reduce the requirements of a Site Plan Review's TIA. The Site Plan Review criteria stand on their own and must be fully met in order to approve this application.

A CPC/ZC, via the Transportation Planning Rule, has very different approval criteria than a Site Plan Review. As noted in the in Table 10 of the September 2006 traffic impact analysis prepared for the Zone Change application, there are a number of intersections that are expected to operate well beyond the City of Salem and ODOT mobility standards in the horizon year 2025. While this is an acceptable result for a CPC/ZC, it is not an acceptable result for a Site Plan Review. A Site Plan Review approval requires compliance with the mobility standards of Table 6-32 in order to establish that “negative impacts to the transportation system are mitigated adequately.” The currently proposed development has a

number of negative impacts on the transportation that have not been mitigated and if the applicant were to follow city requirements for traffic impact analysis, there would possibly be additional intersections to mitigate.

Traffic Control Device	Maximum Operational Standard
Signalized Intersection	LOS E Control Delay < 80 Seconds and/or v/c < 0.900
Two-way or All-Way Stop Control	LOS E Total Delay < 50 seconds

Table 6-32. Level of Service Standards for Various Traffic Control Devices

Below is an excerpt from the September 2006 CPC/ZC TIA that clearly establishes, that even with mitigation, several intersections are not expected to operate adequately in 2025. All five intersections listed below are expected to not meet mobility standards in 2025. These results are acceptable for a CPC/ZC application, as the v/c and LOS performance under the proposed zoning was better than or equal to the v/c and LOS performance under the existing zoning as required by the Transportation Planning Rule.

Table 10
Intersection Improvements and Resultant Intersection Operations
Year 2025 Weekday PM Peak Hour

Intersection	Existing CO/RA Zoning V/C Ratio / LOS	Proposed CO/CR Zoning V/C Ratio / LOS	Improvements	Resultant V/C Ratio / LOS
Kuebler Blvd/ Commercial St	1.33 / F	1.35 / F	- Signal timing adjustments	1.31 / F
Kuebler Blvd/ Battle Creek Rd	1.52 / F	1.66 / F	- Provide a second eastbound through lane.	1.15 / F
Kuebler Blvd/ 27 th Ave	1.80 / F	2.02 / F	- Provide a second eastbound through lane.	1.48 / D
Kuebler Blvd/ I-5 SB Ramp	1.92 / F	1.96 / F	- Re-stripe southbound left/through lane to a left/through/right lane	1.92 / F
Kuebler Blvd/ I-5 NB Ramp	1.29 / F	1.30 / F	- Re-stripe northbound left-turn lane to a left/right lane	1.10 / F
Kuebler Blvd/ 36 th Ave	2.28 / F	2.30 / F	- Signal timing adjustments	2.27 / F

Excerpt of September 2006 “PacTrust Kuebler Project” Traffic Impact Analysis

The same “don't make it worse” provision does not apply to a Site Plan Review as the Transportation Planning Rule is not applicable to a Site Plan Review. The Site Plan Review requires compliance with Table 6-32 of the Salem Administrative Rules and the SRC.

With the above information, it's not surprising that the results we presented in our July 2, 2020 Report illustrate performance standards failures at the Kuebler Boulevard/Commercial Street, Kuebler Boulevard/Battle Creek Road and I-5 SB offramp/Battle Creek Road intersections. These intersections were expected to fail over time per the CPC/ZC TIA. Based upon our July 2, 2020 analysis, the failure of these intersections, and perhaps more intersections, would actually occur with the build-out of the proposed development.

These performance standards issues were expected before 2025 as reported in the September 2006 CPC/ZC TIA prepared by the same traffic engineering consultant. For the purpose of a CPC/ZC, an applicant's responsibility is to mitigate any intersection performance issues back to the conditions prior to the approval of a Zone Change, under the previous zoning. Specifically, OAR 660-012-0060 does not allow a Zone Change to “Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.”

At the time of the CPC/ZC, the applicant could have chosen to complete a Site Plan Review application, but instead opted to wait. Additional growth on the transportation system with additional development erodes traffic operations over time. A CPC/ZC approval does not vest trips for a future development approval any more than it does for a property that has not undergone a recent CPC/ZC. All properties are subject to whatever transportation related requirements are in place at the time of development. Even though mitigation was required as part of the CPC/ZC approval, further mitigation may be required as part of the Site Plan Review as each application has different criteria and effects. The evidence in our July 2, 2020 Report indicates that additional mitigation is required in order to comply with the SRC.

As established in Table 6-33 of the Salem Administrative Rules (see below), a CPC/ZC TIA is based upon the “Salem TSP Horizon Year.” In contrast, a development “Allowed under existing zoning” and a “Multi-phased Development” are based upon “year of opening.” For a phased development such as this, a TIA must be based upon the year of opening of each phase, a standard this application fails to meet. Furthermore, a Zone Change is “Subject to the requirements of the Transportation Planning rule (OAR 660-012).”

Proposed Development	Horizon Year
Allowed under existing zoning	Year of Opening
Multi-phased Development	Year of opening each phase
Comp Plan Amendment and/or Zone Change.*	Salem TSP Horizon Year
Multi-Jurisdictional (ODOT, Marion or Polk County, Keizer)	As required by Jurisdiction
<i>*Subject to the requirements of the Transportation Planning Rule (OAR 660-012)</i>	

Table 6-33. Horizon Year for Various Proposed Developments

The applicant points to no code references that establish that addressing the requirements of a Zone Change traffic impact analysis exempt an applicant from meeting all requirements of a Site Plan Review TIA. Nowhere in the SRC or Administrative Rules is there any

exemption or reduction in scope of a TIA in relation to a previous CPC/ZC approval or other application approval. The requirements of the SRC and Administrative Rules, as written, must be followed in order to approve the proposed Site Plan Review.

A summary of the differences between a CPC/ZC and Site Plan Review are provided below in Table 1.

Table 1. Summary of Comprehensive Plan Amendment/Zone Change vs. Site Plan Review Requirements

Application	Summarized approval criteria	Transportation impacts	Does project meet this requirement?
Comprehensive Plan Amendment/Zone Change	Proposed zoning cannot result in the transportation system operating worse than planned under existing zoning at the planning horizon year (2025)	Addresses trip difference in proposed zoning vs. existing zoning of hypothetical development only	Yes, as evidenced in 2007 decision*
Site Plan Review	Transportation system must be adequate at the build-out year of the site	Addresses full trip impacts of specific development proposal; Also typically requires other review of other transportation impacts specific to the development	No**

*The 2006 TIA illustrates clearly that multiple intersections will fail before 2025. The approval criteria for a Comprehensive Plan Amendment/Zone Change per the Transportation Planning Rule allows these failures if the proposed zone change doesn't result in a worse failure than under existing zoning.

**July 2, 2020 Greenlight Engineering analysis illustrates multiple intersection failures. City of Salem TIA requirements were not followed including the required study area. The TIA fails to provide substantial evidence of compliance with the Site Plan Review criteria.

In evaluating SRC 803.015(c), the staff memo concludes that “The 2007 CPC/ZC identified all the required improvements to mitigate the traffic generated from a “shopping center” that could be developed on this site.”

As discussed earlier, the criteria used in evaluating the transportation system as part of a CPC/ZC are very different. The applicant has consistently failed to evaluate the transportation system per the clear and objective requirements of the City of Salem including the required intersection study area. The applicant has not provided substantial evidence that establishes whether improvements are required or not to satisfy the Site Plan Review criteria. Our July 2, 2020 provides evidence that additional mitigation is required for at least three intersections.

SRC 803.015(d) reads “An exception to the requirement for a traffic impact analysis may be granted for development that generates more than the trips specified in subsection (b)(1) of this section if the Director determines the traffic impact analysis is not necessary to satisfy the purposes set forth in subsection (a) of this section.”

In evaluating this criterion, the staff memo concludes that “The Director has determined that SRC 803.015(d) applies in this case, even though the criterion in SRC 803-015(b)(1) is met. The improvements to accommodate the traffic impacts from the proposed

development were identified in their Traffic Impact Analysis (TIA) and conditioned to this property as part of the 2007 Comprehensive Plan Change and Zone Change (CPC/ZC).”

Per the SRC, an exception may be granted if “traffic impact analysis is not necessary to satisfy the purposes set forth in subsection (a) of this section.” Subsection (a) states that “The purpose of a traffic impact analysis is to ensure that development generating a significant amount of traffic provides the facilities necessary to accommodate the traffic impacts of the proposed development.”

There is not evidence in the record that supports a finding that approval of the application will result in “facilities necessary to accommodate the traffic impacts of the proposed development” for all of the reasons described in this Report.

It should be noted that separate traffic impacts analyses for a CPC/ZC and Site Plan Review are not an uncommon requirement in other jurisdictions. In fact, we recently completed such an analysis for a project, Riverbend Phase 1, within the City of Salem. On another similar project in the City of Salem, city staff confirmed that a Site Plan Review TIA would be required subsequent to the approval of a CPC/ZC. It is unclear why such an analysis is not being required in this case given the tremendous trip generation of this project.

The December 10, 2018 City of Salem staff report asserts that “The TIA was scoped to analyze the same intersections that were evaluated for the original 2006 Comprehensive Plan and Zone Change for this property, however the City did not require the Saturday peak hour analysis...”

In their March 27, 2020 memo, staff corrects a portion of that statement by stating “The intersection of Commercial Street SE and Kuebler Boulevard SE was not included in the 2018 analysis because the City had a Capitol (sic) Improvement Project that rebuilt the intersection and added right-turn lanes and double left-turn lanes on all approaches. There is no additional mitigation required at this intersection.”

Perhaps omitted by error in the Site Plan Review TIA, there were actually two intersections, Kuebler Boulevard/Commercial Street and Kuebler Boulevard/36th Avenue, that were included in the 2006 TIA for the CPC/ZC that were *not* included in the applicant's Site Plan Review TIA. If omitted in error, the TIA should be updated to include these intersections.

There is no evidence that suggests that the improvements constructed at the Kuebler Boulevard/Commercial Street intersection result in adequate ongoing operations at that intersection. In fact, based on our July 2, 2020 analysis, that intersection will fail to meet City of Salem standards at the build-out of this development.

There is no discussion of the Kuebler Boulevard/36th Avenue intersection in the Site Plan TIA or staff memos.

The CPC/ZC TIA also omits a Saturday peak hour analysis that subsequently required as part of the Site Plan Review TIA.

In granting an exception, it appears that the Director may be relying upon the incorrect assumption that a TIA is not required as the CPC/ZC addressed all of the required elements of a Site Plan Review TIA. The CPC/ZC TIA and CPC/ZC approval does not substitute for or satisfy the approval criteria for a Site Plan Review application.

Approval Criteria Includes Need For A Site Plan Review Level TIA

In their June 6, 2020 memorandum, the applicant takes the unique position that the City's Administrative Rules governing the requirements of a TIA do not apply to this application. The applicant writes:

“A full TIA was not required because the development does not generate more than 1000 trips that have not already been fully accounted for. The trips associated with the shopping center reflected in the site review application have been addressed and mitigated by the 2007 Decision. Either for this reason or that specified in SRC 803.015(d), the City Administrative Rules “Roadways Standards”, do not apply, because the Roadway Standards in 6.33 apply only when SRC Chapter 803 identifies the threshold for requiring a TIA.”

A Site Plan Review is reviewed per SRC Section 220.005(f)(3), which states that a Class 3 Site Plan Review “shall be granted if: A) The application meets all applicable standards of the UDC [Uniform Development Code]; B) The transportation system provides for the safe, orderly and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately (C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles and pedestrians.”

The applicant argues that because some elements of transportation were addressed with the approval of the CPC/ZC, that a review of the transportation beyond the site frontage is off-limits in the review of this application. At the same time, the applicant has gone to great expense and effort in analyzing (although incorrectly and far out of compliance with ODOT and city requirements) a number of off-site intersections and elements that they now argue are not required. The applicant attempts to establish that the above criteria has limited applicability as the CPC/ZC approved almost 15 years ago has addressed most transportation matters.

There is nothing within the SRC or Administrative Rules that would lead one to such a conclusion. At the December 10, 2018 hearing, City Staff Planner Aaron Panko, after being questioned by Council whether Costco provided this traffic analysis “out of the kindness of their hearts,” confirmed that a Traffic Impact Analysis is indeed required as part of this application.

As referenced in our December 10, 2018 and July 2, 2020 letters, we have laid out very clearly the numerous ways in which the TIA fails to meet City of Salem requirements and the applicant's June 6, 2020 memorandum does little to improve compliance with those requirements.

The applicant points to no code references that establish that addressing the requirements of a CPC/ZC traffic impact analysis exempt an applicant from meeting all requirements of a

Site Plan Review traffic impact analysis. Nowhere in the SRC or Administrative Rules is there any exemption or reduction in scope of a traffic impact analysis in relation to a previous Zone Change approval or other application approval. The requirements of the SRC and Administrative Rules, as written, must be followed in order to approve the proposed Site Plan Review.

The TIA continues to ignore numerous requirements of the Administrative Rules. The applicant's June 6, 2020 memorandum does little to bring the TIA into compliance with the Administrative Rules and thus, no further into compliance with the Salem Revised Code ("SRC").

SRC 803.015(b) establishes that "An applicant shall provide a traffic impact analysis if...The development will generate 200 or more daily vehicle trips onto a local street or alley, or 1,000 daily vehicle trips onto a collector, minor arterial, major arterial, or parkway. Trips shall be calculated using the adopted Institute of Transportation Engineer's *Trip Generation Manual*." Per the applicant's trip generation estimate in their TIA, the development will generate 7,210 daily trips and easily exceeds the threshold for a traffic impact analysis.

At the December 10, 2018 hearing, Aaron Panko confirmed that the proposed development met the threshold to require a traffic impact analysis.

Section 6.1 of the Salem Administrative Rules states that "The requirements in this Division shall apply where required by the SRC or where referenced by a requirement in these Standards." Section 6.33 of the Salem Administrative Rules states that "SRC Chapter 803 identifies the threshold for requiring a TIA." Section 110.070(a) of the UDC states "The Director shall have authority to administer and enforce, to render written and oral interpretations of, and to adopt administrative rules [including the traffic impact analysis requirements] and procedures necessary and proper for the administration and enforcement of, the UDC."

Without compliance with the Administrative Rules, it cannot be determined that the requirements of the SRC are met that require "negative impacts to the transportation system are mitigated adequately." The SRC applies the Administrative Rules in making a determination about the determination of adequacy of the transportation network.

Trip Generation Methodology is Flawed

In their June 6, 2020 memorandum, the applicant states that the "...site generated traffic analyses are based on data and guidance from the most current version of the ITE [Institute of Transportation Engineers] Trip Generation Manual." Further, the applicant provides that ITE states "when practical, the user is encouraged to supplement data in this document with local data that has been collected at similar sites" and it was the applicant's intent to follow "best practices as required by ITE" and to be "consistent with ITE recommended practice."

The City of Salem requires "Trips shall be calculated using the adopted Institute of Transportation Engineer's *Trip Generation Manual*."

Rather than supplement their own trip generation data with ITE *Trip Generation Manual* data, the weekday PM peak hour trip generation data for the Costco with fueling depot is not based on *Trip Generation Manual* data at all. The applicant's data is not supplemented by, but relies entirely on, data from just one Costco warehouse and gas station – a store and station that isn't all that similar to the proposed Costco warehouse and fueling depot currently proposed. Given that the applicant claims to have data from many other sites, it's unclear why the applicant didn't follow the ITE methodology for developing a local trip generation rate. Certainly, best practices of ITE were not utilized in the TIA. Instead, the applicant's TIA employed practices that ITE specifically recommends against.

In their TIA, the applicant states that “[i]t is important to note that trip generation for the Costco sites is not linearly tied to square-footage size of the Costco warehouse building.” Inconsistently, in their June 6, 2020 memorandum, the applicant has revealed that the weekday PM peak hour and Saturday peak hour trip generation of the proposed Costco and fueling depot used in the TIA is based solely, directly and linearly on the size of the existing Salem Costco warehouse with no correlation to the number of fueling positions of the gas station. The data used to estimate trips was collected in 2005 when the Salem Costco gas station was significantly smaller than it is currently.

The applicant's June 6, 2020 memorandum states “The weekday PM peak hour trip generation rates (7.49 trips per 1,000 square-feet of Costco and fuel positions) is based on data collected at the existing Salem Costco and fuel station.” Similarly, “The Saturday midday peak hour trip generation rate (9.12 trips per 1,000 square-feet of Costco and fuel positions) is based on data collected at the existing Salem Costco and fuel station.” The applicant states that “The daily trip generation rate...is based on an average trip generation rate at nine Costco stores with fuel stations...”

The applicant's trip generation methodology, without stating it specifically, is based on the assumption that there is no greater trip generation associated with the number of fueling positions as the trip generation rate is based solely on the size of a Costco warehouse. The traffic counts to determine the trip rate of the Salem Costco and gas station were conducted in 2005. The 2005 version of the gas station is not comparable to the current Salem Costco gas station or to the proposed new Costco and fueling depot. There is a large discrepancy in size of the fueling stations at issue.

Under current conditions at the existing Costco, there appears to be 16 fueling positions. However, in reviewing aerial photography, it is clear that there were even fewer fueling positions existed in 2005 - when the traffic counts relied upon in the applicant's TIA were taken. In contrast, the currently proposed Costco and fueling depot will include at least 30 fueling positions. The applicant makes no mention of, nor provides any analysis of this significant discrepancy in the size of the fueling stations.

The ITE *Trip Generation Manual* methodology clearly illustrates a correlation between the number of fueling positions of a gas station and the number of trips generated. Yet the applicant's limited methodology makes no such correlation. If there were no additional trips generated by a larger gas station, Costco would have no reason to keep building larger fueling depots, as they have done numerous times around the country and in the Pacific Northwest.

The applicant's methodology assumes that just a small percentage of Costco warehouse traffic also uses the fueling station. If true, then the station clearly will generate a significant number of its own new trips not related to the warehouse.

Basing the trip generation of the currently proposed Costco and fueling depot solely on the 2005 Salem Costco trips defies logic and should be rejected. While the applicant has stated that the City of Salem and ODOT staff have agreed with the results of the current TIA that does not change the actual facts. Unfortunately, the TIA has always and continues to lack the necessary details and transparency that allows the TIA to be properly reviewed and verified.

The applicant provides evidence that the use of the Institute of Transportation Engineers' ("ITE") *Trip Generation Manual* data for "Discount Club" is inappropriate for the existing Salem Costco and that a local trip rate should be developed for the proposed Costco. By back calculation, it appears that the existing Salem Costco has a square footage of approximately 145,000 square feet. The applicant's June 6, 2020 memorandum establishes that the trip generation of the 2005 version of the Salem Costco and gas station in 2005 was 1,089 weekday PM peak hour trips and 1,325 Saturday peak hour trips.

Based on the ITE *Trip Generation Manual*, a Costco of 145,000 square feet should generate approximately 606 weekday PM peak hour trips and 924 Saturday peak hour trips. For the Salem Costco in 2005, the ITE Trip Generation Manual would *underestimate* traffic by 56% during the weekday PM peak hour and 36% in the Saturday peak hour. This strongly indicates the need to develop a local trip generation rate. Unfortunately, in developing a local trip generation rate, the TIA falls well short of completing this task in a reliable way that meets industry or City of Salem standards.

The use of the 2005 Salem Costco's trip generation solely is not supported by the ITE *Trip Generation Manual*, nor City of Salem requirements. Relying on the data from a single site (the 2005 Salem Costco) for a trip generation estimate is not in compliance with the industry standard ITE *Trip Generation Handbook* - a document the applicant references and acknowledges as "best practices as required by ITE" – but then does not follow.

The *Trip Generation Handbook* states the following:

"The principal objectives of *Trip Generation Manual*...are...to provide guidance in the proper techniques for estimating trip generation...to encourage the standardization of trip generation data collection efforts..."

"[In developing a local trip generation rate not based upon the data of the *Trip Generation Manual*] the analyst **should collect trip generation data at a minimum of three local sites. Collecting data at five or more sites is preferable.** Where there are only one or two potential data collection sites in a comparable setting, the analyst should use that data, coupled with other local or national data, to derive the estimate. The analyst is cautioned that this recommendation should not be used as an excuse for collecting and using data from only one or two sites when more sites are reasonably available" (emphasis added).

Providing no excuse, the applicant presents weekday PM peak hour and Saturday peak hour trip generation that relies solely on the trip generation of the 2005 Salem Costco and gas station. Given the amount of data that the applicant supposedly controls, but doesn't share or use as part of this application, it appears feasible to base the trip generation of the proposed Salem Costco on more than one site. Inexplicably, the applicant opted to ignore the *Trip Generation Handbook* and instead, base their trip generation estimates on just one site and it is a site that does not compare with the proposed site.

The *Trip Generation Handbook* also notes:

“Each data collection site should be located in a setting comparable to that of the study site...The data collection sites **should reflect the size range of the study site and the anticipated general intensity of activity. Each independent variable presented in the Manual for the particular land use (such as GFA or employees) should be included, if available, in the identification of potential comparable sites**” (emphasis added).

“If data are being collected at a proxy site for a study site, the context or setting for the data collection site should match that of the study site.”

The applicant has provided no information about the 2005 Salem Costco warehouse size and the number of fueling positions of that gas station when the traffic count data was collected. An appropriate size range of the study site is not a range at all, as the trip generation is inappropriately based on only one site. It therefore provides no range of data to be used in developing a trip generation rate for this much larger Costco and fueling depot.

In order to develop a trip generation rate for the proposed Costco, a minimum of three study sites should have been referenced and they should include a range of Costco warehouses with at least one site that included a Costco of at least 160,000 square feet like the proposed Costco and a fueling station with at least 30 fueling positions. The 2005 Salem Costco is approximately 145,000 square feet (and smaller than the proposed Costco) with an unknown number of fueling positions (though much smaller than the proposed fueling depot). If the applicant would have studied a range of sites per the *Trip Generation Handbook* rather than just one site, the trip generation estimate may have fallen within a range of data and perhaps the 2005 Salem Costco could have been used in conjunction with the data from several other locations. Instead, the applicant opted to ignore the *Trip Generation Handbook*.

In the applicant's June 6, 2020 letter, the applicant claims that the proposed Costco and fueling station daily trips are based upon a trip rate of 75.86 vehicles per 1,000 square feet of warehouse, again contradicting their previous statement that the Costco warehouse trip generation is not linearly tied to the size of the warehouse. Again, the applicant provides no evidence of the daily trip generation traffic counts and the reported daily trip generation rate cannot be confirmed in any way. The trip rate also doesn't take into account the influence of the 30 fueling positions as the trip rate is based upon the square footage of the warehouse only and not the fueling positions which are typically measured based on a per fueling position metric.

Finally, while providing numerous traffic counts around the country for the purpose of validating the pass-by trip data collection and daily trip generation, the applicant has provided no information regarding any of the warehouse sizes, number of gas station

fueling positions, site addresses or other information of these sites that can be linked to the number of trips to ensure that the other sites are appropriate comparisons for the proposed Costco and fueling depot. Per the ITE *Trip Generation Handbook*, certain background information should be provided in generating a trip generation rate. Salem Administrative Rules 109-006-6.33(h) requires that “[p]ass-by trips must be quantified and may be approved based upon sufficient supporting data.”

Therefore, the pass-by trip information and daily trip generation information provided in the applicant's June 6, 2020 memorandum also cannot be reviewed or validated and should be rejected.

Without this analysis, the application does not meet the requirement that “...all applicable standards of the UDC [Uniform Development Code]” are met and that “...negative impacts to the transportation system are mitigated adequately.”

Study Area is Incomplete

The December 10, 2018 City of Salem staff report asserts that “The TIA was scoped to analyze the same intersections that were evaluated for the original 2006 Comprehensive Plan and CPC/ZC for this property, however the City did not require the Saturday peak hour analysis...”

Perhaps omitted by error in the Site Plan Review TIA, there were two intersections, Kuebler Boulevard/Commercial Street and Kuebler Boulevard/36th Avenue, that were included in the 2006 traffic impact analysis for the Zone Change that were *not* included in the applicant's Site Plan Review TIA. If omitted in error, the TIA should be updated to include these intersections.

The 2006 TIA concluded that both of these intersections were anticipated to operate well beyond the City of Salem mobility standards in 2025. Yet, inexplicably these two key intersections were excluded from the Site Plan Review TIA.

As our July 2, 2020 analysis showed, the intersections of Kuebler Boulevard/Commercial Street, I-5 SB offramp/Kuebler Boulevard and Kuebler Boulevard/Battle Creek Road will all operate beyond the City of Salem's and ODOT's mobility standards upon the opening of the proposed development with no identified mitigation.

Salem Administrative Rules 109-006-6.33(c) requires that the “TIA study area shall extend to the following: (1). All proposed access points (2). Any intersection where the proposed development can be expected to contribute 50 or more trips during the analysis peak hour on a collector, arterial, or parkway, or 20 or more trips on a local street or alley (3). Any intersection where the additional traffic volume created by the proposed development is greater than ten percent of the current traffic volumes on any leg...”

The Kuebler Boulevard/Stroh Lane intersection will experience an increase of 418 trips in weekday PM peak hour and 529 trips in the Saturday peak hour yet was not included in the study area. It is likely that the Commercial Street/Kuebler Boulevard intersection will

experience an increase of over 400 trips in the weekday PM peak hour and over 500 trips in the Saturday peak hour.

There are many other intersections similarly impacted that were inexplicably omitted from the Site Plan Review TIA. Several intersections will experience an increase in traffic of hundreds of vehicles per hour, so this omission is not insignificant.

Without this analysis, the application does not meet the requirement that “...all applicable standards of the UDC [Uniform Development Code]” are met and that “...negative impacts to the transportation system are mitigated adequately.” The full scale of the negative impacts have yet to be studied based on the clear and objective requirements that define a traffic impact analysis.

Traffic Growth Does Not Meet Requirements

As previously addressed in our December 10, 2018 and July 2, 2020 Reports, Section 6.33 of the Administrative Rules states “Background rates and trip distribution shall be based upon the Mid-Willamette Valley Council of Governments Transportation Model.”

In response, the applicant's June 6, 2020 Report states that “As coordinated with City Public Works staff, the 1% growth rate was deemed reasonable because it is for a 1-year build-out scenario, not a long-term traffic analysis. Further, we are advised that the coordinated growth rate by Marion County for the Salem-Keizer UGB is 1.12%, which confirms the appropriateness of using the 1% growth rate.”

In reality, as our prior Reports show, the growth rate that should be used in the analysis is actually higher than what was used in the TIA.

Without this factor correctly addressed, the application does not meet the requirement that “...all applicable standards of the UDC [Uniform Development Code]” are met and that “...negative impacts to the transportation system are mitigated adequately.”

Year of Opening Assumption is Inappropriate and Doesn't Meet Requirements

As we originally noted, the proposed opening date of 2019 reported in the TIA was never realistic for a development of this size especially considering the numerous transportation improvements required of the Zone Change as well as those improvements that should be required as part of this Site Plan Review in order to comply with City of Salem requirements.

The applicant's June 6, 2020 memorandum states “Nothing requires that traffic analyses be updated for successive appeals which delay the date of opening of the shopping center. The purpose of the traffic study is to determine the proposal's compliance with UDC 220.005(3) on the date it was submitted. The proposal met all traffic standards on the date the traffic report and application were submitted to the city. Regardless, whether the date of opening was 2019 or has moved to 2021 due to appeals, the conclusion that UDC 220.005(3) is met does not change.”

While the appeal certainly has not positively contributed to meeting this timeline, it was never a realistic timeline to begin with.

As previously mentioned, the applicant has also clearly communicated that this is a multi-phase development with an unknown horizon year of completion. However, the applicant seeks Site Plan Review approval at this time for the entire development. The May 31, 2018 TIA states that “[t]he proposed Costco will include a warehouse and fuel station with four islands and the potential to add a fifth island in the future (30 fueling positions).” The fifth island will apparently be constructed at some later time that is not stated. Additionally, the site plan submitted by the applicant illustrates 21,000 square feet of retail use as a “future phase.”

According to Table 3.3 of the ODOT *Design Review Guidelines*, a development with a trip generation of excess of 5,000 trips like the one proposed should be required to be required to provide an analysis at least 15 years into the future. This analysis has not been provided.

As required by Table 6-33 and the *Design Review Guidelines*, the need to analyze a horizon year well beyond 2019 is clear.

Without this issue correctly addressed, the application does not meet the requirement that “...all applicable standards of the UDC [Uniform Development Code]” are met and that “...negative impacts to the transportation system are mitigated adequately.”

Trip Distribution Doesn't Meet Requirements

The Administrative Rules requires that the “trip distribution shall be based upon the Mid-Willamette Valley Council of Governments Transportation Model. If model data is not available...trip distribution shall be determined by the City Traffic Engineer.”

The applicant's June 6, 2020 letter states:

“Model data for Costco is not available in the Mid-Willamette Valley COG model. However, as a matter of best practices as well as the Roadway Standards, the City Traffic Engineer determined trip distribution be based upon Costco specific data. In turn, as required by the City Traffic Engineer, the site review traffic study used existing proprietary Salem Costco sales data from FY 2014 through FY 2016 for every zip code in Oregon, which is analyzed to determine the percent of sales value to each zip code. Estimated directional routing to each zip code was then determined, to approximate percentage of travel each direction to/from the proposed new Costco site.”

It is possible that Costco specific zip code data could produce better trip distribution results than the Mid-Willamette Valley Council of Governments model. However, the Administrative Rules require the trip distribution to be based upon the model and model data is certainly available.

Moreover, the applicant provides no evidence of the data used in determining the trip distribution, so it cannot be reviewed. If this data has been submitted to the City for review, it has not made it's way into the written record of the application providing no ability for the

public to review. In the absence of evidence supporting the clear and objective requirement of the Administrative Rules, the trip distribution assumptions of the TIA should be rejected.

Without this factor correctly addressed, the application does not meet the requirement that “...all applicable standards of the UDC [Uniform Development Code]” are met and that “...negative impacts to the transportation system are mitigated adequately.”

Fueling Depot Queuing is Not Based on Evidence

In their June 6, 2020 memorandum, the applicant states that “Table 6 summarizes peak hour vehicle queues based on trip generation data from the existing Salem Costco site and Costco Fueling-specific queue data.”

It should be noted again that the only trip generation data utilized in the TIA is based upon the 2005 Salem Costco traffic volumes when there was significantly fewer fueling positions than there are currently. The fueling station has since been increased in size. Additionally, according to the applicant, the gas station generates no traffic as the trip generation the applicant presents is based entirely upon the size of the warehouse, not on the number of fueling positions.

The applicant also suggests that there is other “Costco Fueling-specific queue data” that was used in their queuing analysis with no further explanation. The TIA provides no evidence of this additional queue data or how it was used. In Table 6, the applicant presents a number of estimated queues but provides no evidence or methodology regarding how these figures were derived. There is methodology that can be used for developing queue estimates for such an activity, but the TIA doesn't establish how the queue estimates were generated and they cannot be reviewed or verified.

The applicant notes that they desire to “ensure that congestion and circulation on their site do not negatively impact operations or safety on the surrounding transportation system (e.g. spill back to 27th Street for this site). Given the number of times that Costco gas stations have been expanded or modified (including the existing Salem Costco), it would seem prudent for the applicant to provide at least some evidence that the proposed gas station can accommodate queues on-site as these others sites may have derived their queuing estimates from this “Costco Fueling-specific queue data.”

The Site Plan Review criteria requires that “The transportation system provides for the safe, orderly and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately” and “Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles and pedestrians.”

However, the application continues to provide no evidence that queues can be accommodated on-site. Given the proximity of the fueling depot to 27th Avenue, it is possible that the fueling depot queue could extend into primary entrance from 27th Avenue and into the roundabout. The TIA should provide evidence of the analysis and describe their methodology.

Queues Will Extend Into the 27th Avenue/Site Access Roundabout Intersection

In response to our concern that the northbound right turn movement at the Kuebler Boulevard/27th Avenue intersection is projected to be 325 feet and extend into the 27th Avenue/Site Access roundabout intersection, the applicant responds incompletely that the “95th percentile queue lengths for the northbound right-turn movement are projected to be accommodated within the storage length.”

The northbound right turn lane, as illustrated below in Figure 1, is approximately 270 feet in length, well short of the 325 feet of northbound right turn queue that is expected to develop. The TIA reports that the queues for the northbound left turn and through movement queues total approximately 200 feet. The 525 feet of queues that develops at the Kuebler Boulevard/27th Avenue intersection may extend into the single lane exiting the roundabout because the northbound right turn queue may block other northbound traffic. This queue may prevent the roundabout from flowing at all as northbound traffic may block the proposed single lane roundabout. This situation will likely worsen during peak holiday shopping traffic.

The March 27, 2020 City of Salem “PacTrust Traffic Impact Analysis Discussion” memo states:

“The City had made it clear that a traffic signal would not be supported for the main site driveway onto 27th Street (sic) SE. The new TIA was used to evaluate the operations at the proposed driveway to 27th Street SE, and determine options other than a traffic signal that could serve the developments (sic) traffic. The analysis showed the most appropriate traffic control at the driveway to 27th Street SE is a roundabout. It provides good traffic operations and serves both properties on the east and west sides of 27th Street SE.”

The TIA provides no analysis comparing a roundabout to a traffic signal or any other traffic control at this intersection, so it is unclear how the TIA illustrates that “The analysis showed the most appropriate traffic control at the driveway to 27th Street SE is a roundabout.”

As noted earlier, the applicant continues to provide no evidence of how they derived their queuing estimates at the fueling depot, which is located adjacent to the 27th Avenue/Site Access intersection. Fueling depot queuing spillback could additionally worsen operations at this intersection.

This may leave the City of Salem with a very difficult situation to manage and mitigate this design that the TIA clearly illustrates is not adequate to accommodate future growth or even the development itself. This may become a point of contention for future development in the area.

Requiring a traffic impact analysis with an appropriate horizon year as required by Table 6-33 of the Administrative Rules will likely provide the City with better information in making an informed decision about the close proximity of this intersection to Kuebler Boulevard/27th Avenue. Currently, the application does not illustrate that “The transportation system provides for the safe, orderly and efficient circulation of traffic into and out of the proposed

development, and negative impacts to the transportation system are mitigated adequately” and “Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles and pedestrians” as required.

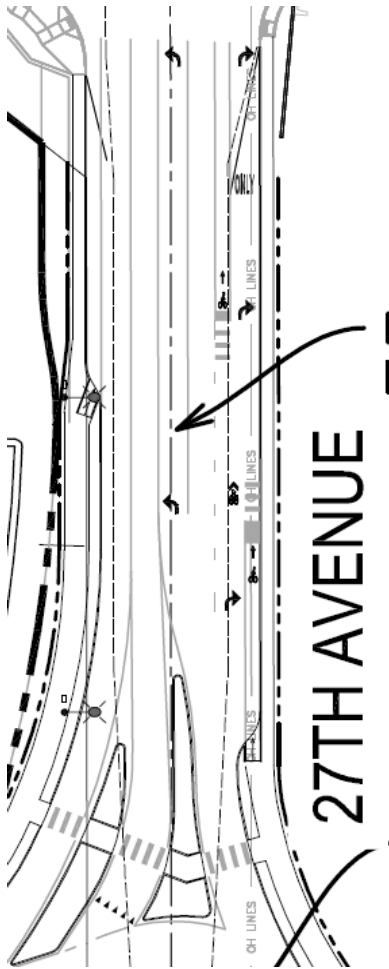


Figure 1: Excerpt of applicant's site plan

Without this issue being adequately addressed, the application does not meet the requirement that the application meets all applicable standards of the UDC [Uniform Development Code]” are met and that “The transportation system provides for the safe, orderly and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately” and “Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles and pedestrians.”

27th Avenue Driveway Does Not Meet Requirements

A driveway to 27th Avenue is proposed. SRC 803.025 requires:

“A Class 2 driveway approach permit shall be granted if:

- (1) The proposed driveway approach meets the standards of this chapter and the Public Works Design Standards;
- (2) No site conditions prevent placing the driveway approach in the required location;
- (3) The number of driveway approaches onto an arterial are minimized;
- (4) The proposed driveway approach, where possible:
 - (A) Is shared with an adjacent property; or
 - (B) Takes access from the lowest classification of street abutting the property;
- (5) The proposed driveway approach meets vision clearance standards;
- (6) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;
- (7) The proposed driveway approach does not result in significant adverse impacts to the vicinity;
- (8) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and
- (9) The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.”

The application fails to provide evidence that these criteria are met.

As discussed above, the queuing at the Kuebler Boulevard/27th Avenue intersection will likely spillback into the roundabout at the 27th Avenue/Site Access intersection. Additionally, the TIA fails to provide substantial evidence that queues from the fueling depot will not spillback onto 27th Avenue.

It cannot be found that “No site conditions prevent placing the driveway approach in the required location,” “The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access,” “The proposed driveway approach does not result in significant adverse impacts to the vicinity,” “The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections,” “The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.”

Kuebler Boulevard Driveway is Not Supported by Requirements

Section 804.001 of the SRC provides that “The purpose of this chapter is to establish development standards for safe and efficient access to public streets.”

Section 804.060 of the SRC states that the “The Director may require the closure of a driveway approach where...The driveway approach is not constructed in conformance with this chapter and the Public Works Design Standards...A new building or driveway is

constructed on the property...A change of use or activity in an existing building increases the amount of required parking...[or] There is a demonstrated safety issue.”

Kuebler Boulevard is classified as a Parkway. Section 804.040 of the SRC states that “[d]riveway approaches onto a parkway shall be no less than one mile from the nearest driveway approach or street intersection, measured from centerline to centerline.” The existing Kuebler Road access (which currently serves no development and carries no traffic) is just 660 feet east of the Kuebler Boulevard/Battle Creek Road intersection and approximately 1290 feet west of the Kuebler Boulevard/27th Avenue intersection. This criterion cannot be met. The SRC further states that “[t]he standards set forth in this section cannot be varied or adjusted.”

A Kuebler Boulevard access cannot meet the standard and should be removed. The TIA and site plan need to be updated to reflect no access to Kuebler Boulevard.

The only argument the applicant provides for keeping this access, is that since the access was required as a condition of approval of the 2006 zone change application, then it needs to be provided. However, the inclusion of the driveway is in clear violation of the UDC. SRC 804.001 establishes the “standards for safe and efficient access to public streets.” As the access does not comply with this section, then the access does not meet the standards for a safe and efficient access to a public street. In fact, its presence is in clear violation of the UDC. The approval criteria of the Site Plan Review cannot be ignored.

With the Kuebler Boulevard access the application cannot comply with the Site Plan Review criteria which requires that “The application meets all applicable standards of the UDC [Uniform Development Code]...The transportation system provides for the safe, orderly and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately...[and] Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles and pedestrians.”

Saturation Flow Rate Doesn't Meet Requirements

In their June 6, 2020 memorandum, the applicant states:

“Public Works Standards 6.33(b) authorizes a saturation flow rate other than 1800 where '*a separate flow rate analysis has been completed.*' A saturation flow rate study (i.e. flow rate analysis) is the measurement of the maximum rate of flow of traffic in a specific lane group on an approach to a signalized intersection. KAI conducted such a separate flow rate analysis and the result of that analysis makes clear that the use of a 1900 vehicle per hour saturation flow rate is appropriate” and

“As show (sic) in Table 7, because the saturation flow rates collected in the field are greater than the rates used in the May 31, 2018 Traffic Study, using a 1,900 vphpl baseline flow rate meets the City of Salem Public Works Standards per Division 6, Section 6.33.”

Here, basic traffic engineering principles are discarded. A saturation flow rate is measured by lane group (i.e. eastbound through movement versus eastbound left turning movement may have different flow characteristics at different intersections during different time

periods). Where the applicant has performed saturation flow rate observations, and where the data supports it, we agree that a 1,900 vphpl flow rate is appropriate. However, the applicant has conducted very limited saturation flow rate observations and then have inappropriately applied those observations to all intersections and all time periods. Should the applicant wish to apply this 1,900 vphpl saturation flow rate, they should conduct these observations at all intersections for all lane groups for all time periods. In their TIA, the applicant very inappropriately applies a saturation flow rate to different lane groups.

Assuming a higher saturation flow rate than actual will provide an inaccurate picture of the future function. It will assume a greater theoretical intersection capacity than may actually exist. As noted previously, the applicant has illustrated two intersections that operate at exactly the mobility standard of the City of Salem and ODOT. Our July 2, 2020 analysis addresses a number of the errors of the TIA and finds that several intersections will fail to meet City of Salem and ODOT mobility standards.

Without this factor correctly addressed, the application does not meet the requirement that “...all applicable standards of the UDC [Uniform Development Code]” are met and that “...negative impacts to the transportation system are mitigated adequately.”

Seasonal Adjustment Doesn't Meet Requirements

In their June 6, 2020 Report, the applicant states that “it was determined that traffic levels throughout the study area during the month of December represents acceptable traffic levels for use in a traffic analysis (i.e. 30th highest hour volume of the year).”

In our December 10, 2018 and June 2, 2020 Reports, we provided evidence that there is seasonal variation at the I-5 SB/Kuebler Boulevard intersection that extends beyond the assumed growth rate of the TIA. These are traffic analysis errors and omissions that should not occur as these are not new requirements for an ODOT facility. The fact of the matter is that the applicant, like in many other instances, did not follow adopted standards and specifically in this case, the *Analysis Procedures Manual's* methodology for determining the 30th highest hour volume of the year. The methodology utilized in the TIA is in no way supported by the *APM* in the treatment, or lack thereof, of seasonal adjustment.

The TIA is not compliant with the *APM* and therefore, compliance with the mobility standard of the Oregon Highway Plan cannot be determined.

Without this factor correctly addressed, the application does not meet the requirement that “...all applicable standards of the UDC [Uniform Development Code]” are met and that “...negative impacts to the transportation system are mitigated adequately.”

RTOR at I-5 SB offramp/Kuebler Boulevard

The applicant continues to provide no evidence that 42% of southbound right turn movements at the I-5 SB offramp/Kuebler Boulevard occur on a red signal indication. In their June 6, 2020 memorandum, the applicant references past documents that they suggest address the lack of evidence, but still don't provide evidence of this figure. Suspiciously, this

factor has been applied to both the weekday PM peak hour and Saturday peak hour traffic analysis. It is very unlikely that exactly 42% of southbound right turns on red (“RTOR”) happen to occur both during the weekday PM and Saturday peak hours.

Without this factor correctly addressed, the application does not meet the requirement that “...all applicable standards of the UDC [Uniform Development Code]” are met and that “...negative impacts to the transportation system are mitigated adequately.”

Conclusion

A TIA meeting the requirements of the SRC is required, yet still not provided.

The applicant's TIA continues to contain numerous errors and omissions that remain unresolved even with the applicant's June 6, 2020 memorandum. The applicant's TIA continues to put aside the clear and objective requirements of the City of Salem and ODOT. The TIA also lacks the necessary evidence to support the TIA's claims.

The numerous errors and omissions identified should be taken in the context that the results of the TIA rest on a razor's edge with two intersections identified as operating exactly at the mobility standard. There are possibly other intersections not studied in the TIA (although required to be studied) that also will not meet mobility standards. By not addressing these intersection operations failures, several intersections will operate inadequately, creating the potential for the City of Salem, ODOT and/or other developments to address this development's unmitigated impacts.. Our July 2, 2020 Report establishes that in addressing just a few of these errors, at least three intersections will fail to meet mobility standards.

Should you have any questions, please contact me at rick@greenlightengineering.com or 503-317-4559.

Sincerely,



Rick Nys, P.E.
Principal Traffic Engineer



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July 28, 2020

Via Email

Members of the Salem City Council
c/o Aaron Panko, Case Manager
Dan Atchison, City Attorney
City of Salem
555 Liberty St SE, Room 305
Salem, OR 97301

Re: Comments on Remand of SPR-DAP18-15

Dear Members of the Council,

These comments are submitted on behalf of neighborhood residents William Dalton, John Miller, and Lora Meisner, who were also Intervenor-Respondents in LUBA Case No. 2018-143, which remanded this matter back to the Salem City Council.

SUMMARY

- The Council should hold a public Hearing (virtual or otherwise) on this matter, so that both the proponents and the opponents are given full and fair process;
- The only reason there is a limit on the Council's ability to hold a public Hearing, is that **the applicant** has decided to be a proverbial "hard ass" and has refused to grant a brief extension of the 120 day deadline need for a decision, sufficient to allow the Council to hold a Hearing;
- The Council is legally free to, and should, decide the Traffic impact issues on Remand;
- This is a Remand to the Council, from an appeal of a decision made by the Council. It is the Council, not the City Staff, who have the authority to decide whether the applicant's now outdated Traffic Impact Analysis (TIA) meets or does not meet the Site Plan Code.
- Council should not let Staff try to make a proverbial "end run" around the requirements of the law with an only recently disclosed Memo that was apparently completed back in March;

- The TIA on which the applicant relies is completely out of date. The Council should insist that an updated TIA be completed and if the applicant refuses then the Council should again deny a Site Plan Permit for failure to meet Site Plan Code requirements;
- The TIA on which the applicant relies does not meet Code, in multiple ways. See, Greenlight Reports dated 12/10/18, 6/3/20 and 7/28/20. The Council should reject the proposed Site Plan unless or until a revised and updated TIA that meets Code is submitted.
- Among the problems with the Site Plan TIA previously provided by the applicant are:
 - (i) Flawed “trip generation” analysis;¹
 - (ii) The study area was incomplete as important intersections are not analyzed;²
 - (iii) Traffic growth assumptions are inconsistent with the Code requirements;³
 - (iv) Year of opening assumptions are flawed;⁴
 - (v) Trip distribution analysis does not meet Code;⁵
 - (vi) Fueling depot queuing or traffic back up analysis is flawed;⁶
 - (vii) There will traffic backing up into key intersects;⁷
 - (viii) Several driveways do not meet Code requirements;⁸

¹ See Greenlight 7/28/20 Rpt pp.9-12.

² See Greenlight 7/28/20 Rpt pp.13-14.

³ See Greenlight 7/28/20 Rpt p.14.

⁴ See Greenlight 7/28/20 Rpt pp.14-15.

⁵ See Greenlight 7/28/20 Rpt pp.15-16.

⁶ See Greenlight 7/28/20 Rpt p.16.

⁷ See Greenlight 7/28/20 Rpt pp.17-18.

⁸ See Greenlight 7/28/20 Rpt pp.19-20.

Saturation flow rates are in error;⁹

- (ix) Seasonal adjustments don't meet requirements;¹⁰ and
- (x) Some key "right turn on red" assumptions are flawed and unsupported by evidence.¹¹

- The idea that ripping ancient and highly prized oaks from the ground and trying to move them somewhere else, does not constitute "removal" of the trees under the Site Plan Heritage Tree Code is absurd;
- There appears to be no reason, other than greed, that the applicant can't redesign its project to have a smaller (or no) fueling depot, and/or a slightly smaller store, and/or less parking, and/or smaller associated stores. If those alternatives were explored, a good planner should be able to find a way to save the trees and still build the neighborhood shopping center that PacTrust promised the Council it would build during the rezone process;
- PacTrust has a vested right to build a community shopping center, **that complies with the Salem Revised Code (SRC) Site Plan and Uniform Development Code (UDC) provisions**. PacTrust does not have a right to build whatever the heck it wants, and ignore the Site Plan requirements of the Code;
- In approving the Rezone the City Council did not give PacTrust a proverbial "pass" on the Site Plan compliance requirements. It would be legal error for the City to treat this project in that manner.
- It would also set a horrendously bad policy precedent, as every other property owner who had (or who's predecessor in interest had) obtained a rezone would demand the same treatment;
- Since this project – as currently proposed – does not meet the Site Plan requirements, the Site Plan approval should again be denied.

THE SCOPE OF THE CASE ON REMAND

Intervenors-Respondents appealed approval by City Planning Staff of a Site Plan for a proposed Costco and related development to Salem City Council. The Council

⁹ See Greenlight 7/28/20 Rpt pp.20-21.

¹⁰ See Greenlight 7/28/20 Rpt p.21.

¹¹ See Greenlight 7/28/20 Rpt pp.21-22.

heard that appeal, and the many comments of the public on this matter, and the Council reversed the Staff approval.

PacTrust/Costco appealed the City Council's decision to LUBA. Unfortunately, in its Findings on the reversal of the Staff approval of the Costco development, the City failed to make a finding on traffic impacts. Since traffic was a major issue in the appeal and the testimony submitted on the appeal, Intervenor-Respondents submitted a Cross-Petition to LUBA urging denial on the basis of the inadequacy of the Traffic Impact Analysis (TIA) done by the applicant, and the subsequent failure of the application to comply with SRC 803.015; SRC 803.035; and SRC 200.055, and so failing to meet the approval criteria in SRC 220.005(f)(3).¹²

The LUBA panel did not rule on the traffic issue. However, the Opinion affirmed that the City Council **may consider on Remand** the arguments raised by Mr. Miller, Mr. Dalton and Ms. Meisner about the failure of the applicants to satisfy SRC 220.005(f)(3), and related code provisions about traffic.¹³ The Opinion also affirmed that the City may apply its Tree Preservation Code to this application, in the manner that it did in the last decision, and that to do so was not a collateral attack on the zoning change approved in 2007.¹⁴

The other issue that LUBA directed the City Council to take up on Remand is the nature of the vested rights that PacTrust may have to develop a shopping center on this property. LUBA held that since the City Council did not make a finding on that precise issue when it overturned the Staff approval of the application, it needed to do so on Remand.¹⁵

LUBA took no position on how the City's Site Plan Review criteria relate to the determination of what vested rights PacTrust has on this property. PacTrust has now

¹² "Class 3 site plan review. An application for Class 3 site plan review shall be granted if: (A) The application meets all applicable standards of the UDC; (B) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately ; (C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles , and pedestrians; and (D) The proposed development will be adequately served with City water, sewer, stormwater facilities , and other utilities appropriate to the nature of the development."

¹³ "On remand, the city may choose to address intervenors' arguments presented in the cross petition for review." LUBA Opinion Slip Op at p.*30.

¹⁴ "The city responds, and we agree, that the 2007 Decision considered different criteria and was not required to consider SRC 808.030(a)(2)(L), which applies only to site plan review, or any other site plan review criteria. The city's decision applying SRC 808.030(a)(2)(L) in this decision is not a collateral attack on the 2007 Decision." LUBA Opinion Slip Op p. *29.

¹⁵ "[W]e agree with PacTrust that the city erred in failing to respond to Pac Trust's argument that it has a vested right to an approval of its site plan review application." LUBA Opinion Slip Op p.*19.

conceded that point in its Request for Remand (Request). Request, p. 2. A

Also of importance, LUBA evaluated an appeal from the City Council decision. LUBA Remanded to the Council. Despite that, in March the City Staff sent a Memo to the City attorney claiming that the Director of Public Works had determined the requirement for the applicant to complete a Site Plan level TIA could be waived as the TIA done for the rezone back in 2006 had accounted for all traffic impacts. That Memo was recently posted on the City Website for this project, as “comment” on the project.

The Director was without legal authority to make such a determination. It is the Council who must decide what issues to address (or not address) on Remand. The Director was also factually wrong, in his purported conclusions about impacts.

The Remand from LUBA was from review of a **Council** decision that reversed an inappropriate determination by the Director that this project met Site Plan requirements. The Remand was, as the Notice of Remand makes clear, to the **Council** – not to the staff or the Director. The actions of the Director in issuing the March 2020 Memo purporting to grant an exception from the Site Plan TIA requirements were completely ultra vires – i.e. without authority.

Moreover, as outlined in the Greenlight Engineering Report dated July 28, 2020 (submitted with this comment letter), the purported determination that PacTrust met the exception requirements of the SRC are also factually and legally wrong. There are documented “traffic problems” in the area and exceptions cannot and should not be granted when Rezone TIA’s look at different criteria than the required Site Plan TIA’s.¹⁶

In fact, traffic problems were recognized as long ago as 2006, and they have been documented since in both the actual findings (as opposed to the purported conclusions) of the now outdated applicant TIA - as well as in each of the three Greenlight Engineering reports that are before the Council. That there was and will be a traffic problem was also made plain in the extensive public testimony heard by the Council in the last Hearing.

A valid TIA clearly is needed in this instance, to satisfy the requirements of SRC 803.015(a) and “...ensure that development generating a significant amount of traffic provides facilities necessary to accommodate the traffic impacts of the proposed development.” In such circumstances, it would both legal and factual error for the Council to grant an exemption to the Site Plan TIA requirement.

The Council should – in order that the Record in this matter is clear – make a specific finding that in the Council’s view the preponderance of the evidence in the Record shows that traffic problems do or will exist, **and** that there is **not** a sufficient basis for a finding that the exception provided for in SRC 803.015(d) applies to this Site

¹⁶ See Greenlight 7/28/20 Rpt pp.3-8 (outlining the legal and factual requirements for the SRC “exception” provision to apply, and outlining why this project does not meet those requirements).

Plan proposal.

ISSUES ON REMAND

1. Traffic

The Opinion from LUBA made clear that the City **is free to consider the issue** of whether the application conforms with SRC 803.015; SRC 803.035; and SRC 200.055, and satisfies the approval criteria in SRC 220.005(f)(3). In the December 10th, 2018 Hearing before the City Council, Councilor Anderson asked City Planner Aaron Panko whether the TIA done by the applicant is required for a Site Plan. Mr. Panko correctly answered that it was required.¹⁷

Councilor Anderson specifically remarked on the inadequacy of the PacTrust/Costco TIA and the importance of the points made in the evaluation of that TIA by Greenlight Engineering in its 12/10/18 Report, when explaining his vote in favor of reversal of the Staff decision and denial of a Site Plan review permit.¹⁸ The burden is on the applicant to comply with all criteria in the UDC for Site Plan approval.¹⁹ The applicant has yet to show that its traffic impacts are in conformance with the approval criteria.

It is particularly important that the City Council work methodically to ensure the traffic impacts of this project are analyzed in conformance with the requirements of the UDC and ODOT standards. Mistakes and omissions made now will reverberate for many decades to come, on area roads and on the citizens of Salem.

Site Plan TIA's look at different criteria than Zone Change TIA's. Table 1 in the Greenlight 7/28/20 Report makes that crystal clear.²⁰ PacTrust and Kittelson & Associates implicitly recognized and admitted this when they did a different and new TIA in 2018 for the Site Plan application. Staff recognized and admitted this during the prior Hearing. Greenlight Engineering also confirms this.²¹

Despite that, PacTrust and Kittelson continue to promote their own cramped reading of the Code, rather than accepting and trying to meet the requirements of SRC

¹⁷ Record, LUBA No. 2018-143 (hereafter, Record)-002456, Item 7.7 Part 1 - *Audio of City Council & Budget Meeting dated 12.10.18*, at 2:49:47.

¹⁸ Record-002457, Part 7.8, Part 2 *Audio of City Council and Budget Meeting dated 12.10.18*, at 8:18-8:42.

¹⁹ Salem City Council Rule 19(3)(A, B): "The applicant has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria."

²⁰ See, Greenlight Rpt 7/28/20 p.6.

²¹ See, Greenlight Rpt 7/28/20 pp.3-9.

220.005(f)(3)(B) & (C).²² PacTrust has instead tried to invent its own legal criteria for this statute, claiming that the only required traffic analysis is of roads:

[t]hat provide ingress and egress and that are directly related to the site transportation systems that are internal to the site and that are immediately adjacent to it that provide ingress and egress and that are directly related to the site.

Remand Request, p.19. That is not what the Code says. And the Request illuminates no further on what distance from the site itself traffic impacts should allegedly be measured, or what intersections, or what effects on traffic flow, delays, impacts on neighborhood streets or other traffic impacts might be “directly related to the site.”

As the LUBA Opinion affirmed, “ORS 197.829(1) requires LUBA to affirm a local government's interpretation “of its comprehensive plan and land use regulations.” The Council can and should apply its Code to traffic impacts in a way that fully applies the requirements of SRC 803.015; SRC 803.035; and SRC 200.055 as it would to any other application. The consequences for failing to do so could be severe. The City would likely see every developer make the same arguments, and seeking the same exemption.

Even if one were to assume that the now outdated Kittelson TIA is accurate (which the multiple reports from Greenlight show is not the case), the TIA still puts two key intersections at the outer edge of Salem's mobility standards. The Salem Transportation Plan Policy 2.5(2)(c) mandates that traffic impacts from a new development must be mitigated to result in a level of service (LOS) D or better.²³ Even the applicant's TIA shows that the Kuebler Boulevard/Battle Creek Road intersection will reach a v/c of .90, and the 1-5 SB/Kuebler Boulevard intersection will operate at a v/c ratio of 0.85 during the weekday PM peak hour.²⁴

That means that the Kuebler Boulevard/Battle Creek intersection is certain to fall below Salem's LOS D, to LOS E (or worse), and has not been mitigated for.²⁵ Equally unacceptable and unmitigated for is the critical 1-5/Kuebler Boulevard intersection.

²² “(B)The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately; [and] (C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians;”

²³ See, Salem Transportation Plan, at Street System Element 3-3.

²⁴ See, TIA, Figure 11, Record-007170.

²⁵ According to the Salem Transportation Plan, Level of Service E, meaning v/c levels of .88 to .99 is approaching capacity, and means congestion “[a]pproaching Capacity Deficient” with “one or more of the following: reduced speeds, restricted freedom of movement within the traffic stream, and long waits at signalized intersections.” Salem Transportation Plan, Section 3-12-Street System Element.

There the applicant did not even map the intersection accurately, and it failed to factor in a major development already underway nearby. The best case scenario is full saturation of these nearby intersections - and that is if the TIA is accurate, but as the evidence shows, it is not.

The Trip Generation of Costco and the proposed Costco Gas Station is also not supported by evidence as they are not based on the ITE Trip Generation Manual.²⁶ This violates Salem's Administrative Rule 109 -13 006-6.33(h).²⁷

Kittelson has now finally provided some evidence of its Trip Generation numbers in a recent Memo.²⁸ However, as the updated Greenlight Report points out, the data is from 2005 around the current Salem Costco site, rather than data from three to five local sites as industry and City of Salem standards require.²⁹

Kittelson has also given conflicting stories on where these numbers come from and how they are generated. In its Memo of August 9, 2018 (Record-006817-007055), Kittelson makes a point of claiming that its trip generation based on Costco sites is not tied to the square footage of the warehouse building.³⁰ Then in its Memo of November 29, 2018, and in the current Memo, Kittelson does precisely that - it uses the square footage of the proposed warehouse multiplied by a trip rate - to calculate total daily trips.³¹

Moreover, notably absent from that calculation (based on square footage of the warehouse) is any accounting for the massive transportation impacts of the 30 pump fueling station, more than twice as many as were at the current Salem Costco in 2005.³² By contrast, the ITE Trip Generation Manual makes correlations between fueling positions and trips generated. Costco has still never given a plausible rationale for not following the ITE Manual as the law requires.

Another area where the TIA lacks evidentiary support is in calculating growth

²⁶ Greenlight Rpt 12/10/18 at Record-002222.

²⁷ "[t]rip generation for the proposed development shall be estimated using the most current version of the Institute of Transportation Engineers (ITE) Trip Generation Manual. For land uses not listed in the ITE Trip Generation Manual, studies for similar development in similar regions may be used upon approval by the City Traffic Engineer."

²⁸ Kittelson and Associates Memorandum of June 6, 2020, addressed to Tony Martin, City of Salem.

²⁹ See, Greenlight Rpt 7/28/20.

³⁰ Record-006819.

³¹ Record-004070 (Table 1).

³² Greenlight Rpt 7/28/20 p.10.

rates. The TIA uses a 1 % growth rate for regional traffic without reference or citation to any source.³³ This is despite the requirement in SAR 109-006-6.33(9) that "[b]ackground rates shall be based upon the Mid-Willamette Valley Council of Governments Transportation Model." ("MV\1\CGTM"). The Greenlight Report included analysis based on data obtained from the source that the Code requires and calculated that:

[G]rowth on Kuebler Boulevard between 1-5 SB/Kuebler Boulevard and Kuebler Boulevard/27th Avenue is anticipated to be approximately 1.8% per year from 2010 to 2035 with weekday PM peak hour link volumes of 2860 and 4495 vehicles per hour ("vph"), respectively.³⁴

SAR 109-006-6.33(g) also requires that trip distribution is based on MV\1\CGTM data, and "If model data is not available ... trip distribution shall be determined by the City Traffic Engineer." The TIA ignores this, stating that its data came from "historical Salem Costco sales data and examination of site access, parking layout and site circulation."³⁵

In general, to meet City Code, any Transportation Impact Analysis requires horizon year analysis periods of the year of opening and "the year of opening each phase" for multi-phase development.³⁶ The Site Plan submitted by PacTrust shows areas marked "Future Phase."³⁷ Yet there is no projected year of opening for those future phases in the TIA.

The TIA instead identifies 2019 as the year of opening for the first phase of development.³⁸ Clearly that is not accurate, and to approve a TIA that has such utterly unrealistic assumptions would be grave error. The current TIA is plainly completely outdated. The Council should reject the proposed Site Plan unless or until a revised and updated TIA that meets Code is submitted.

The intersection study area presented in the TIA does not remotely follow City Code requirements. Many additional intersections are required for analysis in order to comply. See Greenlight Rpt 12/10/18 pp.5-7 and Greenlight Rpt 7/28/20 at pp.2,7,8 & 13. City staff indicated that the study area should be the same as the 2006 Zone Change TIA. However, critical intersections were actually omitted from the Site Plan

³³ Record-002227.

³⁴ *Id.*

³⁵ Record-007615.

³⁶ See, SAR Table 6-33.

³⁷ Record-007588.

³⁸ Record-007106.

TIA. *Id.* The City Council should require that all the intersections mandated by the Code to be evaluated are included in an updated TIA for the project.

PacTrust characterizes the application of SRC 220.005(f)(3) and SRC 803.015; SRC 803.035 in the Site Plan approval process as a “collateral attack” on traffic studies done for the 2007 rezone decision. Request, p.23. PacTrust cites *Graser-Lindsey v. City of Oregon City*, 74 Or LUBA 488 (2016), *aff’d* 284 Or App 314 (2017). The problem is, that PacTrust is conflating a regional transportation system plan (the “TSP” referred to by PacTrust) by Metro, with its own TIA done for the 2007 rezone. That is an inapt comparison, but it is also a deflection from the specific requirements of the UDC for a **Site Plan** which is what PacTrust is applying for approval of.

The two TIAs were done by PacTrust at different times for different purposes, and were necessitated by different legal requirements. There is no direct relationship between them such that enforcing the requirements of the UDC for this Site Plan could be a collateral attack on the previous decision.

The Zone Change TIA was based on the assumption of a 2009 buildout.³⁹ The requirements for a TIA for a zone change and the requirements for a TIA for Site Plan review are independent and distinct. See Greenlight Rpt 12/10/18 p.6 and Greenlight Rpt 7/28/20 at pp.3-8. In fact, PacTrust implicitly admitted that. If all traffic impacts had been analyzed in 2007, and it did not need to follow the SRC provisions requiring and governing the Site Plan TIA, PacTrust would never have spent money having Kittelson do a Site Plan TIA. But they did.

An updated report from Greenlight Engineering evaluating the latest version of the TIA and responding to the latest Kittelson Memo is attached. Please refer to it for full details of the many problems with the applicant’s current TIA and the many areas where that analysis does not meet Code and/or industry standards.

2. Heritage Trees

As noted, the LUBA Opinion affirmed that the City is within its rights to enforce SRC 808.030(a)(2)(L).⁴⁰ PacTrust wants to re-litigate this issue, claiming that the City may not apply its Tree Protection Ordinance in this case. Request at pp.2-4. Incredibly, PacTrust and Costco make the exact same argument now that the LUBA panel already rejected, and from which PacTrust/Costco did not appeal. See, Request, p.9 and p.17.⁴¹ However, the LUBA Opinion was unequivocal that the 2007 Rezone Decision

³⁹ Record-003663.

⁴⁰ LUBA Opinion Slip Op *29.

⁴¹ “With respect to the existing oak trees, the City Council was plainly aware that the conceptual plans for the 2007 Decision illustrated a retail shopping center that would require not only the eight oak trees to be removed, but also approximately 70 other trees. With that knowledge, the Council found that there were no significant natural resources that would be impacted the

has no bearing on the enforcement of these Site Plan code provisions:

Next, Costco argues that the city's conclusion-that removal of the trees is not "necessary"-is an impermissible collateral attack on the 2007 Decision. That is so, according to Costco, because during the proceedings that led to the 2007 Decision, PacTrust provided a conceptual diagram showing the shopping center layout if the comprehensive plan amendment and zone change were approved, that is almost exactly identical to the proposed site plan. Costco argues that the city council failed to require the preservation of any white oak trees in the 2007 Decision and accordingly, may not require it now in this site plan review proceeding. The city responds, and we agree, that **the 2007 Decision considered different criteria and was not required to consider SRC 808.030(a)(2)(L), which applies only to site plan review, or any other site plan review criteria. The city's decision applying SRC 808.030(a)(2)(L) in this decision is not a collateral attack on the 2007 Decision.**

LUBA Opinion Slip Op pp.*28-9 (emphasis added). PacTrust and Costco should give up whipping this proverbial dead horse.

Despite the Code requirements on trees, PacTrust and Costco now assert that "PacTrust is entitled to have its site plan review application approved without any requirement or condition that it implement measures to avoid impacting the trees."⁴² That is precisely what LUBA held was not the law.

Essentially, PacTrust argues that it is entitled to do whatever it pleases, and that the Site Plan Review standards **must** conform to PacTrust's choice of design, rather than the other way around. That makes no sense. As outlined in the next section, PacTrust has a vested right to build a shopping center, but that shopping center still has to comply with the Site Plan Code provisions. In approving the Rezone, the City did not waive all subsequent Site Plan review. PacTrust, like any other applicant, must meet the Site Plan requirements.

Any suggestion by the PacTrust that ripping the Oregon White Oaks out of the ground is not "removing" them is absurd.⁴³ It should not receive serious consideration. Playing semantic tricks that stretch the written law beyond recognition will not change the fact that to be "moved" and transplanted, the trees will still have to be "removed" from the site. The fact that they **may** in theory be potentially transplanted somewhere

proposed development."

⁴² Request, p. 3.

⁴³ See, Request, p.5.

else (if they are not killed during the removal) means nothing.

If this fanciful transplant argument can be taken seriously, what is to stop the trees from being transplanted to another city or another state? PacTrust has not provided a description for how its 'Through the Looking-Glass' interpretation⁴⁴ of the Tree Code would work.

What PacTrust is really doing, is trying to unilaterally amend the Code. PacTrust has imagined a world in which a 200 year old oak trees can be ripped out of the ground, transported, and replanted - though with "no guarantee of survival"⁴⁵ - and yet that does not constitute "removing" the trees. The Council should apply the Code as it has previously interpreted it in this case, and insist the PacTrust submit a proposal that complies with the Site Plan and UDC if it wants to develop its shopping center on this site.

PacTrust has a myriad of reasons why it is impossible to preserve the Heritage trees in its Exhibit A, *Salem tree retention site plan options*. PacTrust has been quite creative in coming up with different ways to show that keeping the trees just won't work for them. The problem is they all start from the premise that the Costco and the fueling depot and the surrounding parking lots have to be the size that PacTrust wishes them to be. If PacTrust had applied that creativity to designing a slightly smaller store, or a smaller fueling depot, or having less parking, it likely could have solved the problem of complying with the Tree Code.

Instead of stubbornly insisting the trees have to go, PacTrust (or Costco if PacTrust refuses to do it) could certainly by now have designed an elegant solution that treats these historic trees as an asset to its development, rather than pests. Perhaps PacTrust could design something humane and pleasing for this site - like the Orenco Station development it is fond of promoting and that it represented to the Council during the Rezone was what it intended for the site.⁴⁶

It is up to Costco and PacTrust to submit a Site Plans that respects and conforms to the Code, rather than to stubbornly insist they don't have to follow the same rules that every other developer does. The City Council should insist that they do so, and should

⁴⁴ "When I use a word," Humpty Dumpty said, in rather a scornful tone, "it **means just what I choose it to mean**—neither more nor less." L.Carol, *Through the Looking-Glass* (Raleigh, NC: Hayes Barton Press, 1872), ISBN 1-59377-216-5, p.72 (emphasis added).

⁴⁵ Request, p.5.

⁴⁶ Perhaps the PacTrust Architect, Ken Grimes, who once touted Orenco Station as a model for this site - "Buildings would be a mix of brick and stucco with parapets to screen rooftop equipment. At Orenco Station, canopies and awnings announce entries and provide rain protection, presenting a friendly pedestrian environment." Record-002214 (Transcript of May 2007 City Council meeting) - would enjoy trying to design something like the charming development he described, rather than a hulking Costco and 30 pump fueling depot that will brook no existing natural features.

not approve any plans until they meet all relevant provisions of the Tree Protection Code and the rest of the UDC.

3. Vested Rights

To begin with, Mr. Miller, Mr. Dalton and Ms. Meisner acknowledge – as they have throughout - that PacTrust has a vested right to a community shopping center. That shopping center can be up to 240,000 square feet GLA, or 299,000 on the combined 28.4 acre site – **as long as that shopping center complies in all respects with** the UDC, Salem’s Comprehensive Plan, and other applicable laws, rules, and regulations.

PacTrust correctly points out that the LUBA Opinion did not decide on how the City’s UDC interfaces with its vested right. Request, p. 2. That is for the City Council to decide in this Remand. The Council should confirm that the vested rights from a Rezone, and Site Plan requirements must still be met.

On one hand, PacTrust acknowledges that the UDC properly regulates the physical characteristics of the development. Request, p.3. But then PacTrust goes off of the proverbial rails, and essentially claims that even if their proposed Site Plan violates the UDC, that doesn’t matter, because anything other than the project that PacTrust has now proposed isn’t “economically viable.” Request, p. 4.

That is what PacTrust’s argument really boils down to. PacTrust claims that **whatever** it proposes up to 290,000 GLA it has a vested right to do, and that any provisions of the UDC that cramp its proverbial style in any way effectively snatches away that vested right - because anything other than exactly what is now proposed is allegedly not economically viable. This childish and truculent approach could remind one of the situations where a toddler wants candy, but when an adult declines, the toddler throws a tantrum and threatens to hold its breath until it turns blue.

In addition, PacTrust takes this position despite a nearly complete lack of evidence in the Record on the economic viability of various other ways of developing this property. How is a slightly smaller store, or a slightly smaller fueling depot, or fewer parking spaces, completely unviable economically? Just saying that is the case does not make it so.⁴⁷

Nothing in the LUBA Opinion or Court of Appeals case in this matter, or any Oregon case law, requires that a local government suspend its development regulations simply because a developer has obtained a rezone and has a vested right to develop a property for a type of use allowed in that zone. To the contrary, the LUBA Opinion made that quite clear that was not the case.

LUBA ruled that the City had **properly applied SRC 808.030(a)(2)(L) in deciding on the Site Plan**. If what PacTrust is urging were true, once PacTrust had

⁴⁷ See footnote #44, *supra*. quoting Humpty Dumpty.

spent the money to do the required infrastructure mitigation for its Rezone impacts, it could proceed with impunity, ignoring the UDC. That makes no sense, either legally or from a policy standpoint.

Moreover, in a spectacular bit of revisionist history, PacTrust has apparently convinced itself – and it asks this Council to believe - that it actually submitted a Site Plan for this development that met the Site Plan Code as part of the 2007 Rezone process, and it is now injured because:

[t]he City never suggested that it might in the future adopt a different interpretation of its code foreclosing development consistent with the conceptual site plans presented in the 2007 proceedings because of the oak trees that it was fully aware could not remain.

Request, p. 11-12. That fantasy doesn't square in any way with the Record. The Staff Report for the Comprehensive Plan Change/Rezone, CPZ/ZC 06-6 states on page 8:

A site plan is not required as part of a Comprehensive Plan Change/Zone Change application, and **the applicant did not submit a site plan of the property** that would show proposed use(s) within its boundaries.

Record-003706 (emphasis added).

PacTrust cites to *Graser-Lindsey v. City of Oregon City*, 72 Or LUBA 25, 34-35 (2015). While it is a bit difficult to pinpoint what part of the case PacTrust is actually relying on - since they cite to pages 34-35 and the Opinion appears to have only 26 pages - what is referred to in the case is a Site Plan that was approved based on a rezone that was granted while a Road Concept Plan was not in force, having not yet been re-adopted. 72 Or. LUBA at 13-14. Challenging the project under the requirements of the Road Concept Plan was deemed a collateral attack, because the rezone went unchallenged for the failure to conform to the Road Concept Plan. The relevance of that holding to the matter at hand is difficult to discern.

The challenges to the project at hand are directly linked to the provisions of the UDC at the time PacTrust submitted its Site Plan. That is not something that was done or reviewed as part of the approvals made in Rezone CPZ/ZC 06-6.

PacTrust has the right to build a community shopping center of up to the maximum square footage GLA that the zoning change permitted, **provided** it does so under a Site Plan that conforms to the UDC. If PacTrust can summon up the wherewithal to submit such a Site Plan, the City should approve it. So far PacTrust has not done so. Given that, the Council should again reject the Site Plan that has been tendered as not in conformance with City Code.

CONCLUSION

It is one thing to allow a developer to exercise a vested right to develop a site for a use that it has been approved for on a particular parcel of land. It is quite another to suspend clearly stated standards in the UDC simply because that developer throws a proverbial tantrum and files a baseless lawsuit because it didn't get to build exactly what it wanted.

The LUBA Opinion made clear that Salem could enforce its Heritage Tree Protection ordinance and address traffic impacts under the UDC. Yet PacTrust still refuses to accept those binding legal conclusions.

The Council should resist this most recent attempt by PacTrust/Costco to bully it into approving a sub-standard proposal. PacTrust may have spent some money on the roads in the area, but so has the City. To allow those improvements to be rendered pointless by approval of a project that does not meet Code would be pointless.

It cannot be said too often that **it is the applicant's burden** to submit plans that **comply with the law** and to supply verifiable evidence showing that that is the case. When or if PacTrust submits a Site Plan that conforms with the UDC, the Council should by all means approve that Site Plan and allow PacTrust to exercise its vested right to build a shopping center in conformance with the Code.

Until then, the Council should send PacTrust and Costco a clear message – comply with the Code, and we will approve your project. Until then, your Site Plan will continue to be denied.

Sincerely,

/s/ Karl G. Anuta

Karl G. Anuta

C: Clients

Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Tuesday, July 28, 2020 11:05 AM
To: Planning Comments
Subject: FW: Public Comment for the PacTrust/Costco Project

From: Curt Arthur <curt.arthur@svn.com>
Sent: Tuesday, July 28, 2020 10:58 AM
To: citycouncil <citycouncil@cityofsalem.net>; CityRecorder <CityRecorder@cityofsalem.net>
Subject: Public Comment for the PacTrust/Costco Project

Mayor Bennett and members of City Council

I would like to publicly state my reasons for support of the proposed PacTrust/Costco site at Battle Creek and Kuebler in South Salem.

- * I have to start with the obvious that no one is addressing. The primary opponent to this development has a long and public history of opposing ANY development on this site that everyone is forgetting. Salem Clinic's proposed development of a medical center on this site over a decade ago met with Mr. Miller's wrath because it had the potential of blocking the view from his professional office across the street from the subject property. That battle led to the sale of this land to PacTrust.
- * The 2007 Comprehensive Plan Amendment and Zone Change, approved by City Council, allows for this use and this size to be developed on the subject property.
- * The opponent's two main arguments are traffic and the removal of white oak trees on the subject property.
 1. PacTrust has already invested over \$3,500,000 in traffic improvements to widen Kuebler and did that on their own accord prior to any mandates by the City. Their plans include an additional \$1,000,000 in traffic improvements. Even the city traffic engineer stated in March of this year "nearly all required mitigations have been constructed..."
 2. PacTrust has hired an arborist to relocate the white oaks in question and will be planting an additional 40 white oaks on the property.

PacTrust/Costco has done everything in their power to address the opponent's primary concerns.

- * Finally, everyone is losing sight of the fact that Costco's current location in Salem has ONE primary point for ingress and egress. The proposed site will have multiple points of ingress and egress dramatically improving the congestion compared to its current location.

Traffic to the current location is one of the reasons the intersection of Mission Street & 25th is rated an "F" grade intersection by the State of Oregon Department of Transportation and the primary reason the former Capital Auto Group site has not been redeveloped. The current site is under contract to sell to an owner/user that will significantly reduce the traffic on Mission Street, a fact no one is talking about.

PacTrust/Costco have done absolutely everything asked of them and should be allowed to relocate Costco to this site. It is also the best decision for our community.



Curt Arthur, SIOR | Managing Director

A licensed Principal Broker in the State of Oregon

Oregon License 910200259

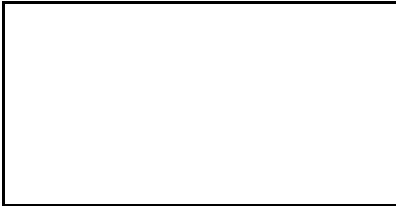
SVN Commercial Advisors, LLC

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Salem, OR 97302

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Team Members:

Heather Miller, Administrative Assistant (Heather.Miller@svn.com)

Tom Hendrie, Associate Advisor (Tom.Hendrie@svn.com)

Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Tuesday, July 28, 2020 1:23 PM
To: Planning Comments
Subject: FW: Proposed Relocation of Costco

From: Barb Arthur <barb.arthur@svn.com>
Sent: Tuesday, July 28, 2020 1:11 PM
Subject: Proposed Relocation of Costco

Dear Mr. Mayor and Councilors

I am submitting my support for the proposed Costco relocation to the PacTrust site in South Salem. The Comprehensive Plan and Zone Change approvals from 2007 allow for this development to happen. PacTrust has done everything in their power to address the opponent's primary concerns over both traffic congestion and the removal of trees by spending approximately \$4.5 million in road improvements and bringing in an arborist to relocate the white oaks on the property - and to plant 40 more.

It is the appropriate and just decision to approve the Costco relocation.

Sincerely,

Barb Arthur | Marketing & Operations
SVN | Commercial Advisors, LLC.
1665 Liberty Street S.E., Suite 200
Salem, Oregon 97302
Office Direct: 971.304.0689
Mobile: 503.949.6999
www.svnca.com

Shelby Guizar

From: Glenn Baly <glennbaly12345@gmail.com>
Sent: Tuesday, July 28, 2020 10:02 AM
To: Planning Comments; Aaron Panko; Lisa Anderson-Ogilvie; citycouncil
Subject: SPR-DAP18-15; REMAND - SGNA Comments
Attachments: SPR-DAP18-15 REMAND - SGNACommentsj.docx

Attached are SGNA comments on SPR-DAP18-15; REMAND. Please contact me with any questions.

Glenn Baly
Chair
South Gateway Neighborhood Association



July 26, 2020

Mayor & Council
City of Salem
555 Liberty Street SE
Salem, OR 97306

RE: Kuebler Gateway Shopping Center Remand Application (SPR-DAP18-15 REMAND)

Dear Mayor and City Council,

One of the South Gateway Neighborhood Association's missions is to protect and enhance the quality of life for residents of South Salem. The South Gateway Neighborhood Association (SGNA) has reviewed PacTrust's Remand Application and remains opposed to the development proposed as part of the 2018 Site Plan Review. SGNA feels that the Applicant has not met Site Plan Review criteria and the proposed development is inappropriate for the location and degrades residents' quality of life.

1. Massive Warehouse vs. Neighborhood Shopping Center

- This PacTrust property (CPC-ZC06-6) was rezoned in 2007 as a "Community Retail Shopping Center." The applicant made numerous assurances to citizens and the City Council that a neighborhood shopping center similar to their community center at Orenco Station would be developed. Instead, PacTrust is asking to build a massive warehouse and a 30-pump industrial fueling station that will draw customers from well beyond the vicinity, including Marion and Polk Counties.
- Even after numerous objections from the community (and proposed alternative designs) PacTrust/Costco refused to change their proposal and instead argues that the City must approve their Site Plan Review (SPR) based on the original zone change and money spent on improvement projects required under the zone change. The improvement projects in the zone change were based on the development of a "community shopping center" without any mention of gas dispensing pumps or a massive warehouse.

2. Traffic Issues

- The Traffic Impact Analysis (TIA) used with SPR-DAP18-15 is inadequate and fails to meet the requirement of a safe, orderly and efficient transportation system as required under SRC 220.005(f)(3)(B). The TIA methodology and assumptions are flawed and don't accurately address the traffic impacts from this project. An accurate TIA would clearly demonstrate that the oversized proposed development would cause the failure of multiple intersections resulting in an unsafe and gridlocked system well beyond the area adjacent to the site.
- The Site Plan Review TIA is 2.5 years old and based on standards used in the rezoning TIA from 2007. The City Council must request a new TIA that reflects conditions today and accurately evaluates the project's impact on traffic. We reference the traffic study on the project submitted to the City on July 10, 2020.

3. Tree Retention

- PacTrust doesn't adequately protect the Oregon White Oak trees on the site, which are significant and likely qualify for listing as heritage trees. It is our contention that the Applicant failed to seriously consider the necessary alternative site plans for preserving the Oregon White Oaks that would have avoided removal under SRC 808.030(a)(2)(L).
- The Oregon white oaks on the PacTrust property are 200-300 years old and form their own ecosystem. Transplanting these trees (as proposed by PacTrust) destroys the ecosystem and its highly unlikely they will survive. Any development on this property should protect the oaks and their ecosystem.
- The Oregon White Oaks could be saved if PacTrust considered alternative site designs with a resized Costco or even a neighborhood shopping center as originally promised.

5. Community Engagement/Public Hearing

- As a representative of the community surrounding the PacTrust property, SGNA has also based its public comments on community response since citizen involvement is Goal 1 of the Oregon Land Use Laws. Community residents have overwhelmingly expressed opposition to the Costco relocation and that the Applicant has not adequately engaged the public in the planning process for this proposal. Below are some examples:
- No public hearing direct testimony for residents is provided for interested parties (both opponents and proponents) to directly communicate with the City Councilors limiting engagement to written communication.

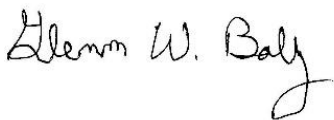
6. Recommendations

- The Council should reaffirm it's 2018 rejection of the PacTrust Site Plan proposal based on tree removal and require that a new design be submitted that preserves the Oregon white oaks on the existing property.
- The Council should reject the TIA submitted with the SPR and require that a new impact analysis be conducted based upon present conditions in the area according to the requirements of City codes.
- The Council and/or staff should push on PacTrust to offer a longer extension to the decision period so that a public hearing with direct testimony from the community is conducted.

PacTrust is attempting to fit a size "11 foot into a size '6 shoe with no regard for the negative impacts on the community either environmentally or traffic congestion. The City Council needs to reaffirm its rejection of the Site Plan Review proposal and request an appropriate-sized proposal that benefits the community.

Please contact me if you have questions or need more information. Thank you.

Sincerely,



Glenn W. Baly
Chair
South Gateway Neighborhood Association
glennbaly12345@gmail.com

cc:

Aaron Panko
City of Salem Planning Division
555 Liberty Street, SE
Salem, OR 97301

Shelby Guizar

From: Heather Cogar <faith.hope.love4us@gmail.com>
Sent: Tuesday, July 28, 2020 3:35 PM
To: Planning Comments
Cc: citycouncil
Subject: Costco/Pactrust Remand Application

Hello,

I am writing today to share my thoughts regarding the Costco/Pactrust Remand Application. I am hoping that the city council will be mindful of the community's perspective.

I live off of Boone Street, on a cul-de-sac with the only exit from my home onto Boone. One of the proposed driveways into/out of Costco would be almost exactly across from my street of Bow Court. I am highly concerned about the impact of the increased traffic to the area and my ability to even get out of my street, especially during Costco's operating hours of 10:00-8:30.

Here are a few of my specific concerns regarding traffic:

- a) Negative impact on the neighborhood community and access to our own homes.
- b) Need for an updated Traffic Study to evaluate the impact of the CURRENT traffic patterns and traffic volume, especially in light of the fact that Amazon has now opened their facility and Amazon vehicles/employees are using the Kuebler exit. The updated study needs to include the current 2020 zone changes.
- c) Another development appears to be happening up on the hill by the retirement center/freeway. There appears to be an access road being developed that will come out onto 27th, only adding to the traffic flow and volume issues. The size of Boone and 27th can not sustain that volume of traffic and have appropriate flow and access.

Additionally, there are old growth white oak trees which have been a part of this community long before construction of the area started. It seems ironic to say we are trying to build our community when we are destroying a piece of our community. The likelihood that the old growth oaks would survive a transplant when their root structures are so established is very low. The property can still be developed and keep the oaks in the places they have been standing for the last 300 years. My family had the understanding that a family neighborhood shopping center was going to be built on the location rather than an enormous big box store.

Lastly, the City Council needs to hold a public hearing, like was held last time a vote was completed. Based on the last public hearing the community is in support of Costco but NOT at the proposed new location on Kuebler. To not hold a public hearing and get the voice and input of the community is rather perplexing and causes me to wonder how come a hearing would not be approved. My hope is that the public's voice would be invited, especially in light of COVID and the need for our community voice to be heard.

Thank you very much for considering my thoughts,
Heather Bradshaw
5017 Bow CT SE
Salem 97306

Shelby Guizar

From: Victor Caballero <soyvictorcaballero@gmail.com>
Sent: Tuesday, July 28, 2020 11:22 AM
To: Planning Comments
Subject: Comments on Proposed Costco Kuebler Gateway Shopping Center

Dear City of Salem Planners:

I would like to comment on my family's opposition of the proposed new Costco on Keubler Blvd SE.

My family lives 0.7 miles from the proposed Costco and pass the Keebler Blvd SE and Battle Creek Rd SE intersection on a daily basis. Current traffic during morning and evening commutes is already terrible. Keubler Blvd is the only artery for South Salem to northbound Interstate 5 for Portland commuters. I've witnessed countless accident aftermaths in which the lines went out to the freeway. If a regional retailer is added like Costco, then thousands more vehicles will congest Keubler Blvd and traffic will be a nightmare, causing further accidents.

Please do not cave to corporate pressure and instead listen to your citizens.

Dear City of Salem Planners:

I would like to comment on my family's opposition of the proposed new Costco on Keubler Blvd SE.

My family lives 0.7 miles from the proposed Costco and pass the Keebler Blvd SE and Battle Creek Rd SE intersection on a daily basis. Current traffic during morning and evening commutes is already terrible. Keubler Blvd is the only artery for South Salem to northbound Interstate 5 for Portland commuters. I've witnessed countless accident aftermaths in which the lines went out to the freeway. If a regional retailer is added like Costco, then thousands more vehicles will congest Keubler Blvd and traffic will be a nightmare, causing further accidents.

Please do not cave to corporate pressure and instead listen to your constituents who already voiced our opposition in December 2018.

Sincerely,

Victor Caballero

Shelby Guizar

From: nacole cavette <nacolecavette@gmail.com>
Sent: Tuesday, July 28, 2020 10:37 AM
To: Planning Comments
Subject: Re: No Costco on Kuebler Blvd



[Boone Wood Estates No to Costco on Kuebler.pdf](#)

Please see the attached letter and signatures from residents in our neighborhood. Thank you for your consideration.

July 26, 2020

Salem City Council,

My name is Nacole Cavette and I represent myself and some residents of Boone Wood Estates. Let it be known that we vehemently oppose the addition of Costco on the land located between Kuebler Boulevard and Boone Road Southeast.

I moved into our neighborhood with understanding that Costco would NOT be constructed on the land across the street. Our neighborhood is small, our children ride bikes and skates around the neighborhood, racing up and down the street, they eat popsicles sitting in front yards and throw water balloons. We take walks with our families and dogs, work in our yards and give each other friendly advice. It's a quiet, safe and family-centric environment. The introduction of a Costco would drastically change the entire area, as well as our current way of life.

The area around Kuebler is already busy with commuter traffic and freeway bound travelers, with the addition of hundreds of vehicles destined for Costco, efficient movement would be unmanageable with the provided infrastructure. Plus, with the massive influx of traffic to the area it is inevitable that our small two cul-de-sac neighborhood would be a turn around for vehicles and those speeding on the long straight stretch of road as they try to avoid long lines and waiting at stoplights. I can see it now, can you? Children in our neighborhood and the surrounding neighborhoods would no longer be safe to play outside! Costco is unsafe for a residential area.

In addition to safety, we're concerned about air quality, again with the considerable increase of traffic, there would be an unlimited amount of automobile emissions from commercial and private vehicles and gas fumes from the fueling station polluting the air we breathe while taking evening walks with our families and dogs, watering our gardens and bar-b-queing in our backyards. Costco creates air that is unclean for our residents.

Furthermore, the noise from vehicles at all hours of the day and night, deliveries, refueling; the sounds of birds and insects would be replaced with engines revving, screeching of brakes, horns and banging of metal. Costco is too loud for a residential area!

Do we want our quiet family neighborhood, replaced with an environment of danger, intrusive traffic, unclean air and awful noise? NO THANK YOU! A Costco does not belong in a residential area. We say no to industrializing our neighborhood, we say no to Costco.

Sincerely,

Residents of Boone Wood Estates (please see undersigned)

Nicole Cavette
Dustin Cavette
2767 Mia Ct SE
Salem, OR 97306
N. Cavette
H H

AMARNATH CHAKRAVARTHY
2766 BAILEY JEAN CT SE
SALEM - OR - 97306
a. chakr

Nicole Rodriguez
Isaac Rodriguez
2788 Bailey Jean Ct SE
Salem OR 97306
~~Nicole Rodriguez~~
Isaac Rodriguez

Sheila Rightmer
2757 Bailey Jean Ct NE
Salem OR 97306
S Rightmer

Julie Torres
5074 27th Ave SE
Salem, Or. 97306
Julie Torres

Lin Li
5014 27th Ave SE
Salem OR 97306
Lin Li

Shawna Smith
5050 27th Ave SE
Salem OR 97306
Shawna

Joseph D
5026 27th Ave SE
Salem 97306

Brian Smith
4098 27th Ave SE
Salem, OR 97306

Svetlana ARIVUNYAN
2776 Mia Ct S.
Salem OR 97306
Svetlana

Jenny Oswald
2752 Mia Ct SE
Jenny Oswald

Alejandro Arevalo
2722 Bailey Jean Ct SE
Salem, OR 97306

Amber Wilson
2740 Mia Ct SE
Salem, OR 97306
~~Amber Wilson~~

Laura & Andy Schmidt
5038 27th Ave. SE
Salem, OR 97306

 Laura Schmidt

Claudia Mendoza
2722 Bailey Jean Ct SE
Salem, OR 97306

Shelby Guizar

From: Kathryn Chambers <abbykats@hotmail.com>
Sent: Tuesday, July 28, 2020 12:30 PM
To: Planning Comments
Cc: citycouncil
Subject: Costco Development

We implore the City Council and Planning Commission to reject the Costco development.

The developer deceived the Salem

Community and continues to pursue this development out of pure greed with no regard for our quality of life.

Tree Retention

- About 96% of oak habitats have been destroyed. The Oregon white oaks on the PacTrust property are 200-300 years old and form their own ecosystem. Transplanting these trees (as proposed by PacTrust) destroys the ecosystem and it's highly unlikely they will survive. Any development on this property should protect the oaks and their ecosystem.

Neighborhood Shopping Center

- If PacTrust fulfilled their original promises and built a neighborhood shopping center like Orenco Station in Hillsboro the white oaks could be saved and the traffic impact would be appropriate for a development of this size. hold a public hearing with direct testimony from residents so that all voices are heard on the Remand Application since residents cannot directly communicate with their City Councilors due to *ex parte*.

Kathryn Chambers
2360 WINTERCREEK Way SE
Salem, OR. 97306

Shelby Guizar

From: Rick Cornish <cornishrick@msn.com>
Sent: Tuesday, July 28, 2020 4:06 PM
To: Planning Comments
Subject: Case SPR-DAP18-15

City Council members:

After reviewing the materials in the Remand of the Kuebler Gateway Shopping Center case, my opinion as a long-time resident of Salem is PacTrust definitely has a vested interest and should be allowed to develop a Costco store on the site according their site plan. The 2007 zone change adequately laid out conditions for development and the City needs to follow through as the process is supposed to work.

This follow-through is necessary to preserve the integrity of the land use process, and not let it bend back and forth. Businesses need stability and faith in the land use process to plan for growth and viability. Statements by LUBA to correct the mis-directed December 2018 Council denial helped to "right the ship" and now the Council should approve the development.

Thank you for the opportunity to comment.

Rick Cornish 4160 Chambers Ave., S. Salem, OR 97302 503-510-4035 cornishrick@msn.com

July 28, 2020

Dave Wilson

[REDACTED]

Salem, Oregon 97302

Aaron Panko, Planner III

City of Salem Planning Division

555 Liberty Street SE, Room 305

Salem, Oregon 97301

Emailed to: planningcomments@cityofsalem.net

RE: CASE # SPR-DAP18-15; REMAND

Dear Mr. Panko,

I am in writing to request that Costco be denied to build at this site. Please consider:

1. White oaks have preference for protection here in Salem. They even have their own spot on the City of Salem Tree Conservation Plan Application.

How many Oregon White Oaks 24" or more dbh are proposed for removal?

2. Costco is currently not maintaining the land. They are allowing tansy ragwort to grow and multiply on the land.



A row of white oaks is seen at the proposed site of a Costco near Kuebler Boulevard and Boone Rd SE, in Salem, Oregon, on Tuesday, July 21, 2020. Residents in the area and South Gateway Neighborhood Association fear losing the ecosystem that the white oaks live in, and increase traffic in the area. (Photo: BRIAN HAYES / STATESMAN JOURNAL)

3. The Oregon white oak trees would likely not survive a move.

Oak tree habitat becomes an issue

John Miller, owner of nearby Mahonia Vineyards & Nursery, said the trees are about 200 to 300 years old.

Since Europeans arrived in Oregon, about 96% of oak habitats have been destroyed, he said.

Over the years, Miller has successfully transported trees with diameters up to 12 inches. The trees on the proposed Costco site are two to three times that size.

A move would most likely kill the trees, he said.

The collection of trees, known as an oak savannah, is home to woodpeckers, native plants and native grasses.

"Oaks are a symbol for Oregon and the Willamette Valley," he said.

4. The proposed site does not have the same infrastructure the current site does. Mission has up to eight lanes right in front of the current store. Driving Kuebler was painful before the recent upgrades, yet, heading west from the freeway exit during rush hour is stop and go for two miles. And this is before Costco and the development that is currently happening at the freeway off-ramp.
5. Developers constantly promise to protect the trees on site. I can't tell you how many developers promise to save the trees on-site, and then let heavy equipment drive over the roots, leading to the demise of many trees.

Please deny Costco's request to relocate to this location.

Thank you for your consideration.

Best regards,

Dave Wilson

Shelby Guizar

From: daltfam@comcast.net
Sent: Monday, July 27, 2020 6:07 PM
To: Planning Comments
Subject: FW: PACTRUST/COSTCO 'REMAND' - CASE # SPR-DA18-15
Attachments: COSTCO REMAND TESTIMONY - WBD 7-27-20.docx

From: daltfam@comcast.net <daltfam@comcast.net>
Sent: Monday, July 27, 2020 5:08 PM
To: planning comments@cityofsalem.net
Subject: PACTRUST/COSTCO 'REMAND' - CASE # SPR-DA18-15

Attached please find my input/"Testimony" regarding the recently submitted and modified Site Plan Proposal from PacTrust regarding its proposed development of the Commercial Property on Kuebler Boulevard, west of 27th Avenue.

Thank you.

Sincerely,

William B. Dalton
6619 Huntington Circle SE Salem, Oregon 97306
(503) 371-4174
daltfam@comcast.net

TO: City of Salem

FROM: William B. Dalton

RE: Costco / PacTrust Remand Application – **Case # SPR – DAP 18-15**

DATE: July 27, 2020

I am submitting this testimony in response to the reconfigured PacTrust Proposal submitted in June (2020), regarding the Case noted above (development of Commercial Property on Kuebler Boulevard).

When the City and the involved Neighborhood Associations held meetings regarding the original 2019 Proposal submitted by PacTrust for utilization of the land re-zoned by the City in 2007, there were numerous major concerns expressed. Despite the positive feelings attendees generally had about Costco itself, of the approximately 90 testifiers (from among 250+ attendees) -- 85% noted concerns regarding **TRAFFIC** (on Kuebler, especially at the impacted intersections; at the Kuebler- I 5 interchange; and resulting 'cut through' traffic in adjacent neighborhoods...); over 50% expressed disappointment/dismay at PacTrust's **significant departure from the plans proposed in 2007** as part of the rezoning request (i.e., "*neighborhood shopping center*"; no "*warehouse/big box*"; "*no gas station*"); and over 15% specifically supported **protection of the current grove of (largely...) white oaks**.**

Interestingly (particularly in light of PacTrust's specious lawsuit against the City...), no one suggested that there should be no commercial development of that parcel.

Notably – and disappointingly – the “revamped” PacTrust proposal does not effectively address nor ameliorate ANY of these major concerns:

- .. The *footprint* of the proposed commercial development remains largely as was originally proposed;
- .. The major ‘anchor’ *is still Costco*, a major *regional warehouse* store;
- .. The proposal to save at least some of the original white oaks, based on the *transplanting of these large-mature trees*, is a symbolic effort likely doomed to eventual failure (tree death) by reality; And
- .. A *gas depot (with 30 fueling stations)* remains an integral part of the Proposal.

In addition, of grave concern, is that in addressing the critical issue – that of **traffic impact** – **BOTH PacTrust and Salem City Staff still choose to use both overtly outdated- and misleading-- study data**. [Worthy of Note: Some of these City Staff are the same ones who failed to ‘memorialize’ PacTrust's initial commitments in the “Conditions” under which the 2007 Re-zone was approved... .]

The above is an effort to judiciously summarize hours of testimony and notebooks of data, studies, and information – already available to you and City Staff. If further elaboration or clarification is needed or would be helpful, I urge you to reopen Public Hearings (a request recently denied by City Staff).

Otherwise, I join a multitude of citizens – especially those in South Salem - **in requesting that you deny the (i.e., very modestly...) revised Site Plan/Proposal submitted by PacTrust in response to the Court's “Remand”**.

Thank You for your consideration.

Sincerely,

William B. Dalton -- 6619 Huntington Circle SE Salem 97306

**NOTE: Figures based on personal notes/summaries of Testimony taken at two neighborhood community meetings (Fall, 2018) and a Public Hearing before the City Council (December 2018).

JUL 28 2020

To: Aaron Panko, Planner III
City of Salem Planning Division
555 Liberty Street SE, Room 305
Salem, OR 97301

COMMUNITY DEVELOPMENT

From: Dr. Karen Eason and Dr. Jackie Rice
2411 Wintercreek Way SE
Salem, OR 97306 (hiddenecreek3@gmail.com)



Re: Costco Remand, Case # SPR-DAP18-15

Dear Mr. Panko:

We were part of the very passionate group that attended the December 2018 City Council meeting to oppose the construction of a Costco store in our neighborhood. Anyone who was part of that meeting could sense the strength of the opposition by seeing the numbers of opponents who attended and by hearing the objections voiced by many in attendance. One of us spoke for both of us at that meeting. Besides the group that filled the Council Chambers and overflow room, there were 944 people who had signed a change.org petition prior to the meeting opposing the Costco construction. The feelings of all of those opponents have not changed. We all still strongly oppose placing a Costco in a residential neighborhood. Someone at the time used the analogy of putting a semi truck in a car parking space. It still is very appropriate. At the time of that meeting, the City Council listened to those voicing their concerns and acknowledged the inconsistencies in what had been requested by PacTrust and what they actually were doing. The Council made the right decision by voting 5-3 to turn down the PacTrust/Costco proposal. The City Council is now having to review that decision. We are asking that the Council stick by its decision for the sake of the neighborhoods surrounding the proposed construction, for the quality of living in Salem, and for holding PacTrust responsible for misrepresentations to the City. Although some of the promises that PacTrust made were not written in documents at the time, there are enough people who heard their pledge of using that land for community shopping and services that they should be held to their given reason for requesting a change from residential to commercial use in 2006/2007. It is very clear that if they would have been making the request for the reason of building a huge box store at that time (instead of saying that they would not do that), they would have been turned down flat. They should now not be rewarded for misleading the City when they requested that change. It, also, begs the question of, if they wanted to build a regional shopping center, why didn't they buy land right next to the freeway or in an industrial area (like on Cordon Rd. across the area from the Kubler exit) instead of buying land in a residential area (and then, working to get that land re-designated to fit their commercial plan)?

The current documents talk about evaluation of 4 key factors relating to Vested Rights. PacTrust has brought up repeatedly the fact that they have spent over \$3 million dollars on transportation improvements. One of these key factors talks about whether the expenditures have any relationship to the project or could they apply to other uses of the land. If PacTrust were to develop the land as originally promised (community or neighborhood center), they would, also, need to make the kind of changes they supposedly have made to service that type of development, so it is not like the improvements they have made would be for nothing. Another of the key factors related to Vested Rights has to do with the good faith of the landowner in making the prior expenditures. This, also, brings to mind the question of why they would make the expenditures before they had final approval? Were they "counting their chickens before they hatched" and/or were they assuming if they went ahead and spent the money, they could use it as leverage to get final approval (which they are trying to do now). Either way, the expenditures they have made to this point are necessary for whatever development they make on that land (neighborhood based center or a Costco—would have to do more than have done for either of these types of developments). It appears that it would be stretching the

“good faith” factor if they have misled the City and neighbors to the area to be developed about their intent for use of the land.

I will briefly touch on some of the other main points against building a Costco at the proposed site.

- WHITE OAK TREES- These should not be removed. They are very old, special trees that will not live if they attempt to move them; and, they most certainly will not equitably be replaced by planting new trees of any type. The Land Use Board has agreed that they need to stay.
- TRAFFIC- (1) Their traffic analysis is flawed—many more vehicles would be using Kuebler, Battle Creek, 27th, Boone, and the surrounding streets that cut through than they have indicated, (2) Numerous people who live in South Salem are commuters who get on I-5 to go to work and get off I-5 on their way home. It is already overcrowded during those times and the drive time of those individuals would be significantly impacted by the huge number of additional vehicles in the area. (3) Not only would the main streets be impacted, but side streets in the neighborhood would become heavy traffic areas. (Example, we live across from the proposed development area on the corner of Battlecreek and Boone. We live in Woodscape Glen, which has only one way out. That entrance on Boone is difficult to use at certain times of the day now, because people use back streets to avoid Kubler congestion. Imagine how much worse that would be, if people are trying to avoid the extra Costco traffic on Kubler). Other streets beside ours would be equally disrupted. Our quiet, casual neighborhoods would be changed drastically. (4) They think traffic is a problem at the current location; there would be more of a backup on Kuebler, Battle Creek, 27th, and Boone than the current location, if the Costco is allowed to be placed on the proposed site.
- NOISE-The noise from the cars going to the store and from the delivery trucks would be constant and would definitely alter the quality of life of those anywhere near the site.
- MEMBERSHIP- Costco is a membership business. Many seniors and small families don't need/want items in the large bulk amounts they sell. So, if you don't need/want a Costco membership, that business is taking up a big space in the neighborhoods near it, with many negative side effects and no benefits to those neighbors (unlike what a neighborhood center would provide).
- SIZE- Everyone thinks the current Costco is huge, in relation to the business itself, number of parking stalls, and number of gas pumps. The new building is indicated as over 26,000 sq. ft. larger. There are about an additional 170 parking stalls, and the number of gas pumps would go from 16 up to about 30. Looking at how big everything is now, these changes would make the new Costco enormous! Can you imagine this size business in a residential setting??? We can't; and, we hope the City Council can see the non-fit here, also!

This is not a NIMBY situation. We all expect that development will occur at that site. We object to the type of development! Big box (warehouses, Costco calls them), regional stores do not belong in residential neighborhoods. The law suit PacTrust filed against Salem indicated that they had been stopped from making use of the land for economic gain. If they would have built an upscale community shopping center, instead of Costco, they would have been receiving economic gain for the last few years they have been fighting to build the Costco. Most of us would like a shopping area with nice businesses (not a strip mall). We imagine a center built with the buildings in the center and the parking around the edges—a center where you can easily walk from building to building (not like Keizer Station, which requires a car to go from many stores to others)—a place like a mini-Bridgeport or a set-up like The Barnyard Shopping Village in Carmel, CA. Stores like New Seasons or Whole Foods, a nice bakery, a quality deli, a nice breakfast lunch place, one or two medium sized quality lunch/dinner restaurants, a hardware store, a coffee roasting place, a bank or two, one or two boutiques, a toy store, etc. would be appropriate (not a Dollar store or a lottery deli or a gas station or a bunch of fast food places). It could be a really nice place, heavily used by “locals”.

The problems and concerns are the same as they were before in 2018. We ask the City Council to once again stand with us in requesting that the land here be used for an appropriate purpose, not a Costco! (Picture is of the doe that comes to our back patio—consistent with a Costco a block away?)



JUL 28 2020

AARON PARKS, PLANNER III
CITY OF SALEM PLANNING DIVISION
555 LIBERTY STREET SE, ROOM 305
SALEM, OREGON 97301

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Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Tuesday, July 28, 2020 12:32 PM
To: Planning Comments
Subject: Fwd: Costco proposal

From: DOUGLAS A FARRIS <DBFARRIS62@msn.com>
Sent: Tuesday, July 28, 2020 12:31:11 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Costco proposal

Hello City Council,

We are writing today to express our concerns and the concerns of our neighbors regarding the proposed Costco location in SE Salem. We live on Riley Court SE, with Bow Court to our east and Cultus St. to the west. We are just south of Boone Road. This location would be just across the street from the back of Costco! This entire area is residential. We fought to stop this project in 2017, 2018 and even before that time. And you, the City Council, voted against it. Please hold your ground!

Our concerns are:

1. The increase in traffic. People will be coming from all over Salem and from the outlying communities to shop at this "big box" store. Boone Road will be forced to carry more traffic than ever expected. Kuebler will be a traffic jam. Cars and trucks will be coming through our neighborhoods constantly. The Traffic Impact Analysis was either not accurate or simply was not done!
2. The white oaks issue. We seriously doubt that 100-200 year old trees can be transplanted! They are beautiful and should be a park, not a parking lot!
3. The Costco building is enormous. It would dominate this entire area! The development is entirely too large for this parcel of land. In the beginning Pac-Trust promised a neighborhood scale shopping center with small shops, perhaps a restaurant that would fit into the neighborhood. We would welcome that.
4. The 30+ pump gas station. We have all seen what that looks like over on Mission St! Please, "No."
5. There are other locations. Pac-Trust and Costco need to explore the other possibilities. In light of all of the negatives of the Kuebler location, as the unhappiness of so many people impacted, we say look elsewhere.
6. It appears that the letter dated July 1, from the City Council, was not sent to everyone in the area closest to the proposed Costco. We did not get a letter and about half of the neighbors on our Riley Ct. did not get one either. Our neighbors told us about it and gave us a copy! The people most affected by this development should have the opportunity to respond! We agree with Bill Dalton, Lora Meisner and John Miller, who wrote a Guest Column in the Statesman Journal, that a new hearing needs to be held.

Please let people speak their minds with another hearing, which citizens can attend and then make a decision regarding this issue. The Council needs to hear from us in SE Salem.

Thank you,
Douglas and Beverly Farris

Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Tuesday, July 28, 2020 12:04 PM
To: Planning Comments
Subject: FW: Costco Relocation

From: Mike Fulgaro <mike.fulgaro@svn.com>
Sent: Tuesday, July 28, 2020 11:52 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Costco Relocation

Dear Mr. Mayor and Councilors

I am submitting my support for the proposed Costco relocation to the PacTrust site in South Salem. The Comprehensive Plan and Zone Change approvals from 2007 allow for this development to happen. PacTrust has done everything in their power to address the opponent's primary concerns over both traffic congestion and the removal of trees by spending approximately \$4.5 million in road improvements and bringing in an arborist to relocate the white oaks on the property - and to plant 40 more.

It is the appropriate and just decision to approve the Costco relocation.

Sincerely



Mike Fulgaro | Advisor

SVN | Commercial Advisors, LLC

[1665 Liberty St. SE, Suite 200](#)

[Salem, OR 97302](#)

My office hours M-F 8-5

Direct 503-588-8067 | Office [503.588.0400](tel:503.588.0400) | Cell -503-559-3328

mike.fulgaro@svn.com | www.svnca.com

Shelby Guizar

From: Sam Hatfield <drsamzs@yahoo.com>
Sent: Tuesday, July 28, 2020 4:14 PM
To: Planning Comments
Cc: citycouncil
Subject: RE: Potential Costco Development

To whom it may concern,

I have grave concerns about the push to develop land running alongside Kuebler Blvd. for Costco. The manner in which it is being pushed, along with the intentional disregard of the current status brings serious concerns, and should to anyone who has responsibilities for the planning and execution of safety and management of city issues.

This area is a suburban neighborhood, where residents and families live. I intentionally moved to this area where it is less-developed, and where I am able to work from home without constant noise pollution - this development would seriously hinder the livability of the area which we now enjoy, and selected this area to live in.

Besides the personal reasons behind this email, there are multiple large red flags which have not been addressed, and which would have dire impacts to either the ecosystems, the environment, and/or the local residents.

These topics of concern and related questions are as follows:

- Salem requires that a Site Plan Review have a current/relevant to today Traffic Impact Analysis. The Costco/Pactrust TIA is 2.5 years old.

The development uses standards from 2007 when the zone change was requested.

City Council needs to request a new TIA based current traffic volumes, needs and additional development impacts like Amazon that can *accurately* reflect the current flows and impacts.

Why are the current impacts not addressed in a more recent study? Kuebler and the off/on ramps are frequently congested and there often are accidents at the intersections of Commercial, Battle Creek as well as long traffic lines on Kuebler. It is a very heavily congested area that only worsened after the Amazon facility was built and operational. What proposals to alleviate this are being planned and specifically how will alternate routes be implemented? One turn lane is wholly inadequate and unreasonable.

Salem Oregon has been increasing in population since 2017, documented her by the local newspaper (vetted source), and has increased dramatically from the 2007 report, which at 13.5 years old is considered unreliable by most scientific standards. Population increases are only rising, and Oregon seems to be a magnet for those who are escaping from other U.S. regions ([Oregon Population 2020 \(Demographics, Maps, Graphs\)](#))

Oregon Population 2020 (Demographics, Maps, Graphs)

[Oregon's population grows at fastest rate in 20 years, fueled by new residents](#)



Oregon's population grows at fastest rate in 20 years, fueled by new res...

Oregon's population continued to grow at a rapid pace last year, including in the Salem area, as new residents p...

With this population rise, the traffic flows have been heavier, and congestion has been difficult in this area already. None of these issues seem to be adequately addressed.

One of the glaring absences is lack of taking into account the projections of the climate change migration patterns which Oregon has been targeted in/for with several studies, going back to 2008, which should have been taken into account for the increase in traffic, movement, and desirable sections of the city which people move to.

<https://gpsen.org/project/environmental-migrants-and-the-future-of-the-willamette-valley/>

<https://www.oregon.gov/oha/ph/HealthyEnvironments/climatechange/Documents/oregon-climate-and-health-profile-report.pdf>

[The climate crisis, migration, and refugees](#)



The climate crisis, migration, and refugees

John Podesta

The World Bank estimates that by 2050, Latin America, sub-Saharan Africa, and Southeast Asia will generate 143 m...

- The White Oaks on the Pactrust property are 200-300 years old and form their own ecosystem. Transplanting these trees destroys the ecosystem and their chance of survival is highly unlikely. Any development on this property should protect the oaks and their ecosystem.

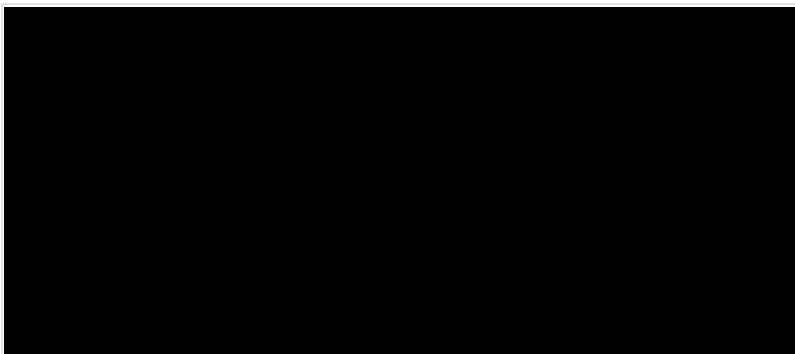
As most are aware, trees have a significant carbon uptake - with increased traffic, carbon emissions will also increase for the area dramatically, which then increases pollution, and increasing climate change impacts, and increases disease in the area - of both human and ecosystems. These trees play a vootal role in reduction of pollution.

Where are the studies regarding impacts to this remaining old-growth oak grove, as well as the studies that show increases in emission estimates that the city will have to mitigate and the burdened costs to residents for that additional mitigation?

Climate change issues are at the forefront of societal impacts, ignoring these detrimental impacts will not subside simply because there are no accurate scientific projections on these emissions on this proposal, along with the accompanying pollution that such a development will cause the residents, and the city of Salem residents (because pollution does not just stay in one place). Pollution and climate change contributors and impacts such as: runoff (building, gasoline, traffic, deliveries, waste, etc), leakage, emissions (vehicles, delivery trucks, gas tanks, etc) have not been fully - or adequately - addressed.

Additionally, this patch of land was once traditional land of the Kalapuya, of which descendants from both the Confederated Tribes of Siletz, and Confederated Tribes of Grand Ronde hail. Oak stand such as this one present a link to traditional heritage, as well as gathering in usual and accustomed areas, and there has been no consultation done with these tribal entities, which may have input to this area, since oaks (acorns specifically) are a commonly held traditional food source that remains intact presently. With well over 90% of oak groves decimated, this oak stand remains significant, and pertinent to the tribes' culture and access. As a academic scholar in the specialization area of Traditional Ecological Knowledge, I'm very aware no one has officially approached the tribes to discuss this. If you remember, the same issue arose when a field of camas off Kuebler and Liberty was permanently decimated to build an apartment complex, without tribal consultation.

[Oregon White Oak, Quercus garryana](#)



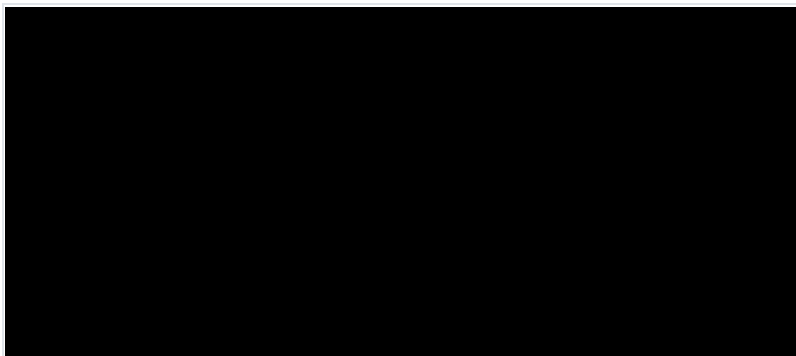
Oregon White Oak, *Quercus garryana*

Oregon White Oak Beech Family–Fagac...

<https://greenbeltlandtrust.org/category/tag/oregon-white-oak/>

https://pdxscholar.library.pdx.edu/cgi/viewcontent.cgi?article=4554&context=open_access_etds

[Trees for carbon sequestration or fossil fuel substitution: the issue of cost vs. carbon benefit](#)



Trees for carbon sequestration or fossil fuel substitution: the issue of...

This study compares the costs and quantity of carbon mitigation by afforestation and fossil fuel substitution ba...

<https://esajournals.onlinelibrary.wiley.com/doi/abs/10.1002/eap.2039>

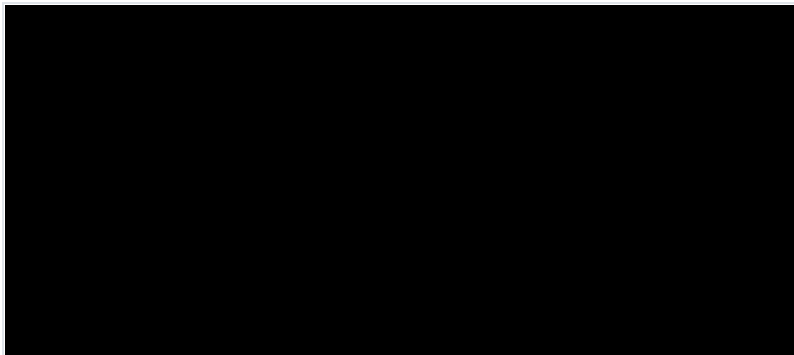
The noise pollution issue has additionally not been **adequately** addressed for those who live in the area on the west side of I5. Barrier walls will not block the sound of development, and it's doubtful walls will be built high enough and/or on all sides to block sound as well as protect neighboring families from noise pollution. Additionally, with COVID-19 playing a MAJOR factor for those of us who work, many now working from home, the pandemic has the potential to segue many to a more permanent work-from-home format for the foreseeable future and/or permanently. This would jeopardize employment in a very dramatic manner for those of us who live in the area with noise pollution from development, to traffic at all hours (deliveries, cleaning crews, parking lot sweepers, garbage trucks, fueling trucks, etc). Why have residents not seen a feasible plan for mitigating the major noise pollution issue that plagues businesses and thus will plague working families? There are copious studies and articles, some dating back as far as 2011 when the World Health Organization addressed the noise pollution issue and the devastating effects it has on health. One of these studies states: ***"Exposure to prolonged or excessive noise has been shown to cause a range of health problems ranging from stress, poor concentration, productivity losses in the workplace, and communication difficulties and fatigue from lack of sleep, to more serious issues such as cardiovascular disease, cognitive impairment, tinnitus and hearing loss."***

The following are just some of the additional issues residents will face if this development is pushed through without consideration on the suburban side of the proposed site where the oaks absorb much of this from traffic flows currently:

<https://www.science.org.au/curious/earth-environment/health-effects-environmental-noise-pollution>

<https://www.brainfacts.org/Thinking-Sensing-and-Behaving/Diet-and-Lifestyle/2018/Noise-Pollution-Isnt-Just-Annoying-Its-Bad-for-Your-Health-062718>

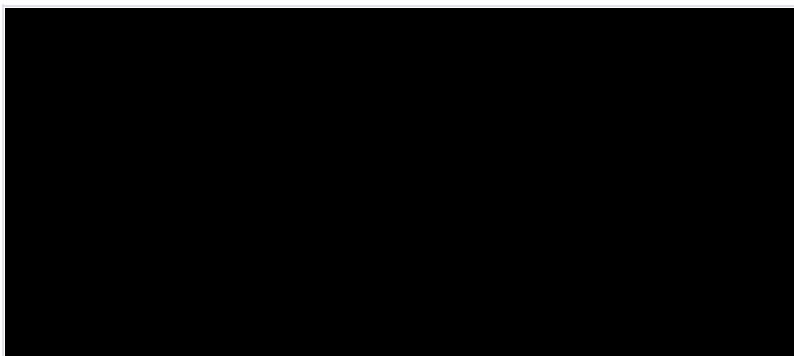
[Noise Pollution: Your Environment, Your Health | National Library of Medicine](#)



**Noise Pollution: Your Environment, Your Health |
National Library of Med...**

Learn about the environmental and human health risks associated with noise pollution. Find out how to protect yo...

[How to Minimize the Impact of Noise Pollution, According to Doctors](#)



**How to Minimize the Impact of Noise Pollution,
According to Doctors**

Hearing loss isn't the only side effect of loud noise.

This development plan is poorly devised, poorly studied, and seems that it would likewise be poorly executed, to the health and economic detriment of everyone who now lives in the area.

This should not be pushed through without further studies that are current, meaningful consultation, evaluations from climate change impacts experts, specific addressment of how environmental and pollution impacts will be managed and/or compensated for and in what ways specifically, and further input from local residents.

Thank you for your time,
Samantha Chisholm Hatfield Ph.D.
(503)420-9654

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Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Tuesday, July 28, 2020 12:25 PM
To: Planning Comments
Subject: Fwd: Costco Store

From: Tom Hendrie <tom.hendrie@svn.com>
Sent: Tuesday, July 28, 2020 12:20:18 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Costco Store

Dear Mr. Mayor and Councilors

I am submitting my support for the proposed Costco relocation to the PacTrust site in South Salem. The Comprehensive Plan and Zone Change approvals from 2007 allow for this development to happen. PacTrust has done everything in their power to address the opponent's primary concerns over both traffic congestion and the removal of trees by spending approximately \$4.5 million in road improvements and bringing in an arborist to relocate the white oaks on the property - and to plant 40 more.

It is the appropriate and just decision to approve the Costco relocation.

Sincerely,

Tom Hendrie

Tom Hendrie | Advisor

A licensed Broker in the State of Oregon
SVN Commercial Advisors, LLC
1665 Liberty St. SE, Suite 200
Salem, OR 97302
Phone [503.588.7397](tel:503.588.7397) | Fax [503.588.7312](tel:503.588.7312) | Cell [503.919.1956](tel:503.919.1956)
Tom.Hendrie@svn.com | www.svnca.com

Shelby Guizar

From: Dan Atchison
Sent: Tuesday, July 28, 2020 10:40 AM
To: Planning Comments
Subject: FW: Costco

From: Chuck Bennett <CBennett@cityofsalem.net>
Sent: Tuesday, July 28, 2020 10:32 AM
To: Dan Atchison <DAtchison@cityofsalem.net>
Subject: Fwd: Costco

Sent from my iPad

Begin forwarded message:

From: Ruth Hewett <hewrar@comcast.net>
Date: July 28, 2020 at 10:20:50 AM PDT
To: Chuck Bennett <CBennett@cityofsalem.net>
Subject: Costco

City Council;

I support Costco moving to Kuebler Boulevard. I join other community members who do not want to lose Costco.

Costco is a good employer providing jobs with benefits. Their property is well maintained and their hours of operation are not extensive. The business does not create loud noise. Access is much better on the boulevard than at their current location. In addition Costco paid for many improvements with the understanding they could proceed with development. Citizens of Salem should not have to pay a lawsuit over this store. It is time to approve this project.

Ruth Hewett

6625 Continental Circle SE

Salem Or 97306

Shelby Guizar

From: Lesli Hiller <lesli-sac@comcast.net>
Sent: Tuesday, July 28, 2020 11:10 AM
To: Planning Comments; Aaron Panko
Cc: C. Scott Frink
Subject: CASE# SPR-DAP18-15: REMAND
Attachments: IMG_6949.jpg

Howdy Aaron and City of Salem Planning Division,

We believe building a COSTCO in the Kuebler location would cause an incredible traffic hardship on the already busy area. Kuebler has long been know for the traffic issues coming off the exit and heading towards Commercial. Placing a COSTCO as a left hand turn immediately off this exit will not only back up traffic off the exit, but also back up traffic onto I-5.

We also have concerns about our medical plaza parking area, which currently can be full at times. COSTCO patrons may be parking in our lot as overflow and then people with medical needs may not have anywhere to park. See attached picture taken 10:50 today Tuesday July 28, 2020. Our lot right now is often full.

The city should have a say in the traffic flow of any business that wants to build. You wouldn't put a Disneyland in the middle of downtown just because the property owners put in an exit for it. The city has the right to approve or disprove these requests and should take into account the repercussions of the traffic issues that such a facility creates. COSTCO's current location at times has created traffic flow issues, and it is a right hand turn off the freeway.

I do believe this area can be developed, but COSTCO is too busy of a facility, with extreme traffic and parking issues to be located here.

We thank you for all your time and effort keeping Salem the amazing city that it is,

Les Hiller, Co-Owner

Salem Audiology Clinic, Inc.

2521 Boone Rd. SE Suite 120

Salem, OR 97306

Ph: 971-701-6322

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Shelby Guizar

From: noreply@cityofsalem.net on behalf of Tucker2000@live.com
Sent: Tuesday, July 28, 2020 1:09 PM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	Craig S. Hobbs
Your Email	Tucker2000@live.com
Your Phone	(206) 842-5325
Street	9711 Big Fir Ln NE
City	Bainbridge Island
State	WA
Zip	98110
Message	The following comments concern the "Proposed Kuebler Gateway Shopping Center – Costco" development. We own property along Kuebler Blvd. and have been following this development plan for over a decade. The Oregon Court of Appeals made clear that it concurred with LUBA's decision that the Costco development was in full compliance with Condition 14. So, I encourage the City to expedite final approval of the Costco plan by acknowledging that the LUBA decision is correct. Further litigation of this Costco development plan is unnecessary and could expose the City to significant legal risks if the City pursues this litigation further.

This email was generated by the dynamic web forms contact us form on 7/28/2020.

Shelby Guizar

From: Lisa Anderson-Ogilvie
Sent: Tuesday, July 28, 2020 3:01 PM
To: Planning Comments
Subject: FW: Chamber Testimony - PacTrust Property South Salem (Kuebler & 27th)
Attachments: SACC PacTrust Costco Development Testimony JUL20.pdf

From: Tom Hoffert <Tom@SalemChamber.org>
Sent: Tuesday, July 28, 2020 2:59 PM
To: CityRecorder <CityRecorder@cityofsalem.net>; citycouncil <citycouncil@cityofsalem.net>
Cc: Kathy Gordon <kgordon@aldrichadvisors.com>; TJ Sullivan <tj@huggins.com>; Jennifer Martin (jennifer@mid-valleycre.com) <jennifer@mid-valleycre.com>; Wendy Veliz (Wendy.Veliz@pgn.com) <Wendy.Veliz@pgn.com>; Jeff Miller <jeff@cbcre.com>; Laura Dorn <LauraDorn@bhhsnwrep.com>; sharir@pactrust.com
Subject: RE: Chamber Testimony - PacTrust Property South Salem (Kuebler & 27th)

Hello Mayor, Councilors, and Ruth-

My sincere apologies for a spelling error in my verbiage for "Kuebler" Blvd in our previous submission. While we know you all can certainly overlook this spelling error, I'd kindly like to submit our testimony with proper spelling of the key arterial street in this development discussion. The corrected document is attached. Thank you all for your consideration.

My best,
-Tom

From: Tom Hoffert
Sent: Monday, July 27, 2020 3:49 PM
To: 'cityrecorder@cityofsalem.net' <cityrecorder@cityofsalem.net>; 'citycouncil@cityofsalem.net' <citycouncil@cityofsalem.net>
Cc: Kathy Gordon (kgordon@aldrichadvisors.com) <kgordon@aldrichadvisors.com>; TJ Sullivan (tj@huggins.com) <tj@huggins.com>; Jennifer Martin (jennifer@mid-valleycre.com) <jennifer@mid-valleycre.com>; Wendy Veliz (Wendy.Veliz@pgn.com) <Wendy.Veliz@pgn.com>; Jeff Miller <jeff@cbcre.com>; Laura Dorn <LauraDorn@bhhsnwrep.com>; 'sharir@pactrust.com' <sharir@pactrust.com>
Subject: Chamber Testimony - PacTrust Property South Salem (Kuebler & 27th)

Hello Mayor Bennett & City Councilors (and City Recorder Ruth Stellmacher)-

On behalf of the Salem Area Chamber of Commerce Board of Directors, we share the attached testimony regarding the PacTrust development project on Kuebler Blvd & 27th Ave in South Salem. We are happy to engage in further dialog, should you wish to reach out to our organization. Thank you for your consideration and for representing the Salem community businesses and our residents.

My best,
-Tom

Tom Hoffert, IOM
Chief Executive Officer
Salem Area Chamber of Commerce | 1110 Commercial St NE
503-581-1466 ext.311
tom@salemchamber.org | www.salemchamber.org
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BACK TO BUSINESS

A guide to reopening

[CLICK HERE FOR MORE INFO](#)



Salem Chamber

Connector | Catalyst | Champion



Salem Chamber

Convener | Catalyst | Champion

July 27, 2020

Hello Mayor & Salem City Councilors-

The Salem Area Chamber of Commerce wishes to share testimony regarding the proposed PacTrust development in South Salem, specifically at Kuebler Blvd. & 27th Ave. Dating back to 2007, the Council approved a comprehensive plan zone change for this property, ear-marking the land for a very specific "shopping center with no more than 240,000 sq ft of retail uses". No other type of development is allowed on this site and it remains an important site for thoughtful development and of great community interest. In an incredibly challenging time within the local and national economy, we find the PacTrust plans for this property encouraging and valuable for the entire Salem community. We are grateful for such businesses being willing to invest in Salem as a thoughtful neighborhood partner and contributor to strong economic stability within the city.

PacTrust has laid bedrock for this project over many years of engagement with the city and our resident shareholders. The proposed retailer for the site, Costco, has a tremendous standing amongst the best companies to work for in the NW and continually elevates their ability to have a positive impact in the communities they reside. Costco's proposed new location would be home to 476 jobs upon opening their doors in South Salem. With an estimated over \$630,000 in annual local property taxes, the financial impact on local jurisdictions is significant including nearly \$250,000 to the City of Salem each year. Perhaps even more important, however, is the impact on employment for area residents. Currently, Costco's annual payroll for 2020 is estimated to be over \$10,850,000 paid to its current 401 employees. With an average hourly wage over \$27.70, Costco offers living wage jobs, coupled with a robust company-wide healthcare plan (97.1% of workers enrolled) and retirement benefits package for its workforce. Currently, 85% of Costco's employees reside in the Salem area and many can be seen volunteering locally at our area's nonprofit and youth organizations.

Sound planning and partnership between the City of Salem and PacTrust has enabled many infrastructure improvements to result from this 15-year-plus project. Most notably, PacTrust funded almost \$3,500,000 in improvements to widen Kuebler in 2015 while working in good faith towards the development of the new retail parcel in South Salem. Identified as a key contingency for site development, the relocation of eight significant white oak trees has been managed by a noted arborist – their relocation to the front entrance to the Costco facility will be a showcase for visitors to see their beauty, along with the planting of 40 additional white oak trees on the property.

The Salem Chamber has strong concerns regarding the liability our City of Salem would have, should this project not be allowed to strategically develop within our community. PacTrust followed all the partnership commitments and fulfillment to the City of Salem, addressing each request by the City Planners and development leadership. By disallowing this thoughtful development to progress, there would be a significant financial risk to the City coffers. Beyond the loss of future property and income tax revenue, the risk of a nearly \$10,000,000 lawsuit ought be carefully discussed. In a time where City staff and Councilors have noted the challenges in balancing our City's budget, a lawsuit of this magnitude could prove catastrophic. Fortunately, PacTrust & Costco have presented Council with a strategic development plan designed to provide countless value to our Salem residents and our local economy – our organization asks that Council move forward with this valued development for South Salem and our entire city.

On behalf of the Salem Chamber Board of Directors,

-Tom Hoffert

CEO

Salem Area Chamber of Commerce

Salem Area Chamber of Commerce

President

Kathy Gordon

Aldrich CPAs + Advisors

Executive Committee

Laura Dorn • President-Elect

Berkshire Hathaway HomeServices

Stephen Joye • Treasurer

Fischer, Hayes, Joye & Allen LLC

Alan Rasmussen • VP of Membership

Modern Building Systems

TJ Sullivan • Past President

Huggins Insurance

Eric Templeton • Secretary

AmeriTitle

Wendy Veliz • VP of Advocacy

Portland General Electric

Christy Witzke • VP of Events

SAIF

Board of Directors

Lorissa Addabbo

Hope Orthopedics of Oregon

Marin Arreola III

Advanced Economic Solutions Inc.

Brandon Blair

Summit Wealth Management

Jonathan Castro Monroy

Castro Monroy Group

Ryan Collier

Collier Law

Randall Cook

Saalfeld Griggs PC

Paul Dakopolos

Garrett Hemann Robertson P.C.

Dave Dunn

Willamette Valley Fruit Company

Mike Herron

VIPs Industries Inc.

Jeff Kelly

Kelly's Home Center

Jennifer Martin

Mid-Valley Commercial Real Estate

Dan McDowell

Pioneer Trust Bank

Jeff Miller

Coldwell Banker Commercial

Sheldon Nord

Corban University

Maria Palacio

Olson Florist

Chief Executive Officer

Tom Hoffert

Salem Area Chamber of Commerce

Shelby Guizar

From: Stephanie Holmes <stephanieholmes2012@gmail.com>
Sent: Tuesday, July 28, 2020 3:22 PM
To: Planning Comments
Cc: SL Holmes-Farmer; Sam Farmer
Subject: Comment on the Kuebler Gateway Shopping Center, including a relocated Costco store. SPR-DAP18-15, Remand

Dear Mayor and Councilors:

My husband and I are concerned about the proposed development of the **Kuebler Gateway Shopping Center**, which we understand will include a relocated Costco store, a retail fueling station and four new retail shell buildings.

The viability of the downtown shopping center is at risk, with the loss of Nordstrom, J.C. Penney, Ranch Records and other businesses. Locating a competing shopping center on the edge of the city would further erode support for local business.

Additionally, we understand that the proposed location requires the removal of Oregon white oak trees. Attempts to move such trees have limited success. Cutting historic indigenous trees for commercial development seems counter to citizen priorities for green spaces and parks and habitat restoration/preservation.

Therefore, ***we strongly ask you to continue to oppose the plan to move Costco to this new location.*** *We suggest that new and relocated commercial activity be located in previously developed land, a re-purposing if you will that upholds stewardship values.*

Thank you,

Stephanie Holmes & Sam Farmer

360 Superior Street South

Salem

Shelby Guizar

From: Chastine Howard <chastine.howard@gmail.com>
Sent: Tuesday, July 28, 2020 10:53 AM
To: Planning Comments; citycouncil
Subject: Costco/Pactrust Remand Application

Dear City of Salem Planners and Members of the Salem City Council,

I am writing in opposition to the proposed Costco project. Currently, I work directly off Hawthorn Avenue and Mission Street and can personally confirm the undue hardships the excess traffic will impact the surrounding residential neighborhoods of the proposed site on a daily basis. Given the choice, the safer option is to leave Costco where it currently is. The difference between the current Costco site and the proposed site is existing, surrounding residential neighborhoods. There appears to be no transition zoning buffer between residential and commercial zoning at the proposed site.

I cross Boone Road and Battle Creek Road every day and can attest to the potential danger increased traffic will cause with the proposed site. It is unsafe! I have seen so many near-misses at that intersection that I've lost count. Who will pay for the proposed improvements and safety upgrades necessary at that intersection and others? Will it again be the taxpayers' burden?

Salem requires that a Site Plan Review have a current/relevant to today Traffic Impact Analysis (TIA). The Costco/Pactrust TIA is 2.5 years old. Additionally, the development uses standards from 2007 when the zone change was requested. Therefore, the City Council needs to request a new TIA based on current traffic volumes, needs and additional development impacts like Amazon.

The City Council needs to hold a public hearing with direct testimony from residents so that all voices are heard on the Remand Application since residents cannot directly communicate with their City Councilors due to *ex parte*. With the current political and economic climate, it would be disgraceful at this point not to listen to the residents. Our voices matter. Our quality of life should be more important than profits.

As a citizen of this city for over thirty years, I am invested in our community. I grew up here and chose to raise children here in the community. It is important to our family that our children learn that the government works for them not corporations. As a parent, I have imparted on my children that it is important to do the right thing, lead by example, and do the right thing even when no one else is looking. It is our lives that are directly impacted, not corporations' bottom lines.

To that end, fulfilling promises is important. What about the promise to our children? What kind of environment are we leaving them? What will be our legacy? Will it be "develop until there's nothing left"? Or will it be responsible development with thoughtful design and landscape architecture that plays to the strengths of the location and climate? About 96% of oak habitats have been destroyed. The Oregon white oaks on the Pactrust property are 200-300 years old and form their own ecosystem. As proposed by PacTrust, transplanting these trees will destroy the ecosystem and it is highly unlikely they will survive. Any development on this property should protect the oaks and their ecosystem.

Over the years, the City of Salem and City Council has unfortunately earned a reputation for putting business ahead of the quality of life of its citizens in Salem. As a citizen of Salem, I implore you to do the right thing for the citizens of this great city. Hold Pactrust accountable to the requirements to today's Traffic Impact Analysis, require them to protect the oaks and their ecosystem, require them to fulfill their original promises and build a neighborhood shopping center like Orenco Station in Hillsboro.

Listen to the people. Do the right thing – we are watching!

Concerned citizen,

--

Chastine Howard

"The purpose of life, after all, is to live it, to taste experience to the utmost, to reach out eagerly and without fear for newer and richer experiences." ~ Eleanor Roosevelt

Shelby Guizar

From: Linda Kirsch <lindakirsch929@me.com>
Sent: Tuesday, July 28, 2020 2:32 PM
To: Planning Comments
Subject: Yes we want Costco here!

we live in South Salem off Kuebler and would love to have Costco near by. Many if not all our neighbors have shared our feelings. I suspect the opposition is just more vocal.

The site in question had been empty for years now and is a negative asset just waiting to be an asset for South Salem.

Linda Kirsch

Sent from my iPhone

Shelby Guizar

From: Alex Korsunsky <alexkorsunsky@yahoo.com>
Sent: Tuesday, July 28, 2020 9:36 AM
To: Planning Comments
Subject: opposed to the new Costco in South Salem

The new development is unnecessary. The city is awash in retail space, the idea that massive new construction is necessary is outlandish. Huge big box stores harm small businesses. The development would destroy what is currently a rather lovely area blessed with beautiful white oaks far older than Salem or Oregon, and that if left in peace will outlive us all. Reject this unnecessary and harmful proposal.

Shelby Guizar

From: Jake <jakekrishnan@gmail.com>
Sent: Tuesday, July 28, 2020 11:24 AM
To: Planning Comments; citycouncil; Aaron Panko
Subject: Costco/PacTrust Remand application - Case # SPR-DAP18-15; REMAND
Attachments: Jake Krishnan comments SPR-DAP18-15; REMAND.pdf

Dear City Council and Planning Department

Re: Case # SPR-DAP18-15; REMAND

Please find attached my detailed comments on the proposed remand application for the Kuebler Gateway Shopping Center development

Thanks

Best Regards
Jake Krishnan

Jake Krishnan

Salem OR 97306

July 28, 2020

The Mayor and City Council
City of Salem
555 Liberty Street SE
Salem, OR 97306

Dear Mayor and Members of the City Council

RE: Case Number – SPR-DAP18-15; REMAND – Kuebler Gateway Shopping Center

I'm a resident of South Salem that moved from Beaverton, Washington County about 3 years ago. I'm very pleased with the healthy public/private collaboration on matters that impact residential neighborhoods. I was therefore surprised and deeply disappointed to know that the city council is not intending to have a public hearing on the Costco/PacTrust remand application. Secondly, the shortness of time to provide public comments appears to be not in the community's larger interest. There is no other opportunity for residents to provide public testimony on the remand application to their elected representatives and since residents cannot provide any separate communication to councilors due to reasons of ex-parte communication, the city council will miss out on getting real feedback from its residents on an important issue.

Let me also state that I've been a loyal member of Costco for more than 15 years and frequent the warehouse for our family's needs. I have no doubt Costco is a great resource for families across our city and beyond.

Having said that, I'd like to state the following reasons for opposing the development proposed by PacTrust for a Costco warehouse on the identified lot:

1. VESTED RIGHT FOR PACTRUST:

The remand application asks the city to determine whether PacTrust has a vested right to approval of their application, based on off-site improvements made. (In reliance of the City Council's 2007 zoning decision vide "Order No. 2007-16-CPC/ZC Comprehensive Plan Change/Zone Change No. 06-6-CPC/ZC").

I wish to point out that the City Council has not changed any underlying rules or policies between the original zone change decision in 2007 and the decision to decline the application in Dec 2018. On the other hand, PacTrust has materially changed several key items in their development plan between 2007 and 2018. While the City Council's decision in 2007 allowed for a zoning change from "RA - Residential Agriculture" to "CR – Commercial Retail", it relied on essential policies that would be complied with, through the development following this zone change. The underlying understanding behind the zone change was that it would be a "Community Shopping Center" that would enable compliance with several policies and criteria related to the change. There are at least 18 references to "Community Shopping Center" in the original zoning change order of 2007. Since there's no zone categorization for "Community Shopping center" under Salem City's Development code, it was generally categorized as "CR- Commercial Retail". However, when we examine each one of these underlying policy items and criteria that were considered in approving the original application in 2007, it is apparent that the city based the approval on a Community shopping center that would encourage a pedestrian and bike friendly small cluster of retail shops and not a huge warehouse with a massive set of gas dispensing pumps, right in the middle of a residential neighborhood. It will be determined through my assertions below, that change in the development plan (by PacTrust) from a community shopping center to a large warehouse establishment like Costco, made it non-compliant with the underlying policy items and criteria for zone change approval provided in 2007. Hence the concept of "vested

interest” would no longer be valid because PacTrust invalidated it with its changes. I’ll review each one of these underlying policies below.

References to the page numbers are to the original Zone change order in 2007 - ORDER NO. 2007-16-CPC/ZC COMPREHENSIVE PLAN CHANGE/ ZONE CHANGE NO. 06-6-CPC/ZC

Page 48 – TSP Policy 2.3 - Promotion of Walking for Health and Community Living – The original policy condition is that the proposal enables people living at least within a one-quarter (0.25) mile of the Subject Property to walk to medical services as well as to shopping and related services on this development.

However, with a Costco being planned in this location, this condition cannot be met. Given that an average shopper buys ~ 8 items (bulk sized packages) from Costco (see Exhibit A - external research report attached to this letter and available [here](#)), how do we expect a shopper to walk into Costco for making purchases? In fact, in all my 15 years as a shopper at Costco, I have not once seen a pedestrian shopper walking into the store since its impractical to carry out the large number of shopping items unless we have a motorized vehicle of some kind (either a personal auto or taxi). Therefore, this policy will be vitiated with the presence of Costco.

Page 49 - Transportation - Aesthetics and Landscaping Policy 20 - development of the Subject Property will encourage the use of the public transit system. Policy 19 can be met – This condition also will not be met. Based on the same argument as before, Costco shoppers do not use public transport facilities, given the difficulty in carrying bulk provisions from the store in public transport. A true Community shopping center (as originally intended) encourages a walking population to frequent the small retail stores and beverage shops. The Costco warehouse will not encourage the use of public transport to and from the store. This is a matter of common sense and can be easily proven by the large stream of cars and other vehicles that are parked in the current Costco location on Hawthorne avenue.

Page 50 - Criterion 6: The proposed change benefits the public – The original criterion stated and I quote “In addition, as a result of its proximity to the surrounding neighborhoods, the Subject Property will be accessible by alternate means of transportation, and provide the opportunity to decrease usage of private motor vehicles.” This condition will also be falsified due to the reasons mentioned earlier. There are no pedestrian or foot shoppers coming into Costco. Because of the reasons mentioned above, there will be no opportunity to decrease usage of private motor vehicles. If anything, there will be an increased volume of motor vehicles coming into the neighborhood with Costco.

Page 52/54 – Criterion 3 – Factor 5 - The proposed use will benefit the public health, safety and welfare, by providing frequently used commercial services in closer proximity to the residential population than is currently available. – “This will result in the opportunity to access those services without the use of a motor vehicle.” – this factor will also be invalidated since there will be no opportunity for residents to use Costco for shopping without using a motor vehicle. Even a next-door resident cannot walk to Costco to shop since it is impractical to walk home with a heavy load of bulk packed grocery items that is normally available in Costco. I would exhort the City Council to physically visit Costco on any day to find out how many shoppers walk to shop there. The truth will be borne out in no time.

Please note that the city council has not made any changes to the underlying rules, policies and criteria for approval since 2007. However, PacTrust has made underlying changes to the type of development (from community shopping center to a Costco warehouse) between the time of the original zone change approval and the site layout approval application in 2018. With those changes, PacTrust does not have any “vested right” on the site, due to changes initiated by PacTrust that violate the underlying policies and criteria for the development it is seeking approval for. Since these policies form the basis of the approval for the development plan, any changes that vitiate these policies automatically invalidate PacTrust’s purported “vested right” (if any existed in the first place). PacTrust continued to invest in the developments with the deliberate intent of establishing “vested rights” even when it knew that the proposed development was not in line with the original approval instead of approaching the city with revised plans

prior to spending funds on improvements when it planned to get Costco as the intended tenant rather than a multi-tenant Community shopping center.

2. **TRAFFIC IMPACT ASSESSMENT:** The placement of a Costco warehouse cannot be lightly decided upon, especially on Kuebler, which is the only access to I-5 for residents of South Salem. When I checked the background documents related to this remand application, I noticed that the Traffic Impact analysis is more than 2.5 years old. In the context of traffic impact studies, that's a huge gap since the massive Amazon distribution has opened subsequent to the TIA and was not even on the proposed plan (in 2007) when the original Pactrust application for zoning change was being decided. At a minimum, there should be a revised TIA to account for the increased traffic with a new current baseline and projected, based on the developments in and around Kuebler. It is apparent (even for a resident layman like me) that a significant increase in the development activity (commercial and residential) and extrapolated traffic numbers resulting in a Costco warehouse on Kuebler, will render the old study completely redundant from a decision-making standpoint. Why is this important? The health of a city is determined by the livability for its residents as well as contribution by commercial establishments. One cannot be more important than the other. If the proposed Costco development results in more congestion in the South Salem neighborhood, it will have a negative impact on the overall livability factor of Salem. We all (residents and city councilors) have a collective responsibility to avoid this negative impact. So at the very least, please commission a new Traffic Impact study on this proposal to determine the impact.

3. **WHITE OAKS RETENTION:**

The Oregon white oaks on the Pactrust property are 200-300 years old and form their own ecosystem. Transplanting these trees (as proposed by PacTrust) destroys the ecosystem and it's highly unlikely they will survive. Existing literature on the success of transplantation of mature white oaks with a well-developed root system strongly indicates extremely high shock on account of removal of the tap root. I quote from Exhibit B Page 18 - report of the certified arborist, Monarch Tree services - "Transplanting is a shock on mature oaks. During the transplant, the tree temporarily loses its ability to uptake water due to the cutting of roots, which breaks the vacuum and the tree will expel water through transpiration." While mitigation measures are advised by the arborist, the possibility of a successful transplant resulting in the survival of the tree on transplantation is not guaranteed. I also quote from the [report](#) of the Bureau of Land Management, Oregon dept of Forestry, OSU Extension service, The American Bird Conservancy, The Nature Conservancy, USDA Forest Service, and the USDI Natural Resource Conservation Service that talks about the importance of the white oak to the natural ecosystem and criticality of extreme care to maintain Oregon's legacy of white oaks.

- Page 4 - "Less than 1% of oak-dominated habitats are protected in parks or reserves. Private landowners hold the key to maintaining this important natural legacy."
- Page 11 - "The future of oak savannas and woodlands depends upon the active participation of private landowners" "Oregon white oak savannas and woodlands are among the most endangered ecological communities in the Pacific Northwest. Oak habitats face threats on several fronts".
- Page 42 - "Paving—Nonporous surfaces such as concrete and asphalt can prevent rainwater from infiltrating down to the root zone, effectively creating a permanent drought on the site." Any development on this property should protect the oaks and their ecosystem.

Thus, transplantation is a sure way of accelerating the death of these mature white oaks.

In closing, I strongly believe that the City Council and the Planning Administrator have to take a holistic view into the remand application for the Kuebler Gateway Shopping Center development plan submitted by PacTrust – taking into account how the Community Shopping Center was originally intended to be used (as a pedestrian accessible and usable multi-retail community shopping center – where families could spend an evening strolling around the neighborhood). If that intent has changed, then it behooves the City Council and PacTrust to be transparent about the changed intention and proactively plan to manage the resultant impacts from such a change. I realize and acknowledge that we should be aligned to business and residential development in our City and it is not my intent to

ask for a non-business friendly posture by the City of Salem – rather, we should be cognizant of how we develop our city, be true and transparent to our objectives and demand transparency from our business stakeholders. The City will grow into a vibrant place only when all the City’s partners – residents and businesses stay true to the trust imposed on them as custodians for the future of the city.

I trust you will take the right decision for the City of Salem.

Thanks

Sincerely yours

Jake Krishnan

Search for Brands and Retailers!

Get in Touch

Costco

Numerator Retailer Snapshot

See also: [Dong Hing](#) | [Arcadia Supermarket](#) | [Saigon Supermarket](#) | [New India Bazar](#)

Omnichannel Visibility Demo

Learn how to apply real-time purchase data and shopper behavior surveys from Numerator Insights to boost your sales efforts.

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43.5

Purchase Cycle (days)

8.1

Avg Basket Size (units)

\$91.22

Avg Basket Size (\$)

Demographics

Who is shopping at Costco and what are they like?

DEMOGRAPHIC	INDEX
Under 24	87
25-34	101
35-44	106
45-54	99
55-64	86
Over 65	112
African American	42
Asian	288
Caucasian	81
Hispanic	126
Under \$20k	78
\$20k-40k	66
\$40k-60k	82
\$60k-80k	96
\$80k-100k	108
\$100k-125k	126
Over \$125k	159
No College	70
College	101
Adv. Degree	128
Has Kids	108
No Kids	91

Basket Size

When shopping at Costco, how many items are purchased per visit?

ITEMS IN BASKET	INDEX
Urgent Need (1-2 Items)	55
Express Lane (3-10 Items)	132
Fill Up (11-20 Items)	199
Pantry Stocking (21+ Items)	98

Day of Week

What day of the week are shoppers visiting Costco?

DAY OF WEEK	SHARE OF TRIPS
Monday	12%
Tuesday	12%
Wednesday	12%
Thursday	13%
Friday	16%
Saturday	19%
Sunday	17%

Channel Affinity

What other retail channels do Costco shoppers visit?

TOP CHANNELS	AFFINITY
Club	4.3x
Casual Dining	1.6x
Food	1.5x
Health	1.4x

Retailer Affinity

What other specific retailers do Costco shoppers visit?

TOP RETAILERS	AFFINITY
Dong Hing	2.5x
Arcadia Supermarket	2.5x
Saigon Supermarket	2.5x
New India Bazar	2.5x

Shelby Guizar

From: Edward Leber <lagasek@yahoo.com>
Sent: Tuesday, July 28, 2020 11:17 AM
To: Planning Comments
Subject: No to costco

As long term South Salem residents, we are opposed to the Costco Development of Keubler Blvd. Kuebler is already badly congested, and adding the slowdowns Costco brings will cause a vital artery to totally shut down.

In additions, the development was originally conceived andpitched as a small, local development and in a bait-and-switch PacTrust (a NON-Salem real estate business) is putting the biggest of big-box stores in instead. Even the argument that it will bring economic development is false because this is replacing a functioning Costco, not adding one. This will not bring jobs, just pull traffic further south.

Please vote no on the Costco plan, it is not needed nor wanted.

Ed Leber and Anna Cox
South Gateway

Shelby Guizar

From: noreply@cityofsalem.net on behalf of dkliесke43@gmail.com
Sent: Tuesday, July 28, 2020 12:21 PM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	Dee Lieske
Your Email	dkliесke43@gmail.com
Your Phone	5038121059
Street	5356 Sparta Loop SE
City	Salem
State	OR
Zip	97306
Message	<p>I am supportive of Costco's move to Kuebler Blvd. 1) The lawsuit against Salem is well deserved as The Salem City Council backed out of a deal with PacWest and Costco after benefiting from street improvements to Kuebler. Shame on the City of Salem! 2) Costco is a good neighbor in areas where warehouses are built. Costco worked with the city of Tacoma to enhance the area around the warehouse and added a park, as it was near a residential area, and added street improvements as well at their expense. 3) Costco parking lots are landscaped well and kept clean. 4) Traffic patterns would work around commute times. 5) Revenue would be lost if Costco moves to another city such as Keizer. 6) I could see SE Salem residents shopping at the Costco in Albany. More dollars going elsewhere, Bottom line: Salem made a deal and then, after street improvements were completed, backed out. Salem best stick with the deal or plan to pay PacWest what is owed! Is a law suit most likely to be lost, worth it? I think not.</p>

This email was generated by the dynamic web forms contact us form on 7/28/2020.

Shelby Guizar

From: Doug Luth <towken@comcast.net>
Sent: Tuesday, July 28, 2020 10:53 AM
To: Planning Comments
Subject: Costco on Kuebler

Approve the darn thing and let's move ahead. Approval is good for the Salem tax base and employment opportunities. If not approved and the facility moves elsewhere, i.e., Keizer, it is Salem's loss! I believe all of the "Red Herrings" being touted are just that. As best as I can tell, it's the same old vested, greedy interests involved!

Douglas Luth
4760 20th Ave S
Salem

Sent from my iPad

Shelby Guizar

From: Marilyn Snethen <dyems@comcast.net>
Sent: Tuesday, July 28, 2020 3:32 PM
To: Planning Comments
Subject: Proposed Costco

I am against the proposal to relocate Costco to Keubler and Boone Rd. It simply is too much for the existing neighborhood. The current location does not have a residential area next to it. The traffic is already busy in the Kuebler area without adding Costco. I think a new traffic study would need to be done. There is Boone Ridge retirement center that is new to the area. I think managing a round-a-bout with heavy traffic might be a disaster in the making. Also the intersection of Boone and Foxhaven is already dangerous. Let's not make it worse.

Shelby Guizar

From: Gary McCuen <mccuen7691@comcast.net>
Sent: Tuesday, July 28, 2020 2:57 PM
To: Planning Comments
Subject: Proposed Costco Store at Kuebler Gateway Shopping Center

We strongly oppose the development of a an additional or replacement Costco and more gas stations at this location for the following reasons.

- Traffic on all of Commercial South and at this location is already beyond reasonable capacity. Why allow development that only continues to make the problem worse?
- The downtown core of Salem is on life support. Please focus retail development on this area in order to make Salem's downtown a vibrant and desirable location once again. We don't need another big box competition that only promotes more driving, pollution and traffic congestion.
- We are not clear on the impact of native landscaping - especially the white oaks that will be in the way of this development. The natural environment should be protected from the creation of more paved parking lots. South Salem already has an unfortunate abundance of these pavement and strip mall deserts.

Thank you for considering our comments - and for your previous and continued opposition to this development plan.

Gary & Annie Francoise McCuen
1825 Fairmount Ave. S.
Salem, Oregon 97302
503 378 7691

Shelby Guizar

From: Aaron Panko
Sent: Tuesday, July 28, 2020 3:39 PM
To: Planning Comments
Subject: FW: Kuebler Gateway Shopping Center | comment memo for public record
Attachments: Kuebler Gateway Shopping Center - City Council Letter (Olson) -Final 7.28.2020 Clean.pdf; Aerial_Kuebler Costco_Residential Comparison 072820 sm.pdf

-Aaron | 503-540-2356

From: Jeff Olson <Jeff@cra-nw.com>
Sent: Tuesday, July 28, 2020 1:39 PM
To: Aaron Panko <APanko@cityofsalem.net>
Cc: comments@cityofsalem.net; Kelli Maks <Kelli@cra-nw.com>
Subject: Kuebler Gateway Shopping Center | comment memo for public record

Aaron,

Attached please find my comments in reference to the proposed Costco at the Kuebler Gateway Shopping Center, along with a related exhibit. Please let me know if you have any questions.

Best regards,
Jeff Olson

JEFF OLSON | [broker](#)

O 503.274.0211 | C 503.957.1452 | jeff@cra-nw.com



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July 28, 2020

Via Electronic Mail to planning comments@cityofsalem.net and apanko@cityofsalem.net
City of Salem City Council
c/o Aaron Panko, Planner III
Case Manager
City of Salem Planning Division
555 Liberty St SE, Rm 305
Salem, Or 97301

RE: SPR-DAP18-15; REMAND

Dear City Council Members,

I am writing to you to provide clarification and supporting evidence about issues that were discussed in the December 10, 2018 City Council meeting regarding the Kuebler Gateway Shopping Center. As a commercial real estate broker specializing in retail projects throughout the Pacific Northwest for the past 16-years, I am able to provide you with some context that may assist you in your upcoming deliberations on the proposed shopping center:

Grocery/Daily Needs:

In reference to questions about Costco's classification as a retail business and uses that would be appropriate for the commercial retail site at Kuebler & 27th Ave/Interstate 5, the following is important to consider:

- In the shopping center industry, Costco is recognized and categorized as a daily consumer needs retail business competing in the grocery segment.
 - Shops and restaurants are seeking to locate adjacent to the most relevant "daily needs" retail businesses. In terms of creating a vibrant mix of small shops and restaurants along Kuebler, Costco makes that possible.
 - "Daily needs" is exactly what the term implies: offering products that the average individual or family would need on a daily basis. Milk, bread, eggs, fresh meat and produce, cereal, pharmacy, fuel, and other basic apparel and household needs.
 - The shopping center industry views Costco in the same category as Fred Meyer, WinCo and Walmart. All of whom currently reside in South Salem on sites with comparable zoning designations as the subject property. As shown on the attached exhibit, Fred Meyer, WinCo and Walmart are all located much closer to a greater number of neighborhoods than the subject property. **[SEE EXHIBIT]**
- The proposed Costco would be located on Kuebler Blvd., which according to Salem's Transportation System Plan is classified as Parkway that is defined as a "high capacity, high speed roadway that primarily serves regional and intracity travel designed to serve 30,000 – 60,000 average daily trips" and is the major east west connection in south Salem to the Interstate 5 freeway interchange.
- In addition to bringing a "daily needs" retail anchor to the subject property, discussions in 2007 about tenant mix for a new shopping center would have included the likes of G.I. Joe's, Toys R Us, Circuit City, and certainly Blockbuster and Hollywood Video, all of which no longer exist. What was approved in 2007 was a shopping center, not particular stores. What was proposed in 2018 is exactly what shopping centers look like today.
- Several references have been made to PacTrust's Orenco Station development in Hillsboro. The image that was shown by the opposition at the December 2018 City Council meeting was the

property known as Orenco Station Town Center, not The Crossroads at Orenco Station, which was the project PacTrust referenced during the City Council Meeting in 2007 as a possibility (but as the courts have noted, no promises were made about tenants or tenant mixes in the 2007 proceedings, because no promises were possible. A Costco and other large format stores were always among the listed possibilities). The Crossroads at Orenco Station has over 500,000 SF of large box retail, shops and pads, including a 24-hour WinCo and a 24-hour Jackson's gas station. Also, Orenco Station Town Center and The Crossroads at Orenco Station are both surrounded by more housing than the Kuebler Gateway Shopping Center property.

- Costco is one of the most relevant “daily needs” anchors in the grocery industry, as families have limited time to chase specials and high/low pricing strategies. Costco's format has simplified the grocery shopping experience, providing confidence in low prices every visit.

Traffic Mitigation:

• In terms of mitigating traffic, we believe Costco is the most conducive retail anchor in the industry, for three primary reasons:

- Limited hours of operation (pre-Covid):
 - Prior to COVID, Costco opened at 10AM on weekdays, therefore having no impact on morning commuter traffic. In comparison, Walmart on S. Commercial opened at 6AM, Fred Meyer opened at 7AM, and WinCo was open 24 Hours. These hours may have changed during COVID to respond to the pandemic, as have other store's hours. However, that fact does not negate the general non-pandemic experience that Costco's hours are typically shorter than many other possible large format stores; and
 - Prior to COVID, Costco closed at 8:30 PM on weekdays, 7PM on Saturday and 6PM on Sunday, reducing vehicle trips in the area. In contrast, Walmart closed at Midnight, Fred Meyer closed at 11PM, and WinCo was open 24 hours. As noted above, all three of the other major anchors in South Salem are located substantially closer to more housing [double the population in a 1-mile radius, and farther from I-5].
- Limited products, which equates to less delivery trucks:
 - The average Walmart Supercenter carries more than 120,000 individual products, while the average Costco store has less than 4,000. This reduces the volume of delivery trucks required to stock the store. It also significantly reduces the number of different vendors sending trucks to the shopping center.
- Costco shoppers generally stock up, requiring less frequent trips:
 - Costco's overall sales volume is higher than most of their competitors; however, they accomplish this more efficiently, during shorter business hours, with less delivery trucks and less-frequent customer visits due to shoppers stocking-up on each occasion.
- All of these factors ultimately help reduce traffic and limit Costco's carbon footprint. If traffic is a genuine concern, Costco is a less-intrusive retail anchor than its industry peers.

Regional vs. Local Clientele :

• An argument was made that Costco is “regional” in nature because there is only one in Salem. It is a resolved fact that a Costco anchor does not convert the shopping center to a regional center. That issue has been resolved by the courts. Regardless, I want to note that is an incorrect statement about this shopping center as a practical matter by that definition, Trader Joe's on S. Commercial would fit that same description. Shoppers must travel farther for a Trader Joe's shopping experience than Costco, as there is no Trader Joe's in Albany or Wilsonville. The same logic would apply for Whole Foods or Market of Choice. The fact is, whether a store is the only one in a community does not by definition convert that shopping center into a regional center.

- A comparison was also made to the Woodburn Premium Outlets, which provides a unique apparel offering of over 400,000 SF of retail space on over 40 acres. There is no valid comparison between the proposed shopping center and the Woodburn outlet shopping center. Given Oregon's zero sales tax, Woodburn pulls tourists and shoppers from as far north as Canada via tour buses and as far south as California. In comparison, Costco has stores nearby in both Albany and Wilsonville, thus substantially reducing its market area versus Woodburn. Costco's clientele in Salem are primarily residents of Salem.
- The Kuebler Gateway Shopping Center would be roughly 1/3 the size of Keizer Station, which resides at the north end of the Salem MSA adjacent to neighborhoods.
- PacTrust was contacted by Walmart on multiple occasions about potentially relocating from S. Commercial to the subject property for a Walmart Supercenter. As the opposition pointed out, Walmart already has three stores in Salem. However, PacTrust strongly believes that Costco is a more appropriate anchor for this shopping center, and we agree. Adjacent properties to the west and the northeast corner of Kuebler & 27th are both designated as Commercial in the Salem Area Comprehensive Plan. The City clearly identified the I-5 & Kuebler area as a commercial hub.

Other rebuttal topics:

- According to residential sales data obtained via public record, roughly half of the homes south of the subject property have changed hands since 2007 (270 of 580), with the purchasers of those houses having access to the knowledge that the subject property was approved for a shopping center.
- There was discussion that Costco is not "open to the public", which is inaccurate. Costco is "open to the public." Just as any of us could walk into Courthouse Club Fitness or Physiq Fitness and buy a membership to start working out, or Regal Cinema and buy a ticket to watch a movie, or into Bi-Mart and join. Anyone can walk into Costco, purchase a membership and begin shopping immediately. You can also purchase a Costco gift card and shop in the store and certain departments, such as pharmacy, optical, audiology services and the café are available to non-members anytime. And, you do NOT need to be a member to buy a \$1.50 hot dog!

In closing, I hope this information is meaningful and clarifies many of the misstatements made about Costco at the December 10, 2018 City Council meeting. Costco is considered the best in class for grocers and, as such, it will be a highly regarded retail anchor that will attract other retail businesses to the Kuebler Gateway Shopping Center.

Please feel free to contact me if you require any additional information.

Sincerely,



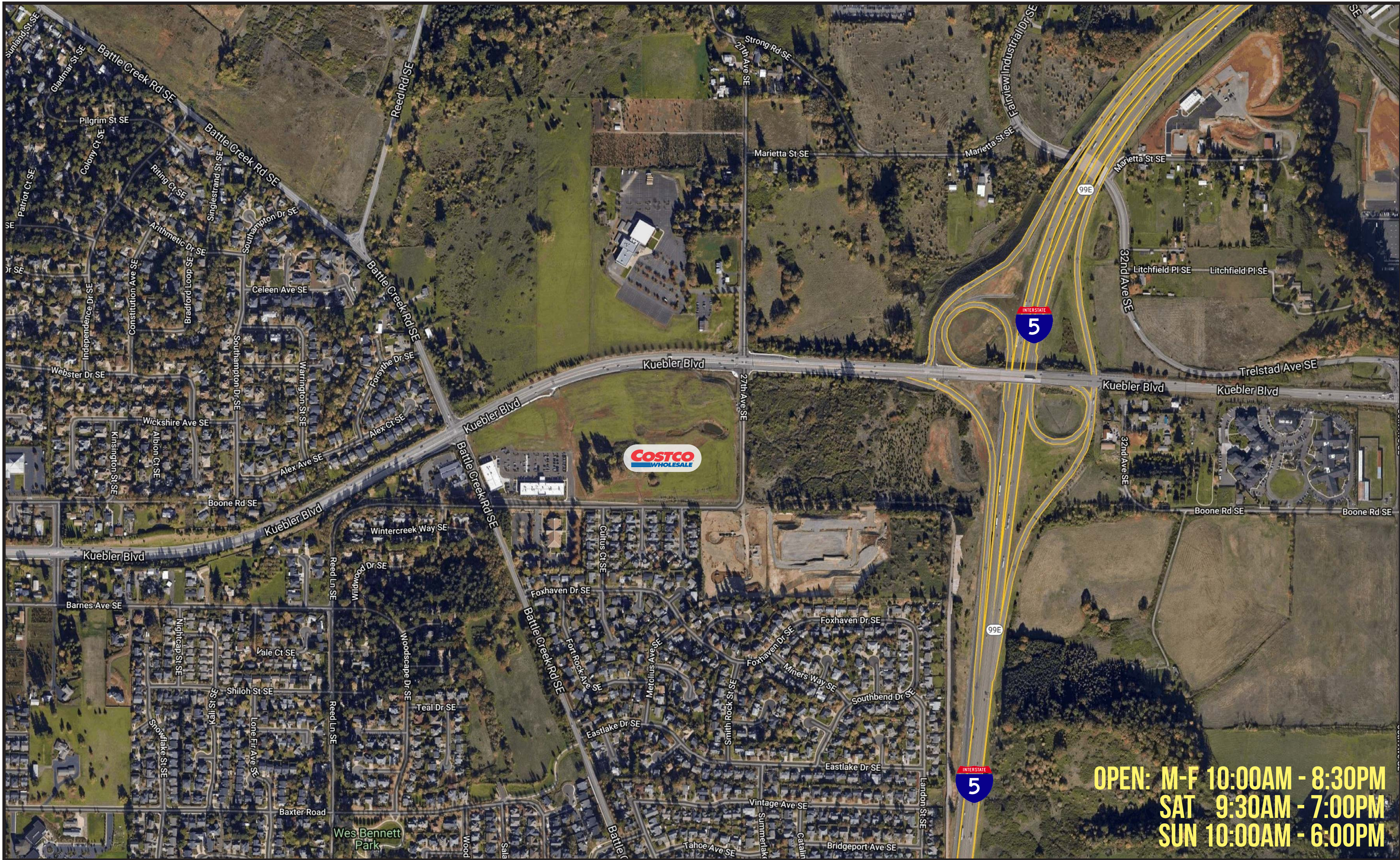
Jeff Olson

Enclosure:

ATTACHMENT – Image of Salem stores and neighborhood context

SOUTH SALEM - RETAIL PROXIMITY TO RESIDENTIAL

PROPOSED **COSTCO WHOLESALE** @ KUEBLER & BATTLE CREEK



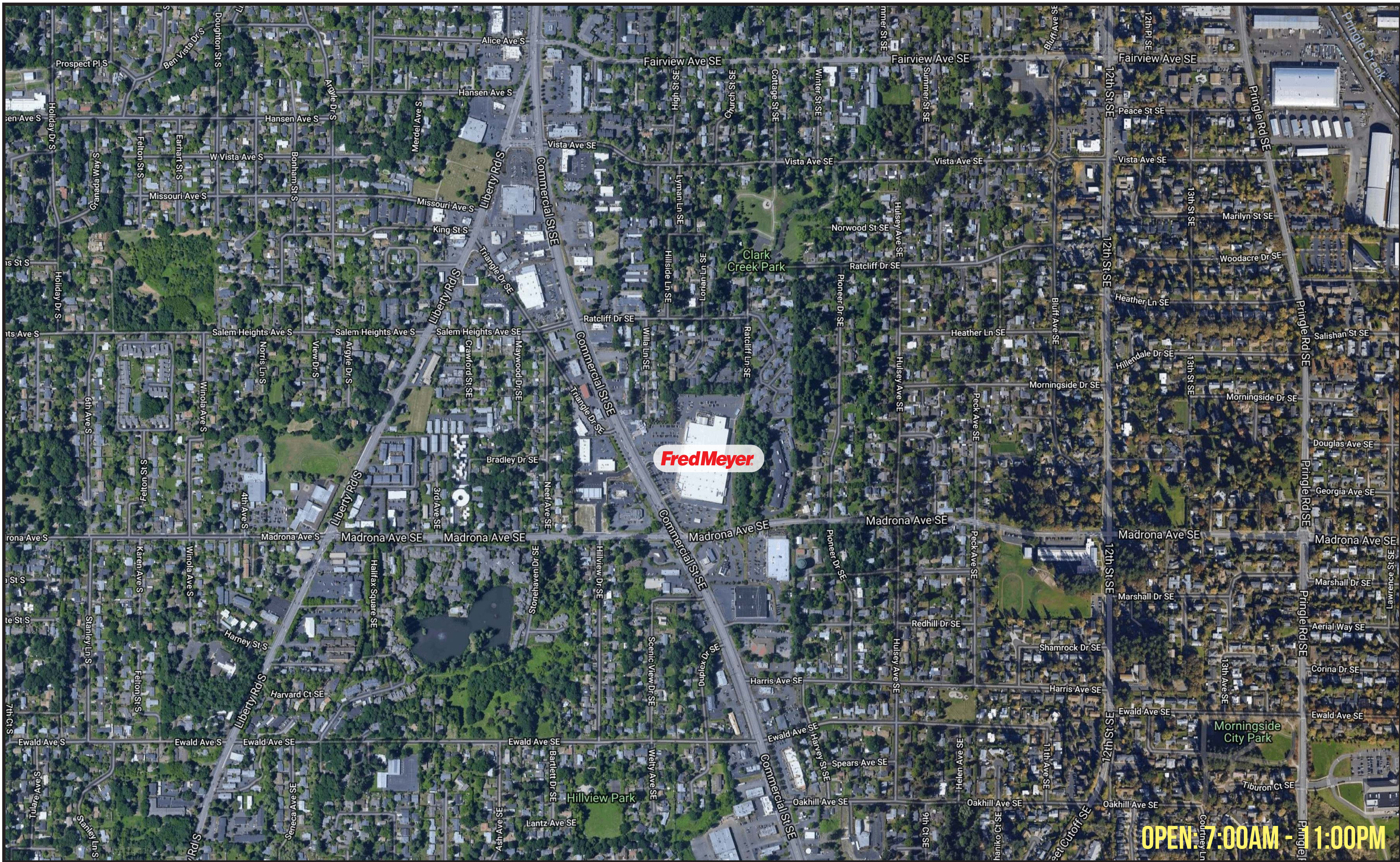
WinCo FOODS @ 4575 COMMERCIAL ST SE



Walmart @ 5250 COMMERCIAL ST SE



Fred Meyer @ 3450 COMMERCIAL ST SE



* HOURS OF OPERATION REFERENCED ARE PRE-COVID

Shelby Guizar

From: T Philli <trevorgrantphillips@gmail.com>
Sent: Tuesday, July 28, 2020 3:31 PM
To: Planning Comments
Subject: Fwd: Kuebler Gateway Shopping Center Remand Application (SPR-DAP18-15 REMAND)

RE: Kuebler Gateway Shopping Center Remand Application (SPR-DAP18-15 REMAND)

The proposed PacTrust development on Kuebler Blvd in south Salem, is too big and will adversely affect resident's quality of life. The Pactrust Traffic Impact Analysis is 2.5 years old. In order to ensure that Salem has adequate infrastructure, City Council needs to request a new TIA based on current traffic volumes, needs and additional development impacts like Amazon. Additionally, about 96% of oak habitats in our area have been destroyed. The Oregon white oaks on the PacTrust property are 200-300 years old and form their own unique ecosystem. Transplanting these trees (as proposed by PacTrust) destroys the ecosystem and it's unlikely the white oaks will survive. Any development on this property should protect the Oregon white oaks and their ecosystem. LUBA has affirmed the City of Salem position that these are significant trees, so why can't PacTrust come up with a building design to accommodate keeping this grove of trees intact? If PacTrust had fulfilled their original promises and built a neighborhood shopping center like Orenco Station in Hillsboro, the Oregon white oaks could be saved and the traffic impact would be appropriate for a development that is "right-sized".

Sincerely, Trevor Phillips

Longtime resident of Ward 3

My goal is to submit this public comment by today's deadline of 5 PM.



555 Liberty Street SE / Room 305 • Salem OR 97301-3503 • Phone 503-588-6213 • Fax 503-588-6005
www.cityofsalem.net/planning • www.cityofsalem.net

Costco Remand

Case No. SPR-DAP18-15

Public Comments submitted between
July 29, 2020 – August 4, 2020

- Initial Comment Period: July 1, 2020 – July 28, 2020 at 5:00 P.M.
- Public Rebuttal Period: July 29, 2020 – August 12, 2020 at 5:00 P.M.
(to rebut comments submitted during initial comment period)

Please direct all comments to: planningcomments@cityofsalem.net

Direct mailed comments to the Case Manager listed below.

Please include the case number with comments.

Aaron Panko, Planner III, City of Salem Planning Division,
555 Liberty Street SE, Room 305, Salem, Oregon 97301.

Zachery Cardoso

From: Katherine Lane <katlanedmd@gmail.com>
Sent: Tuesday, July 28, 2020 5:19 PM
To: Planning Comments
Subject: Costco

Dear city council members,

I am writing in opposition to allowing a Costco to be built off of Kuebler in South Salem. The intersection of Kuebler and I-5 is already a bottleneck to get to South Salem neighborhoods.

Adding a regional store with no other locations in Salem-Keizer or the surrounding area will pull traffic from miles around. The shopping center was originally proposed as a neighborhood shopping center, which would mainly serve those who lived nearby. A Costco with 30 gas pumps is not a neighborhood store.

South Salem is rapidly expanding with construction of new homes and apartment complexes and the amount of through traffic will continue to increase. Placing a Costco at this location is going to cause significant traffic problems in an already congested area and will cause significant delays for local residents, if not now, definitely in the near future.

Please continue to hold the developers to their promise of a “neighborhood” shopping center and prevent the regional draw of Costco from creating a daily traffic headache for the thousands of us who live in South Salem and use Kuebler as our main thoroughfare on our commutes.

Sincerely,
Katherine Lane

Zachery Cardoso

From: Kelly Johnston <kjjohnston@yahoo.com>
Sent: Wednesday, July 29, 2020 7:01 AM
To: Planning Comments
Subject: Costco proposal

Hello,

I wanted to express my concern about the proposal of a Costco right outside my neighborhood. It would be lovely if that area can be developed within more local small business and not a huge Costco that would bring many more people to an area that cannot handle it. This could be an area that is developed more like Portland as a neighborhood hub with small businesses/ community services. This would serve the area best and not just a large corporation moving in. I would definitely move if Costco moved in.

Thanks for your time,
Kelly Johnston

Sent from my iPhone

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Wednesday, July 29, 2020 9:49 AM
To: Planning Comments
Subject: FW: Costco development

From: Nick Williams <nirywi@gmail.com>
Sent: Tuesday, July 28, 2020 7:41 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Costco development

Dear Mr. Mayor and Councilors

I am submitting my support for the proposed Costco relocation to the PacTrust site in South Salem. The Comprehensive Plan and Zone Change approvals from 2007 allow for this development to happen. PacTrust has done everything in their power to address the opponent's primary concerns over both traffic congestion and the removal of trees by spending approximately \$4.5 million in road improvements and bringing in an arborist to relocate the white oaks on the property - and to plant 40 more.

It is the appropriate and just decision to approve the Costco relocation.

Sincerely,

Nick Williams
Ward 8

Zachery Cardoso

From: Chris Wilhelm <posnova@gmail.com>
Sent: Saturday, August 01, 2020 2:30 PM
To: Planning Comments
Subject: Comments RE: SPR-DAP18-15

It may be the wrong period, but I wanted to say that I agree with councilors Nanke, Lewis, and Mayor Bennett, as they stated their positions at the Dec 10 2018 city council meeting. Specifically https://youtu.be/g3C11_QM2S0?t=15305 until the conclusion of the motion. Yes, we in fact do wonder what in the hell is going on down there Mr. Mayor, and yes, it does appear to be chaos, Mr. Lewis.

It's on all of you to fix this political theater that comes at great cost to the applicant, and the Salem community at large. Allow the development to occur as originally approved.

Thank you,
Take it easy,
-Chris

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Monday, August 03, 2020 8:03 PM
To: Planning Comments
Subject: Fwd: Costco

From: Cara Kaser <CKASER@cityofsalem.net>
Sent: Monday, August 3, 2020 7:49:52 PM
To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>; Norman Wright <NWright@cityofsalem.net>; Dan Atchison <DAtchison@cityofsalem.net>
Subject: FW: Costco

Sorry, not sure who to forward this message to. I didn't read the message. If someone could respond to Ray to let him know about how comments work for this, that would be great.

Thanks,

Cara

Cara Kaser
Salem City Councilor, Ward 1
ckaser@cityofsalem.net

-----Original Message-----

From: Ray Quisenberry <rayquisenberry@centurylink.net>
Sent: Sunday, August 2, 2020 7:54 PM
To: Cara Kaser <CKASER@cityofsalem.net>
Cc: NO-REPLY-SALEM-COUNCIL <NO-REPLY-SALEM-COUNCIL@cityofsalem.net>
Subject: Costco

Hi Cara

Hope you and Eric are doing well. I know the official comment period for the proposed Costco project has ended, but I wanted to ask you personally to please vote once again to not let the project move forward. All the reasons from before; PacTrusts original misleading statements, the loss of the oaks, and the added traffic to name three. I also want to add that this type of large box store with fueling station is the last thing we should be doing from a climate perspective. We need a right sized project that fits with the 15 minute neighborhood idea, and large parking lots tend to discourage walkers and bikers.

And, while I'm on the subject of climate, I'm concerned that the Our Salem project will be finished long before the CAP. The development of the CAP should not only be coordinated with the development of the Our Salem project, but also be informing the direction of the project. I've voiced these concerns with Eunice Kim, and I know that Phil Carver has talked to Norm Wright, and neither Eunice nor Norm seem to understand the issue. I'm hoping you can talk to them.

Take care. Five months from now and these will all be Virginia's problems to tackle.

Ray
Sent from my iPad

Zachery Cardoso

From: noreply@cityofsalem.net on behalf of wooley0354@comcast.net
Sent: Tuesday, August 04, 2020 8:36 PM
To: Planning Comments
Subject: Contact Aaron Panko
Attachments: ATT00001.bin

Your Name	Jennifer Wooley
Your Email	wooley0354@comcast.net
Your Phone	5035810375
Street	1765 Scotch Ave SE
City	Salem
State	OR
Zip	97306
Message	<p>We still stand on our objection to the Kuebler Gateway Shopping Project. There is no room left to widen Kuebler any more than it is without destroying what's left of the wetlands on that road and removing the Scotch Broom and other vital plants that provide nutrients for many pollinating birds and insects. Kuebler is jammed to capacity with traffic at many times during the day. The Costco Shopping Project would make traffic flow completely problematic. The Kuebler Fwy ramps are expanded and still jammed. The Gas pumps prove to be an environmental and safety hazard. Brush fires would be a disaster. Homes will lose value and Elementary schools will be difficult to access, especially in emergency situations. The expansion of Kuebler Ave took years and was of minimal help to the congestion of traffic on that road during peak hours. There is also a Medical health clinic, Urgent Care, and Rehabilitation Center at the proposed Costco location which will be greatly impacted by the traffic flow that this new development will bring. These businesses are of great service to the community. Costco has plenty of other options to relocate. The Kuebler location is only desired because of the close proximity to the I-5 off ramps. Turner has plenty of abandoned industrialized property and could probably use the revenue. We couldn't stop the telecommunication tower from being located there. Which is sad because our plants and animals are severely symptomatic. There is enough toxicity being dealt with in those areas without adding the Shopping Project to our environment. Please advise if this has reached you in a timely manner. I would like to let the residents on our mailing list know they still have time to oppose if so desire. Thank you Jennifer Wooley</p>

This email was generated by the dynamic web forms contact us form on 8/4/2020.



555 Liberty Street SE / Room 305 • Salem OR 97301-3503 • Phone 503-588-6213 • Fax 503-588-6005
www.cityofsalem.net/planning • www.cityofsalem.net

Costco Remand

Case No. SPR-DAP18-15

Public Comments submitted between
August 5, 2020 – August 12, 2020

- Initial Comment Period: July 1, 2020 – July 28, 2020 at 5:00 P.M.
- Public Rebuttal Period: July 29, 2020 – August 12, 2020 at 5:00 P.M.
(to rebut comments submitted during initial comment period)

Please direct all comments to: planningcomments@cityofsalem.net

Direct mailed comments to the Case Manager listed below.

Please include the case number with comments.

Aaron Panko, Planner III, City of Salem Planning Division,
555 Liberty Street SE, Room 305, Salem, Oregon 97301.

Zachery Cardoso

From: Don Sturgeon <brokerdonsturgeon@gmail.com>
Sent: Thursday, August 06, 2020 8:46 AM
To: Planning Comments
Subject: Costco

To Whom it May Concern,

I would like to take this opportunity to voice my support of Costco's relocation to South Salem.

First and foremost, what they are proposing is an outright approved use for the property as it is currently zoned. That should really be all that needs to be said. To reject a project that checks every required box would be an irresponsible and dangerous move on the part of the city.

Second, I don't see how this would increase traffic anywhere other than between I5 and 27th Ave., an area that has been redesigned to handle an increased load. Anyone traveling east on Kuebler from Commercial St. to get to Costco is already driving that same route (to I5 north) to get to the existing Costco.

Please make the correct and responsible decision here. It's a bad look on the part of the city when an affluent South Salem neighborhood can get you to change the rules for them. One can only speculate if a neighborhood off of Portland Rd. would have the same influence had the relocation been proposed there.

Sincerely,

Don Sturgeon
Principal Broker
HomeSmart Realty Group
503-508-1800
DonS@HSmartRG.com
Licensed in the State of Oregon

Zachery Cardoso

From: hensleytim@aol.com
Sent: Thursday, August 06, 2020 3:31 PM
To: Planning Comments
Subject: Supporting Comments on COSTCO new location

To: Salem City Council and Aaron Panko

I am writing in support of the new COSTCO development. I have read most of the comments that came in. I also own commercial property around town. From my experience, I believe this city is not business friendly and it shows. Business, employment and the resulting taxes contribute to making a community vibrant and livable. The more we push business out of our community, the more this city is going to deteriorate. We need to keep COSTCO and their tax base in Salem and this is an appropriate location. I am sure other nearby communities, like Keizer, would love to have them. We should feel fortunate and thankful that we have a location that is appropriately zoned and strategically located near I-5 to mitigate traffic. I strongly encourage the City Council to support this project. Thank you.

Regards,
Tim Hensley

Zachery Cardoso

From: STEVE WOOLEY <stevewooley@comcast.net>
Sent: Thursday, August 06, 2020 5:47 PM
To: Planning Comments
Subject: Kuebler Gateway Shopping mall Project

Attn: Aaron Panko, Planner III

We still stand on our objection to the Kuebler Gateway Shopping Project.

There is no room left to widen Kuebler any more than it is without destroying what's left of the wetlands on that road and removing the Scotch Broom and other vital plants that provide nutrients for many pollinating birds and insects.

Kuebler is jammed to capacity with traffic at many times during the day. The Costco Shopping Project would make traffic flow completely problematic. The Kuebler Fwy ramps are expanded and still jammed. The Gas pumps prove to be an environmental and safety hazard. Brush fires would be a disaster. Homes will lose value and Elementary schools will be difficult to access, especially in emergency situations.

The expansion of Kuebler Ave took years and was of minimal help to the congestion of traffic on that road during peak hours.

There is also a Medical health clinic, Urgent Care, and Rehabilitation Center at the proposed Costco location which will be greatly impacted by the traffic flow that this new development will bring. These businesses are of great service to the community.

Costco has plenty of other options to relocate. The Kuebler location is only desired because of the close proximity to the I-5 off ramps. Turner has plenty of abandoned industrialized property and could probably use the revenue.

We couldn't stop the telecommunication tower from being located in Turner but we were able to keep it from being placed on the North side of that intersection. Which is sad because our plants and animals are severely symptomatic with the tower being a few blocks south of Salem limits.

There is enough toxicity being dealt with in those areas without adding the Shopping Project to our environment.

Please advise if this has reached you in a timely manner. I would like to let the residents on our mailing list know they still have time to oppose if so desire.

Thank you

Jennifer Wooley

Zachery Cardoso

From: Lisa Anderson-Ogilvie
Sent: Monday, August 10, 2020 8:14 PM
To: Planning Comments
Subject: FW: SGNA Rebuttal of City Staff Memo of 3/27/20
Attachments: City of Salem Memo (3.27.2020) - SGNA Rebutal.pdf; Salem Costco Review Greenlight 8-12-20 (2).pdf

From: Glenn Baly <glennbaly12345@gmail.com>
Sent: Monday, August 10, 2020 8:12 PM
To: citycouncil <citycouncil@cityofsalem.net>; Aaron Panko <APanko@cityofsalem.net>; Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>
Subject: SGNA Rebuttal of City Staff Memo of 3/27/20

Attached is SGNA's rebuttal of the March 27, 2020 memo posted by the City of Salem staff. I've also attached a document that goes with the rebuttal.

Glenn Baly
SGNA



August 10, 2020

Mayor & Council
City of Salem
555 Liberty Street SE
Salem, OR 97306

**RE: Rebuttal of City of Salem Memo titled “PacTrust Traffic Impact Analysis Discussion”
dated March 27, 2020**

Dear Mayor and City Council,

The South Gateway Neighborhood Association (SGNA) letter is a rebuttal to the City of Salem’s March 27, 2020 posted as part of the public comments for the Costco/PacTrust Remand Application. Our rebuttal centers on the timing of the memo and the exception to required Transportation Impact Analysis standards provided by the Salem Public Works Director to the Applicant. We also refer you to the attached letter from Greenlight Engineering for further rebuttal of the City’s memo

1. Memo Timing – The City’s memo is dated March 27, 2020 regarding the PacTrust Site Plan Review Traffic Impact Analysis issues is dated March 27, 2020 and was posted after July 1, 2020 as part of the public comments for the Remand Application. The memo timing is curious and seems to indicate that the City had prior knowledge that the Applicant was in the process of submitting their Remand Application.

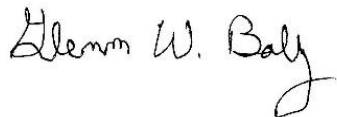
One of SGNA’s biggest concerns about the Remand Application process is that neither SGNA nor the Respondents/Intervenors were notified about the Remand Application until July 1, 2020 and only given until July 28, 2020 to review and submit public comments. The memo timing seems to indicate that the City had prior knowledge of the upcoming Remand Application, but failed to share the information with SGNA, the public or the respondents/intervenors and continually claimed that they were unaware of the application until June 16, 2020 when the application was submitted.

Public Works Director Exception – The memo indicates that Public Works Director provided an exception to the traffic impact analysis criteria in SRC 803-015(b)(1), because the improvements required under the 2007 Comprehensive Plan Change and Zone Change were enough to mitigate the traffic impacts under the Site Plan Review even though the original TIA was over 10 years old. However , there is no evidence provided in the memo to support the Director’s exemption to the traffic impact analysis requirement for the Site Plan Review.

SGNA’s finds the City of Salem memo as an unfounded attempt to support their waiving of required standards for a Site Plan Review TIA for the Applicant. This seems like another example of the City Staff’s consistent pro-developer stance for the Costco-PacTrust project and many other development projects.

Thank you.

Sincerely,

A handwritten signature in black ink that reads "Glenn W. Baly". The signature is written in a cursive, flowing style.

Glenn W. Baly
Chair
South Gateway Neighborhood Association
glennbaly12345@gmail.com

cc:

Aaron Panko
City of Salem Planning Division
555 Liberty Street, SE
Salem, OR 97301



GREENLIGHT ENGINEERING

TRAFFIC ENGINEERING/TRANSPORTATION PLANNING

August 12, 2020

Karl G. Anuta
735 SW First Avenue
Portland, OR 97204

RE: Salem Costco Remand

Mr. Anuta,

Greenlight Engineering has been asked to evaluate the transportation related impacts of the proposed Salem Costco, fueling depot and other retail pads project.

We submitted a review of the applicant's transportation related documents in a December 10, 2018 Report, provided traffic analysis addressing a number of the errors made in the applicant's Traffic Impact Analysis ("TIA") in a July 2, 2020 Report, and responded to the City of Salem's March 27, 2020 PacTrust Traffic Impact Analysis Discussion" and the applicant's June 6, 2020 "Response to Greenlight Engineering comments" in our July 28, 2020 Report.

The primary purpose of this Supplemental Report is to address the applicant's July 21, 2020 "Supplemental Traffic Analyses in Response to Greenlight Engineering December 2018 Comments."

Based on our review of this application, it is clear that numerous errors and omissions remain in the applicant's TIA. Without a TIA based upon the clear and objective criteria of the City of Salem, it is impossible to evaluate the adequacy of the transportation system or make a finding that the application meets the approval criteria.

Executive Summary

- The applicant has now provided alternative trip generation analysis purportedly based upon the ITE *Trip Generation Manual*. However, as referenced in our July 28, 2020 Report, the ITE *Trip Generation Manual* data cannot be relied upon to estimate trips for the proposed 160,000 square foot Costco warehouse because the warehouse is so large that it exceeds the size of any other discount warehouses referenced in the manual. Similarly, the ITE *Trip Generation Manual* data cannot be relied upon to estimate the trips for the fueling depot as the 30 position fueling depot is so large that it exceeds the size of any other fueling depots referenced in the manual.
- The TIA has historically relied on a build-out year of 2019, a date that was always unrealistic given the scale of the project and the required off-site mitigation. Now, the TIA relies upon a build-out year of 2021. While still unrealistic given the scale of the project and required mitigation, the horizon year of 2021 also does not meet city requirements because the development is multi-phased with no reported completion date. The TIA is required to be based on the year of opening of each phase of development.

- Contradicting their previous claims that a Site Plan Review TIA does not require the analysis of off-site intersections, the TIA now proposes a major signal timing mitigation to address the failure in operations at Kuebler Boulevard/Battle Creek Road. The proposed mitigation has not apparently been reviewed by the City of Salem or ODOT. ODOT does not typically accept signal timing changes as mitigation. This signal timing change will likely affect operations at 12 intersections along Kuebler Boulevard, eight of which have never been evaluated in the TIA. Even with this major change, the TIA reports that operations at the I-5 SB offramp/Kuebler Boulevard and Kuebler Boulevard/Battle Creek Road intersection will operate at exactly the mobility standard, leaving zero room for error. The applicant has continually not addressed any of the many errors and omissions clearly in violation of City of Salem and ODOT requirements.
- The proposed signal timing modification will worsen queuing at the Kuebler Boulevard/27th Avenue intersection, increasing the possibility that traffic will queue into the 27th Avenue/Site Access roundabout.
- The revised analysis provides no Saturday peak hour or weekday AM peak hour evaluation as required.
- The TIA continues to contain the same errors and omissions as referenced in our previous Reports. In our July 2, 2020 Report, our analysis reveals that with recent traffic counts as well as addressing a number of the TIA's shortcomings, there are numerous intersection mobility failures.

Trip Generation Methodology is Flawed

In our December 10, 2018 Report, we identified that the City of Salem requires an applicant to rely on the ITE *Trip Generation Manual* in developing trip generation estimates. However, the TIA has continuously failed to present trip generation methodology that is compliant with the ITE *Trip Generation Manual* or the ITE *Trip Generation Handbook*.

In their June 6, 2020 memo, the applicant states that the “...site generated traffic analyses are based on data and guidance from the most current version of the ITE...Trip Generation Manual.” Further, the applicant provides it was the applicant's intent to follow “best practices as required by ITE” and to be “consistent with ITE recommended practice.”

In the applicant's July 21, 2020 memo, the applicant revises their trip generation approach to attempt to rely upon the ITE *Trip Generation Manual*, utilizing data for a “Discount Club” and “Gasoline/Service Station.”

With their July 21, 2020 memo, the applicant again fails to adhere to the ITE *Trip Generation Manual*, the ITE *Trip Generation Handbook* and City of Salem standards that require “Trips shall be calculated using the adopted Institute of Transportation Engineer's *Trip Generation Manual*.” For this reason alone, all of the analysis presented in the applicant's July 21, 2020 based on the “Discount Club” and “Gasoline/Service Station” ITE *Trip Generation Manual* calculations should be rejected.

As presented in our July 2, 2020 Report, the Costco warehouse is out of the range of data of the ITE *Trip Generation Manual* for a “Discount Club.” The size of the proposed Costco

warehouse is 160,000 square feet while the largest store referenced in the *Trip Generation Manual* is only 149,000 square feet. In order to rely on the *Trip Generation Manual* trip generation rates, at least one of the sites referenced in the *Trip Generation Manual* must equal or exceed 160,000 square feet to be used to generate trip estimates for the proposed warehouse.

Similarly, the Costco fueling data is out of the range of the data for a “Gasoline/Service Station.” The size of the proposed fueling depot is 30 fueling positions while the largest fueling station in the *Trip Generation Manual* is only 20 fueling positions. In order to rely on the *Trip Generation Manual* trip generation rates, at least one of the sites referenced in the *Trip Generation Manual* needs to equal or exceed 30 fueling positions.

The *Trip Generation Manual*’s *Trip Generation Handbook* directs:

“Collect Local Data when...[the] Independent variable value [warehouse square footage or number of fueling positions] is not within range of data”

“The value of the independent variable [warehouse square footage or number of fueling positions] for the study site must be within the range of data included to use the data plot”

“Determine if the size of the study site (in terms of the unit of measurement of the independent variable [warehouse square footage or number of fueling positions]) is within the range of the data shown in the data plot...If the answer is no...collect local data and establish a local or consolidated rate”

“The procedure states that local data should be collected and used to estimate trip generation...[i]f the size of a study site is not within the range of data points presented in the Manual data volumes”

“The decision to establish a stand-alone local trip generation rate or equation should start with the development of a hypothesis for why the national Trip Generation Manual data might not be appropriate for local application...Clearly, the absence of any data covering a particular land use or a data deficiency in the existing database (for example, in the range of site sizes [warehouse square footage or number of fueling positions]) is a sufficient rationale.”

In previous versions of the TIA, the applicant has attempted to base their analysis on local trip generation data, but have failed to do so in compliance with the ITE *Trip Generation Handbook* and City of Salem requirements. The weekday PM peak hour and Saturday peak trip generation rates utilized in the TIA are based solely on trip generation data collected at just one site, the Salem Costco warehouse and fueling station, with data circa 2005.

The size of the 2005 warehouse and fueling station are significantly smaller than the proposed warehouse and fueling depot and not within the range of the proposed Costco and fueling depot as required to be compliant with the *Trip Generation Handbook*.

The *Trip Generation Handbook* specifically recommends against relying on data from one or two sites in developing a local trip generation rate, something the applicant has ignored. The *Trip Generation Handbook* calls for “[In developing a local trip generation rate not based upon the data of the *Trip Generation Manual*] the analyst should collect trip generation data at a minimum of three local sites. Collecting data at five or more sites is preferable.”

Given that the applicant claims to have trip generation data from many other sites across the country, it's curious why the applicant continues to not follow the ITE methodology for developing a local trip generation rate. Instead, the applicant attempts to rely on data from just one site that is not comparable to the proposed site. Certainly, best practices of ITE were not utilized in the TIA as purported. Instead, the applicant's TIA employed practices that ITE specifically recommends against.

As discussed at length in our July 28, 2020 Report, the applicant's trip generation related to the warehouse and fueling depot is based on numerous errors and omissions and should be rejected.

Without this factor properly accounted for, the application does not meet the requirement SRC Section 220.005(f)(3) that requires "...all applicable standards of the UDC [Uniform Development Code]" are met and that "...negative impacts to the transportation system are mitigated adequately."

Year of Opening Assumption is Inappropriate and Doesn't Meet Requirements

As established in Table 6-33 of the Salem Administrative Rules, the City of Salem requires that a "Multi-phased Development" TIA must be based upon the "year of opening each phase." In their July 21, 2020 memo, the applicant readjusts their horizon year to a "reasonable timeframe for a significant portion of the proposed development to be built and occupied." With this statement, the applicant admits that their TIA horizon year is not based on the buildout of the entire development, but only on a portion of the development. This application continues to fail to meet clear and objective requirement of the City of Salem by evaluating the opening of each year of development phase.

To summarize, the May 31, 2018 TIA states that "[t]he proposed Costco will include a warehouse and fuel station with four islands and the potential to add a fifth island in the future (30 fueling positions)." The fifth island will apparently be constructed at some later time. Additionally, the site plan illustrates that at least three retail buildings (possibly four) as a "future phase," indicating that they will not be constructed and opened with the Costco warehouse and initial four islands of the fueling depot. No build-out year for these phases are proposed or analyzed, clearly in violation of city requirements.

Regardless of whether the applicant considers these retail buildings to be significant or not, the inappropriate omission of the TIA is evident. The applicant had the option to omit these buildings from this application and apply for Site Plan Review separately for these structures. Instead, the applicant seeks entitlement for each of these structures at this time, but fails to study their impacts appropriately.

As previously noted, while the land use appeal certainly has not positively contributed to meeting the applicant's original timeline, the applicant's timeline was never a realistic timeline to begin given the size of the development and off-site improvements. The TIA has also always ignored the clear requirements of the City of Salem as a multi-phased project.

Additionally, according to Table 3.3 of the ODOT *Design Review Guidelines*, a development with a trip generation of excess of 5,000 trips like the one proposed is required to provide an analysis at least 15 years into the future. This analysis still has not been provided.

As required by Table 6-33 and the *Design Review Guidelines*, the need to analyze a horizon year well beyond 2019 or even 2021 is obvious.

Without these issues correctly addressed, the application does not meet the requirement that “...all applicable standards of the UDC [Uniform Development Code]” are met and that “...negative impacts to the transportation system are mitigated adequately.”

Proposed Mitigation Should be Rejected

The applicant has claimed that evaluation of off-site intersection mobility standards is not applicable to the Site Plan Review. Interestingly, the applicant contradicts that claim by now proposing additional intersection mitigation to address the failure of an off-site intersection identified in their 2021 analysis. The applicant's July 21, 2020 memo states that “All intersections are projected to operate acceptably [in 2021] using the Costco specific trip generation data, with a minor (10 second) [cycle] signal timing adjustment (from 130 seconds to 140 seconds) at the Kuebler Boulevard/Battle Creek Road intersection and is reflected in corresponding signal timing adjustments along the [Kuebler Boulevard] corridor...It is important to note that signal timing and phasing adjustments will be made at the signalized intersections along Kuebler Boulevard to accommodate the planned off-site traffic signal improvements...”

Aside from the clear contradiction between the contention that off-site intersections don't matter as part of the Site Plan Review, we don't consider increasing the traffic signal cycle length along the entire Kuebler Boulevard corridor to be a minor signal timing adjustment that should be taken lightly. As a significant corridor wide signal timing modification had not been proposed in prior versions of the TIA, it is very unlikely that the City of Salem or ODOT have considered this adjustment fully. The TIA previously illustrated minor, localized signal timing adjustments at the intersections requiring widening or other construction while retaining the existing 130 second cycle length. A traffic signal cycle change as proposed has the potential to increase delays substantially along the entire Kuebler Boulevard corridor.

Kuebler Boulevard currently operates in a coordinated signal system with a common cycle length of 130 seconds in order to progress traffic from one end of the corridor to the other. Based upon an email conversation with Eric Destival of the City of Salem staff, this coordinated signal system extends as far east as the Kuebler Boulevard/Turner Road intersection and as far west as the Kuebler Boulevard/Joseph Street. Mr. Destival indicates that “normally the system is in coordination (130 second cycle) from Sunnyside to the east from 3:30 to 6:00 pm on weekdays. In addition, Lone Oak and Liberty join this coordination plan from 4:00 to 6:00 pm. Skyline and Sprague remain in FREE [not in coordination with the other signals].”

12 of the 14 signalized intersections on the Kuebler Boulevard corridor operate on a common cycle length for at least one period of the day and by changing one intersection to a 140 second cycle length, the entire corridor would need to be changed to a 140 second cycle length during the weekday PM peak hour, possibly increasing delays corridor wide (but without any analysis to know for sure) in order solely to accommodate this development. Only four of the 14 signalized intersections have been studied to evaluate this change.

While this change may benefit the applicant in obtaining their land use entitlement, making this change corridor wide may not be in the best interest of the public and may result in worse operations than existing operations. This proposed signal timing change may cause new intersections to not operate in compliance with ODOT and City of Salem mobility standards that may not have occurred without this signal timing change. Agencies generally prefer the shortest cycle lengths as possible in order to provide optimal operations.

As previously established, the TIA falls far short of meeting the minimum requirements of the City of Salem for the intersection study area. The impacts of the proposed development require the study of numerous other intersections that have been ignored. The TIA does not even study the same intersections included in the 2006/2007 Zone Change/Comprehensive Plan Amendment application although the City of Salem staff intended as such. The now proposed signal timing change further impacts other intersections and drives the need to finally analyze an appropriate study area based on Salem's adopted study area requirements.

The TIA reports that with these proposed signal timing changes, the Kuebler Boulevard/Battle Creek and I-5 SB offramp/Kuebler Boulevard intersections will again operate at exactly the mobility standard of ODOT and the City of Salem, again leaving zero room for error. As reported previously, all of the same errors and violations of city and ODOT requirements remain unaddressed although the applicant has many opportunities to correct them. The known intersection deficiencies will become the responsibility of others should this application be approved as proposed.

It should be noted that the applicant's July 21, 2020 memo fails to provide any Saturday peak hour analysis for the revised year of study. The Saturday peak hour was analyzed in previous iterations of the TIA but was not in this version even though the Saturday peak hour represents the peak Costco/fueling depot trip generation. It is unclear if signal timing adjustments would be necessary during this time period in order to provide adequate operations. Additionally, while always meeting the threshold to provide a weekday AM peak hour analysis, the TIA has never provided a weekday AM analysis. Signal timing adjustments may also be necessary in this time period.

ODOT has not provided recent comment on this application, yet very well may have concern regarding proposed signal timing modifications as they affect state highway facilities. Without ODOT's involvement, it would not be appropriate to approve a signal timing change at the I-5 SB offramp/Kuebler Boulevard intersection as it may not be implementable. ODOT does not typically accept signal timing modifications as mitigation. There is no evidence that the applicant has been in contact with ODOT or City of Salem staff regarding the proposed signal cycle length modifications.

ODOT's Analysis Procedures Manual ("APM") Chapter 13 reads "The optimum settings [in a traffic analysis] must meet the criteria established in OAR [Oregon Administrative Rules] 734-020-0480 as it relates to progression analysis while also attempting to find the lowest intersection v/c ratio and minimizing queue lengths. **This OAR only applies when modifications are proposed to a signal which would affect the settings of the coordination plans (emphasis added).**" The proposed signal timing change would certainly affect the settings of the Kuebler Boulevard coordination plan.

Per the APM, "ODOT has established the following criteria for traffic impact studies with regard to the timing chosen for the capacity analysis of signalized intersections. ODOT reserves the right to reject any operational improvements that in its judgment would compromise the safety and efficiency of the facility."

For a signal progression analysis "...the following requirements must be met:

- Demonstrate acceptable existing and future traffic signal system operation during commute peak hours
- Provide for a progressed traffic band speed within 5 mph of the existing posted speed for both directions of travel during the off-peak periods and within 10 mph of the existing posted speed during peak periods. Approval by the State Traffic Engineer or designated representative shall be required where speeds deviate more than the above.
- Demonstrate sufficient vehicle storage is available at all locations within the traffic signal system without encroaching on the functional boundaries of adjacent lanes and signalized intersections. The functional boundary of an intersection shall be determined using procedures specified by the ODOT Access Management Unit.
- Provide a common cycle length with adequate pedestrian crossing times at all signalized intersections.

The analysis must demonstrate that the...revised signal still allows the signal system to have a progression bandwidth as large as that required or as presently exists, for through traffic on the state highway at the most critical intersection within the roadway segment. The most critical intersection is the intersection carrying the highest through volume per lane on the state highway...

...If the analysis shows that the proposed signal will not meet the requirements of OAR 734-020-480, other alternatives should be evaluated..."

There is no evidence that the requirements of the APM or OAR have been addressed. Additionally, there is no evidence of ODOT or City of Salem approval of this proposal. As noted, two intersections are projected to operate at exactly the City of Salem and ODOT mobility standard even with this proposed mitigation. However, there remain numerous errors and omissions in the TIA that continue to not be addressed and the TIA continues to paint an incomplete and flawed picture.

Without proper analysis based on City of Salem and ODOT standards, the application does not meet the requirement that "...all applicable standards of the UDC [Uniform Development Code]" are met and that "...negative impacts to the transportation system are

mitigated adequately.” The full scale of the negative impacts have yet to be studied based on the clear and objective requirements that define a Traffic Impact Analysis.

2021 Analysis Worsens Queues into 27th Avenue/Site Access Roundabout Intersection

As discussed extensively in our previous Reports, the northbound right turn lane queue that develops at the Kuebler Boulevard/27th Avenue intersection will extend beyond it's queue storage capacity and possibly block the roundabout at the 27th Avenue/Site Access intersection.

With the applicant's revised analysis, this queuing will worsen from previous analyses likely due to the newly proposed signal timing change.

The TIA erroneously reports that the northbound right turn lane will be constructed with 325 feet of storage. As previously established, the site plan illustrates approximately 270 feet of queue storage for the northbound right turn lane. The July 21, 2020 memo incorrectly reports in Table 3 that the northbound right turn queue will extend 325 feet. However, the analysis sheet in Attachment A shows that the northbound right turn queue will extend 342 feet. This queue is inadequate even by the applicant's erroneous measurement of the northbound right turn lane length of 325 feet. As noted in our July 28, 2020 report, the northbound left turn queue (163 feet) and northbound through queue (23 feet) at the Kuebler Boulevard/27th Avenue intersection could very well be stuck behind this 342 foot queue, extending the overall queue to over 500 feet, well into the roundabout.

Page 10 of 100

Queues 22051- Salem Costco Relocation

3: 27th Ave SE & Kuebler Blvd Total Traffic 2021 - PM 140 sec cycle

	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT
Lane Group Flow (vph)	9	1396	4	488	1925	14	124	8	375	100	64
v/c Ratio	0.20	0.66	0.00	0.91	0.69	0.01	0.81	0.05	0.78	0.61	0.34
Control Delay	77.9	28.6	0.0	73.8	11.8	0.0	93.7	55.2	46.4	72.0	30.8
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.6	0.0	0.0
Total Delay	77.9	28.6	0.0	73.8	11.8	0.0	93.7	55.2	47.0	72.0	30.8
Queue Length 50th (ft)	7	437	0	232	291	0	107	7	248	85	21
Queue Length 95th (ft)	m10	460	m0	4304	814	m0	163	23	342	136	65
Internal Link Dist (ft)		872			1344			436			5233
Turn Bay Length (ft)	250		200	375			200		290	125	
Base Capacity (vph)	51	2123	1093	594	2776	1095	368	488	506	402	468
Starvation Cap Reductn	0	0	0	0	0	0	0	0	19	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.18	0.66	0.00	0.82	0.69	0.01	0.34	0.02	0.77	0.25	0.14
Intersection Summary											
# 95th percentile volume exceeds capacity, queue may be longer.											
Queue shown is maximum after two cycles.											
m Volume for 95th percentile queue is metered by upstream signal.											

Excerpt of July 21, 2020 “Supplemental Traffic Analysis in Response to Greenlight Engineering December 2018 Comments”

Traffic Growth Does Not Meet Requirements

As previously addressed in our December 10, 2018, July 2, 2020 and July 27, 2020 Reports, Section 6.33 of the Administrative Rules states “Background rates and trip distribution shall be based upon the Mid-Willamette Valley Council of Governments Transportation [MWVCOG] Model.”

In their July 21, 2020 memo, the applicant reports that in accounting for background traffic growth from 2019 to 2021, they continue to perpetuate the use of the incorrect one percent per year growth rate utilized in their original TIA. In their June 6, 2020 memo, the applicant reports that the growth rate should be at least 1.12%.

In reality, as our prior Reports illustrate, the growth rate that must be used in the analysis according to city requirements should be approximately 1.8% based upon the MWVCOG model.

Without this factor correctly addressed, the application does not meet the requirement that “...all applicable standards of the UDC [Uniform Development Code]” are met and that “...negative impacts to the transportation system are mitigated adequately.”

Traffic Calming Measures Not Evaluated Appropriately

Exhibit F of the applicant's June 16, 2020 provides an exhibit illustrating proposed speed humps on Cultus Avenue and Foxhaven Drive and a raised pedestrian crossing on Boone Road.

Section 6.15 of the City of Salem Administrative Rules states that “Traffic Calming structures are not permitted unless they are warranted as determined by Neighborhood Traffic Management Program criteria.”

There is no evidence that the proposed traffic calming measures have been evaluated and are warranted by the Neighborhood Traffic Management Program criteria.

Previous Traffic Impact Analysis Issues Remain Unaddressed

Our July 2, 2020 Report illustrated that a number of study area intersections will fail to meet mobility standards if this development is approved with no further mitigation.

We conducted traffic counts in February/March of 2020 that illustrated significantly higher volumes at the I-5 SB offramp/Kuebler Boulevard intersection. In our December 10, 2018 Report, we provided a historical traffic count illustrating higher traffic volumes at the I-5 SB offramp/Kuebler Boulevard and Kuebler Boulevard/Battle Creek Road than were presented in the original and revised TIA.

In our July 2, 2020 analysis, we seasonally adjusted traffic volumes at the I-5 SB offramp/Kuebler Boulevard intersection as required. Additionally, we utilized appropriate saturation flow rates, an appropriate traffic growth rate, appropriate traffic count periods and

appropriate right-turn on red factors in compliance with city and ODOT requirements. The TIA continues to lack substantial evidence regarding trip generation and trip distribution, in opposition to the clear requirements of the City of Salem Administrative Rules. The applicant has had ample opportunity to correct the errors and omissions in their analysis, but has opted not to.

As discussed in our July 28, 2020 Report, the approval criteria for a Zone Change/Comprehensive Plan Amendment vs. a Site Plan Review have very different approval criteria. Approval of a Zone Change/Comprehensive Plan Amendment does not guarantee or vest approval of a Site Plan Review that necessitates that “negative impacts to the transportation system are mitigated adequately.” There remain numerous negative impacts to the transportation system that have not been evaluated adequately much less mitigated adequately. We have clearly pointed out the omissions, errors and intersection failures that remain addressed.

A Site Plan Review is not limited to reviewing impacts to on-site transportation issues or to driveways as the applicant claims. Fully aware of their obligation to address off-site intersections as part of a Site Plan Review, the applicant now proposes additional intersection mitigation to address an off-site intersection failure.

Conclusion

A TIA meeting the requirements of the SRC is required, yet still not provided.

The applicant's TIA continues to contain numerous errors and omissions that remain unresolved in spite of the applicant's July 21, 2020 memorandum. The applicant's TIA continues to put aside the clear and objective requirements of the City of Salem and ODOT. The TIA also lacks the necessary evidence to support the TIA's claims.

While claiming that the adequacy of off-site intersections is not relevant to a Site Plan Review, the applicant now proposes a significant signal timing modification to address an off-site intersection failure. The applicant claims such a change is insignificant. In fact, the proposed signal timing change could affect up to 12 intersections, eight of which have not been studied at all. The proposed mitigation may worsen intersection operations. Two intersections are under the jurisdiction of ODOT, who have not provided comment on the proposed mitigation and generally do not accept signal timing changes as mitigation.

The proposed mitigation also worsens queuing at the Kuebler Boulevard/27th Street intersection and will possibly cause queues to extend into the proposed roundabout at the 27th Avenue/Site intersection.

The TIA continues to rest on a razor's edge with two intersections identified as operating exactly at the mobility standard with no room for error. Regardless of the newly proposed mitigation, the TIA continues to contain numerous errors and omissions. The failure of the Kuebler Boulevard/Commercial Street intersection remains wholly unaddressed. There are possibly other intersections not studied in the TIA (although required to be studied) that also will not meet mobility standards.

Our July 2, 2020 Report establishes that in addressing just a few of the TIA's errors, at least three intersections will fail to meet mobility standards. Appropriate intersection mitigation, not signal timing modifications, should be sought. Without appropriate analysis and additional mitigation, several intersections will operate inadequately, creating the potential for the City of Salem, ODOT and/or other developments who analyze their impacts per city and ODOT requirements to address this development's unmitigated impacts.

Should you have any questions, please contact me at rick@greenlightengineering.com or 503-317-4559.

Sincerely,



Rick Nys, P.E.
Principal Traffic Engineer



Zachery Cardoso

From: Lora Meisner <lmgb@earthlink.net>
Sent: Tuesday, August 11, 2020 4:20 PM
To: Planning Comments
Cc: citycouncil; Chuck Bennett
Subject: re: rebuttal to March 27 Memo

Expires: Saturday, November 07, 2020 12:00 AM

To the Mayor and City Council:

The audacious move by the Public Works Director of submitting an unsolicited memo which was never given to SGNA nor the appellants smacks of an arrogant and "Trumpian" attitude. That the council should ignore all other facts/science and go only with staff opinion. (Wow, staff must think that the council doesn't.) Frankly, I think there needs to be some accountability of the City Planning staff that has supported this abysmal action/effort by PACTrust/Costco to get their way in violation of UDC and ignoring some of the provisions of LUBA's decision and opinion on their appeal to LUBA. Those City staff who have allowed this PACTrust/Costco flawed revised site plan and TIA are guilty of professional negligence. It's quite obvious that the Director and staff forget that the residents/tax payers pay their salaries and not corporations in Seattle or Portland. Maybe some of the planners on the staff need to go back to planning school, since they seem to be unable or unwilling to apply basic and sound principles of planning and zoning to this PACTrust/Costco proposed development. Or maybe they could go work for PacTrust since they seem to be bending over more-than-backwards for their plan to succeed.

How flawed PacTrust/Costco is in what they are claiming about their revised site plan, and what they are claiming the City of Salem should do in approving that site plan, in spite of their flawed latest TIA, their flawed arguments about removing the White Oak heritage trees (claiming it's not removal to relocate them), their claims of exemptions from UDC and their most ridiculous claim that for the City to approve any other site plan than what they have proposed should not happen because any other site plan would not be good economics for PACTrust and Costco. Really?! Can they actually believe the residents/taxpayer of Salem are that stupid? Tactics of a corporate bully. The Council needs to combat the efforts of PACTrust/Costco and their loosey-goosey efforts to pull a planning/zoning "fast one" on the City and when that is not working pull a legal tantrum, file a legal action in federal court and attempt to bully to get their way. The Council needs to stand with Salem residents against these corporate bullies.

We can only hope that the city council will remember that they are responsible ONLY to the taxpayers/citizens of Salem who voted for them NOT to the corporations in Seattle or Portland. PacTrust's refusal to comply with Salem's requirements for the Traffic Impact Analysis and now claim that they are exempt from the required Site Plan Review process are ludicrous and insulting to the residents/tax payers of Salem. They can threaten lawsuits but there are rules and even corporate bullies have to comply. **The Council needs to order a present day new TIA and require preservation of the White Oaks.....the residents/tax payers of Salem expect and deserve this.**

Lora Meisner
1347 Spyglass Court SE
Salem, OR 97306
503-588-6924

Zachery Cardoso

From: Deb Cozzie <debcozzie@live.com>
Sent: Wednesday, August 12, 2020 10:26 AM
To: Planning Comments
Subject: Rebuttal input: for CPC/ZC 06-06
Attachments: Letter with accident log 8-12-2020.pdf

CPC/ZC 06-06 12 17 2007

Please see the attached letter with my concerns.

Respectfully,

Deb Cozzie

Rebuttal input: for CPC/ZC 06-06
Accident Log – March 18, 2019 to August 11, 2020

I work in an office located on Battle Creek Rd SE, between Kuebler Blvd and Boone Rd SE. Serious accidents are a frequent occurrence here at **both** intersections. In reading some of the testimony submitted during the remand period, I see that a few of the submittals (a very small minority) say that the traffic will not be bad. I disagree! The increased traffic, and the resulting accidents, have become steadily worse in the 8+ years that I've worked at this location.

I am sometimes able to get photos of these unsettling events. Here are a few. As bad as it is, I am concerned that if the giant Costco store is allowed that the accidents will get much worse. I had thought that PacTrust was required to install a traffic light at the Boone Rd/Battle Creek Rd intersection where many of these wrecks occur. I have been told that the City of Salem allowed PacTrust to delay this signal. Is this correct? I sincerely hope not.

Although I live 2½ miles away from the site of the Costco proposal, I must travel to work on streets that are overcrowded and dangerous already. I do not believe that a Costco should be allowed at this proposed location!

Thank You,

Deb Cozzie
Integra Ave SE, Salem, OR 97306

March 18, 2019, 1:30 pm – Corner of Battle Creek Rd SE and Boone Rd SE:

Picture 1 of 1



November 4, 2019, 4:33 pm – Corner of Battle Creek Rd SE and Kuebler Blvd:
Picture 1 of 5



November 4, 2019, 4:33 pm – Corner of Battle Creek Rd SE and Kuebler Blvd:
Picture 2 of 5



November 4, 2019, 4:33 pm – Corner of Battle Creek Rd SE and Kuebler Blvd:

Picture 3 of 5



November 4, 2019, 4:33 pm – Corner of Battle Creek Rd SE and Kuebler Blvd:

Picture 4 of 5



November 4, 2019, 4:33 pm – Corner of Battle Creek Rd SE and Kuebler Blvd:

Picture 5 of 5



February 7, 2020, 9:55 am – Corner of Battle Creek Rd SE and Kuebler Blvd:

Picture 1 of 2



February 7, 2020, 9:55 am – Corner of Battle Creek Rd SE and Kuebler Blvd:
Picture 2 of 2



March 2, 2020, 3:15 pm – Corner of Battle Creek Rd SE and Kuebler Blvd:
Picture 1 of 1



April 15, 2020, 4:15 pm Alert Received from Salem Police Dept.: Westbound Kuebler Blvd SE closed between 27th Av SE and Battle Creek Rd SE due to a rear-end crash. Eastbound Kuebler Blvd and Battle Creek Rd in both directions is open. Kuebler is estimated to be closed for approximately one hour.
Picture 1 of 2



April 15, 2020, 4:15 pm Alert Received from Salem Police Dept.: Westbound Kuebler Blvd SE closed between 27th Av SE and Battle Creek Rd SE due to a rear-end crash. Eastbound Kuebler Blvd and Battle Creek Rd in both directions is open. Kuebler is estimated to be closed for approximately one hour.
Picture 2 of 2



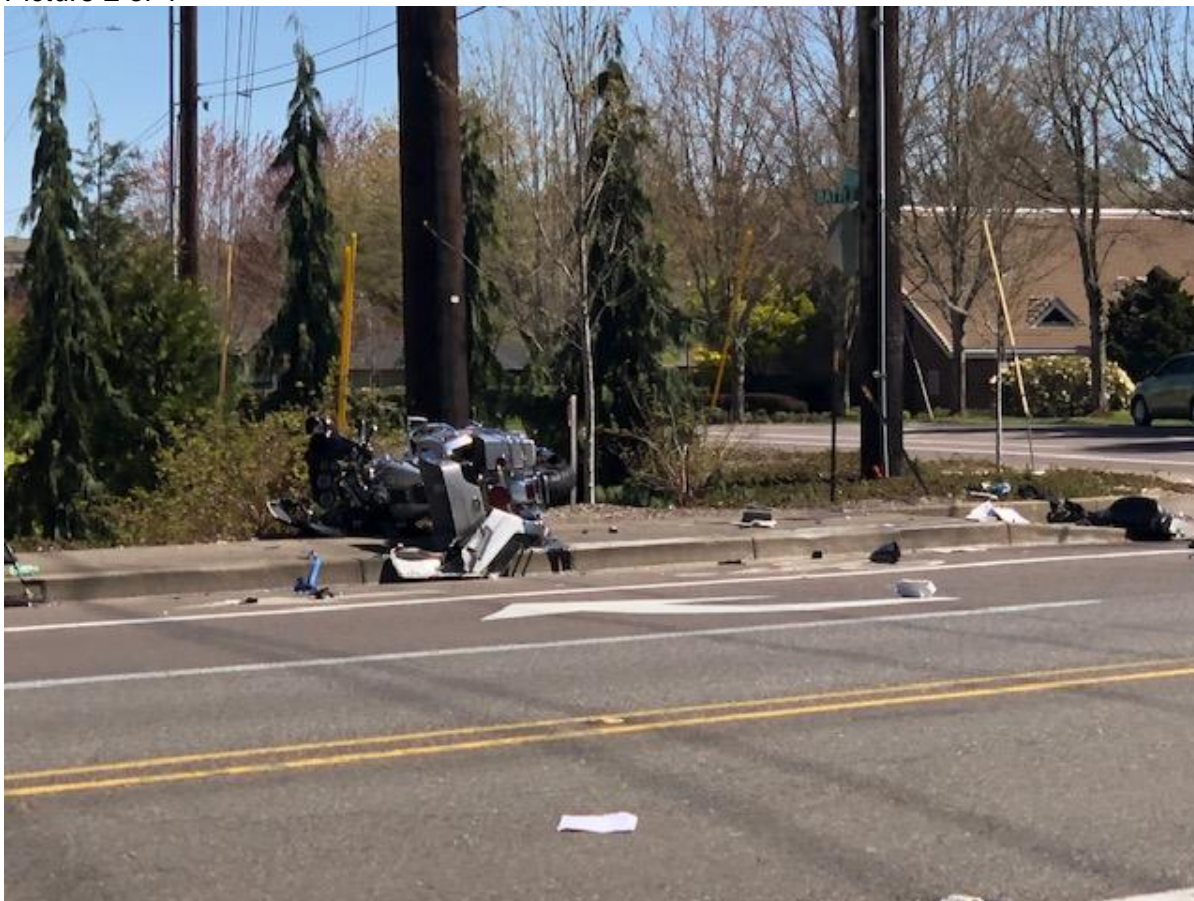
April 16, 2020, 1:35 pm – Corner of Battle Creek Rd SE and Boone Rd SE:

Picture 1 of 4



April 16, 2020, 1:35 pm – Corner of Battle Creek Rd SE and Boone Rd SE:

Picture 2 of 4



April 16, 2020, 1:35 pm – Corner of Battle Creek Rd SE and Boone Rd SE:

Picture 3 of 4



April 16, 2020, 1:35 pm – Corner of Battle Creek Rd SE and Boone Rd SE:

Picture 4 of 4



July 28, 2020, 10:00 am – Corner of Battle Creek Rd SE and Boone Rd SE:

Picture 1 of 4



July 28, 2020, 10:00 am – Corner of Battle Creek Rd SE and Boone Rd SE:

Picture 2 of 4



July 28, 2020, 10:00 am – Corner of Battle Creek Rd SE and Boone Rd SE:

Picture 3 of 4



July 28, 2020, 10:00 am – Corner of Battle Creek Rd SE and Boone Rd SE:

Picture 4 of 4



August 11, 2020, 11:30 am – Corner of Battle Creek Rd SE and Boone Rd SE:

Picture 1 of 4



August 11, 2020, 11:30 am – Corner of Battle Creek Rd SE and Boone Rd SE:

Picture 2 of 4



August 11, 2020, 11:30 am – Corner of Battle Creek Rd SE and Boone Rd SE:

Picture 3 of 4



August 11, 2020, 11:30 am – Corner of Battle Creek Rd SE and Boone Rd SE:

Picture 4 of 4



Zachery Cardoso

From: Mark Krautmann <mark@heritageseedlings.com>
Sent: Wednesday, August 12, 2020 12:25 PM
To: Planning Comments
Cc: Jolly Krautmann
Subject: Written comments for Mayor and Councilors
Attachments: tree letter.docx

Attention: Staff

Please accept my note for the record – submitted before today's deadline.

Can you please respond that you got it in time?

Thanks,

Mark Krautmann



HERITAGE

Seedlings & liners, inc. _____ Unusual Deciduous Species

August 12, 2020

Mayor and City Council
City of Salem,
Salem, Oregon

Mayor and Councilors:

Having reviewed comments submitted to the City and the Arborist's July 24th communication to PacTrust regarding the matter of moving 8 significant Oregon White Oaks (*Quercus garryana* ranging from 28" to 51" diameter) near Kuebler Blvd. and Boone Rd. SE, I have the following comments:

1. It is my understanding that there is some debate as to whether attempting to move such trees constitutes damage "so as to cause the tree to decline, become unstable, or die." and whether moving such trees constitutes removing more than 30% of the root system. Reasonable minds must press PAUSE. Pragmatic community sensitivity includes judgment that is dignified by more than an attempt at debating the literal reading of such rules instead of the purpose behind those rules. How much do we as a community of caring citizens VALUE century old oaks? Can we whimsically destroy what nature has gifted to us in Salem by procedural debates without consideration of our humanity and dignify our role in "planning" by an equal measure of "caring" for the legacy of creatures that will survive us - our gift to our own grandchildren as these oaks are a gift to us?
2. The hoped-for outcome – tree survival in a new spot sheltered from development - would be extremely risky and with the half million dollars to accomplish such a heroic task and special equipment like strip mining-sized trucks, cranes, etc. to move them more than 50-100 feet, one must ask what reasonable alternatives exist. Is there a closer location that has similar soil and exposure characteristics and has not been excavated or graded, destroying the natural soil characteristics? The massive time and budget investment must be weighed against leaving tree(s) of such stature and age unmolested - spending a fraction of that on preservation... working the plan around thoughtful inclusion of them. Such efforts would clearly make moving the oaks unnecessary, considering loss risks.
3. I get it that developers are usually of an engineering mindset, not anyone's "fault". But my own experience in development of more than 1,100 acres of farms in OR and WA, including our Heritage Seedlings nursery operation east of Salem, is that almost all development plans come to the question of BALANCED benefits. A considerable number of benefits in any development accrue on the ledger as "subjective": landscaping and parks and natural, protected areas have huge social, environmental, and habitat value that isn't considered in "appraised value".

But it does have measurable benefit; it clearly and unequivocally communicates to customers the values of the developer and retailers that inhabit the site. Consumers increasingly value sustainability. And it's obvious what firms walk the talk and website statements – or NOT.

4. These older oaks are increasingly rare urban treasures. **Consider:** Whom could any of us look straight in the eye and say that any of the oaks of Bush's Pasture Park are in the path of parking or "progress"? Oaks of this sort are not the same as a piece of personal property to be disposed of the first time they appear to not fit neatly into owners' grand site plans. **They are NOT equivalent to 15 nursery-grown 4-year-old, 10-ft. red maple replacements in a parking lot.** That equates mindless doodles to an image drawn 200 years ago by Lewis and Clark in their Journals. Not equal, and certainly **not equivalent**. I am a professional nurseryman; I know. I hope you pause to consider this imposing fact. It must guide you in these judgment situations.

In my experience, those who genuinely concern themselves with tree preservation can - with reasonable, genuine effort - adapt their development plan for habitat protection if they engage in a community-sensitive planning dialogue. Collaboratively, with earnest resolve, a developer can almost always work around preservation concerns while creating a development plan that is sensitive to habitat and includes educational components, shade, water runoff mitigation, and even parking area with permeable surfaces. Consumers CARE. They notice. One cannot buy that kind of community-sensitive PR after the century old oaks are lying on their sides, chipped or cut for firewood.

Our grandchildren's children will judge us based on what we leave to their own care here in this wonderful city we call home.

Thanks for hearing my concerns and looking at the legacy of your imminent decision. This is not a problem to resolve, it's an opportunity.

Sincerely,

Mark Krautmann

Co-owner

Zachery Cardoso

From: Karl Anuta <kg@integra.net>
Sent: Wednesday, August 12, 2020 2:52 PM
To: Planning Comments; Aaron Panko; Dan Atchison
Cc: Lisa Anderson-Ogilvie
Subject: RE: PACTRUST/COSTCO 'REMAND' - CASE # SPR-DAP-18-15
Attachments: Rebuttal Comments with Ex's.pdf; Key Findings - Ex. B.pdf; Ex. A Greenlight 7-28-20.pdf; Rebuttal Comments.pdf

Attached are some Rebuttal comments.

These are provided in two formats, as I am not sure which will be easier for the City to use. One set has the exhibits incorporated into the comment PDF, and the other are the comments and exhibits as stand alone PDF's.

Please confirm receipt.

Karl G. Anuta
503-827-0320

From: Karl Anuta <kg@integra.net>
Sent: Tuesday, July 28, 2020 4:06 PM
To: 'planningcomments@cityofsalem.net' <planningcomments@cityofsalem.net>; 'Aaron Panko' <APanko@cityofsalem.net>; 'Dan Atchison' <DAtchison@cityofsalem.net>
Cc: 'Lisa Anderson-Ogilvie' <LMAnderson@cityofsalem.net>; 'Wendie Kellington' <wk@klgpc.com>; 'david.petersen@tonkon.com' <david.petersen@tonkon.com>
Subject: PACTRUST/COSTCO 'REMAND' - CASE # SPR-DAP-18-15

Attached is a comment letter, and a Report. Please confirm receipt, and that these materials have been added to the Record on Remand. Please also provide the link where members of the public can review all the comments timely submitted by COB today.

Karl G. Anuta
Law Office of Karl G. Anuta, P.C.
735 S.W. First Avenue
Strowbridge Bldg, Second Floor
Portland, Oregon 97204
503-827-0320 (phone)
503-228-6551 (fax)
<https://sites.google.com/site/lawofficeofkarlanuta/>

TRIAL ATTORNEY
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OREGON & WASHINGTON

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E-MAIL
KGA@INTEGRA.NET

August 12, 2020

Via Email

All Members of the Salem City Council
c/o Aaron Panko, Case Manager
Dan Atchison, City Attorney
City of Salem
555 Liberty St SE, Room 305
Salem, OR 97301

Re: Rebuttal to Comments on Remand of SPR-DAP18-15

Dear Members of the City Council:

As you may recall, this office represents neighborhood residents William Dalton, John Miller, and Lora Meisner. These folks were also Intervenors-Respondents in LUBA Case No. 2018-143, which has now been Remanded back to the Salem City Council for consideration and a decision on the PacTrust/Costco Site Plan Review application.

We submitted comments on the Remand previously. These comments are submitted as Rebuttal, to various materials submitted to the City following Notice of Remand comment opportunity. Each of the Intervenors-Respondents have also submitted additional materials on their own, that go into more detail on some of the issues covered in this comment.

**The History Of Ordinance 20-08,
Salem's Site Plan Review Ordinance**

In its letter dated July 27, 2020, PacTrust submitted an Exhibit, titled "First Open Record Exhibit 2 – 2009 Site Review Legislative History," ("Exhibit 2"). That Exhibit contains some materials on the legislative history of the Site Plan Ordinance.

It is not entirely clear what significance PacTrust attaches to that history. It appears they may be trying to argue that because the current Ordinance came into existence in 2009, any project submitted before that was not subject to Site Plan Review. Of course, that is not legally or factually accurate. Nor is it at all relevant to the decisions you need to make on Remand in this case, because here the Site Plan application was submitted long after 2009.

The effective date of the current Site Plan Review Ordinance does not change the fact that this Code legally applies to the application before you – because it was in effect when that application was filed. Nor does the effective date change the interpretation of Site Plan Review Code that you made in your last decision, and that LUBA upheld.

PacTrust submitted its Site Plan Review application on June 6, 2018. That application was deemed complete on September 4, 2018, per the City in a Notice of Decision Case No. SPR-DAP18-15.¹ Thus, this Site Plan application is subject to the laws in effect on September 4, 2018. It does not “relate back” to any earlier date.

It appears that PacTrust is suggesting that the City Council should find that it is somehow currently bound – in **this** Site Plan Review process – by some imprecise renderings of development concepts and sketches that were submitted by PacTrust during the prior Rezone process.² PacTrust seems to be claiming that those sketches **were** effectively a Site Plan and that the City already approved that Site Plan – or alternatively that back when this property was Rezoned, there was no such thing as a Site Plan Review, so when it approved the Rezone the City had reached the end of its development review for this project.

Both positions are entirely factually and legally wrong. Site Plans were very much a part of the planning process in Salem during the Rezone. In fact, they are explicitly referred to in the Record on the Rezone. The Staff Report there stated:

A site plan is not required as part of a Comprehensive Plan Change/Zone Change application, **and the applicant did not submit a site plan of the property** that would show proposed use(s) within its boundaries.

Record-003706 (Staff Report for the Comprehensive Plan Change/Rezone, CPZ/ZC 06-6, p. 8) (emphasis added). As this shows, a Site Plan showing proposed uses was - even at that time - required before a development could be fully approved. If, as PacTrust now claims, the “City did not have a separate site plan review process,”³ back at the time of the Rezone, then the statement in the Staff Report makes no sense.

As the legislative history of the Site Plan Ordinance shows, the City was responding to a decision in *Delk v. City of Salem*, 51 Or. LUBA 123 (2006) (LUBA Case No.2005-145). The City was attempting to craft an Ordinance to “develop a Site

¹ See, Notice, dated 10-23-18, p.4.

² It is important to note that PacTrust is **not** suggesting that it be similarly bound by the photos, sketches and statements it made about this project looking like the neighborhood store at Orenco Station or not being a Regional draw. PacTrust wants the Council to ignore **those** renderings and sketches, and to instead only focus on certain other renderings and sketches.

³ PacTrust First Open Record Exhibit 5, at p.2.

Plan Review system that is consistent with State statutes, acceptable to the community, and compatible with the City's existing development review process." PacTrust Ex. 2, p.18. As the statement in the Rezone makes clear, and as the LUBA Opinion in *Delk* **also shows**, the 2009 Ordinance did not inaugurate the idea of a Site Plan in the City's Development Code.⁴ It merely brought the review of such Site Plans it into line with state land use law, and the City's needs.

The Record before the Council shows that PacTrust did not submit a Site Plan for the development that is the subject of this Remand until 2018. The laws and regulations that apply to that Site Plan are the ones in effect on September 4, 2018, when the Site Plan was deemed complete by the City.

If, as also appears to be the case, PacTrust is now arguing to the Council that its vested right to build a Community Shopping Center on this property predates the Site Plan Ordinance adopted in 2009, that too is factually and legally mistaken. Whatever vested rights to develop this property exist, they came into existence at the earliest, in 2012-13 - when construction on the medical clinic and other site work was done and the turn lanes were constructed for ingress/egress. More likely, any vested rights came into existence in 2015 - after the medical clinic had been built, when the City requested PacTrust "provide \$3 Million in funds to complete the improvements before PacTrust would otherwise be required to do so."⁵

Those are the dates when PacTrust made the type of expenditures that lead to a vested right:

The courts and the text writers are agreed that in order for a landowner to have acquired a vested right to proceed with the construction, the commencement of the construction must have been substantial, or substantial costs toward completion of the job must have been incurred.

Clackamas County v. Holmes, 265 Or 193, 197, 508 P.2d 190 (1973) (citations omitted). Both those dates are after the Site Plan Code revisions. PacTrust has provided no persuasive evidence of the kinds of substantial outlays of capital that might lead to a vested right **prior** to the adoption of the Site Plan Ordinance in January of 2009.

⁴ In *Delk*, LUBA specifically reversed a decision by the City Public Works Director (on a variance related to a driveway permit) because the City accepted and considered new evidence (a traffic study) after the close of a comment period. *Delk* 51 Or. LUBA at pp.139-40. In describing what happened, LUBA specifically noted that the Record before LUBA showed that the City "...specifically requested the traffic study, reviewed the traffic study **and requested revisions to the site plan** based upon that traffic study." *Id.* at 139 (emphasis added).

⁵ PacTrust Request for Remand, p.12.

The law, and facts, are clear. PacTrust filed an application for a Site Plan in 2018. The Site Plan Review Code in effect when that application was deemed complete controls review of that application. This Remand has to be conducted under the provisions of the Site Plan Code/UDC in place when PacTrust's Site Plan application was complete – just like any other application would be.

Another Bullying Effort

Rather than trying to show compliance with the Site Plan Review Code provisions, PacTrust again tries to claim that some portion of its inchoate, conceptual development proposal⁶ was somehow fully realized at the time of the zone change, and PacTrust again raises the specter of a constitutional takings case. See, Ex.5, p. 6. This is really little more than an effort to try to intimidate or bully the Council.

The cases PacTrust alludes to, *Nollan* and *Dolan*, require a nexus to a development standard (such as the Site Plan Ordinance), and “rough proportionality” of outlays required of a developer to the burdens the development will place on the government. See e.g., *Dolan v. City of Tigard*, 512 U.S. 374, 386-91, 114 S. Ct. 2309 (1994). The requirements of the City's Site Plan Review Ordinance are directly tied to the specific impacts of the proposed development. They are not some kind of overreaching attempt at extortion, they are proportional to the actual impacts of the specific proposal that PacTrust has made.

What PacTrust is doing is trying to use its baseless \$10 Million takings claim in Federal Court as a proverbial club, to try to frighten the Council into abandoning its adopted development regulations. Imagine what would happen if the Council caved to that sort of tactic? Every developer who didn't get precisely what they wanted would immediately run to Federal Court to attempt to get the same outcome that PacTrust seeks.

Sadly, it appears from the comments filed that there is some support in the community for PacTrust's approach. Comments from Mid-Valley Commercial Real Estate, and the Salem Chamber of Commerce, warning of the alleged loss of tax revenue and the looming lawsuit.⁷ However, that support is misplaced.

As for the tax revenue, **no one** is arguing that PacTrust does not have the right to develop its community shopping center. The only issue is whether that shopping center must conform with Salem's land-use regulations, like all the other approved

⁶ PacTrust, when referring back to that proposal, asks that the Council focus on the maximum allowed square footage of its development, and that the Council ignore the fact that none of PacTrust's conceptual drawings in the Rezone showed a big box, **and** the fact that PacTrust promised to build an Orenco Station type development that was not a Regional Draw.

⁷ Those letters are located at pages 122-123 and page 245, respectively of the PDF *Public Comments submitted between July 23, 2020 - July 28, 2020*, published by the City at: <https://www.cityofsalem.net/citydocuments/costco-public-comments-2020-07-23-to-2020-07-28.pdf>.

developments have to. Any commercial development on this property will generate significant tax revenue. The City will not lose tax revenue simply because it actually applies its own Code to this particular outsized proposal.

As for the takings suit, it is a completely inappropriate attempt to intimidate or frighten the City into failing to apply its current Site Plan Code. Should the City capitulate, and abrogate its application of the normal Code to this development, it is likely that decision will have severe repercussions. Future developers will insist on taking advantage of the same process and the then toothless regulations.

**PacTrust's Proposed Development Is Subject To The UDC,
And PacTrust Must Show Full Compliance
With The Site Plan Review Requirements
Before An Approval Can Issue**

Not for the first time, PacTrust claims in its recent submittal that its “shopping center had been fully approved and its transportation impacts mitigated under the terms of the 2007 Decision.”⁸ Despite having never submitted an actual Site Plan before 2018, Costco and PacTrust persist in pushing this fantasy that there was nothing left to approve after the Rezone.

Perhaps Costco and PacTrust are hoping that if they repeat this statement often enough, even though it is entirely untrue, the Council might start to believe it. We trust the Council is not as gullible as Costco and PacTrust apparently believe.

There are many similar unsubstantiated claims in PacTrust's latest submission. Those include this one, at (Ex. 5, pp.2-3):

Staff sought the 2018 TIS for two reasons (1) as a sensitivity check to ensure that the conclusions in the 2006 TIA remained reasonably valid, and (2) to demonstrate compliance with newly adopted site review criteria which focus on access to and from the site from the immediately adjacent street system.

Unsurprisingly, this assertion does not cite to anything in the Record before the Council. It is also wrong.

Staff didn't just choose to 'seek' the 2018 TIA. Providing such as TIA is **part of satisfying the requirements of the Code - specifically SRC 220.005(f)(3)(B) & (C), SRC 803.015, and SRC 803.035.**

That is what any developer needs to submit when there is an actual development Site Plan sought with a likely completion date of 2019 or 2022, rather than a broad

⁸ PacTrust Ex.5, p.3.

conceptual plan to build some sort of community shopping center with an assumed horizon date of 2009 – which is what was analyzed in the Rezone.⁹ In essence, PacTrust is again pushing the fantasy that the Site Plan Ordinance has no legal effect on its project, and that everything and anything PacTrust wants to do was settled and approved in the Rezone decision.

PacTrust at one point in its submittal also includes an “excerpt” of a document that PacTrust claims “explains” why the Council did not deny the application based on traffic impacts. See, Ex.5, pp.3-5. The Council will presumably not be bamboozled by this attempt at revisionist history.

In reality, as the Council will no doubt recall, traffic was a major issue at the Hearing. The original Greenlight critique of the Costco TIA was something that was before the Council and was a Report that at least one Council member expressly referenced when voting on the denial.

It is actually not all that surprising that the quoted passage PacTrust excerpts and presents for the proposition that its TIA is really quite flawless, comes to that particular conclusion. That is because PacTrust appears to be quoting its very **own Site Plan application**. The full document can be found at Record-007086-95.

In reality, as the original Greenlight Engineering critique and the numerous subsequent Greenlight Reports – including a new one that is attached to this comment as Exhibit A – all outline, PacTrust’s various TIAs and Memos are fatally flawed. The PacTrust traffic consultants still have not addressed and fixed the many many points where the TIA falls far short of the legal requirements to support a Site Plan Review approval.

PacTrust’s TIA Does Not Meet The Requirements Of Site Plan Review

Despite PacTrust’s effort to pretend that square footage is the determinative factor in measuring traffic impacts,¹⁰ that is **not** how traffic impacts are required to be assessed in a TIA under the Site Plan Code in the SRC. For example, a Regional Big-Box store and a nursery or garden center can have the exact same square footage, but they will likely result in wildly different traffic impacts. That is why a TIA is required at the Site Plan level.

That is why the UDC requires certain standards and practices are followed in developing a TIA. That is why traffic impacts cannot be comprehensively evaluated and mitigated for at the zone-change stage of development. There are too many unknowns at that stage. It is not until a complete Site Plan is submitted that proper TIA for a specific development can be done.

⁹ See, Record-003663.

¹⁰ Exhibit 5, pp.2- 3 & 5-6.

That is precisely what Site Plan Review is for, to assess the actual impacts of the actually proposed specific development. It is unclear why PacTrust is so hostile to this basic principle of planning, and these basic requirements of the City of Salem UDC.

A further analysis of the PacTrust/Kittelson TIA issues by Greenlight Engineering is attached as Exhibit A. As it outlines:

- The alternative Trip Generation Methodology now newly proposed by the applicant is still fundamentally flawed, because the manual the applicant now relies on is not designed to deal with a store, or a fueling depot, as large as those currently proposed;
- The new “build out year” assumption of 2021 is just as equally unrealistic as the prior 2019 assumption – and, because this is a multi-phased project the Code requires a different impact analysis than what has been provided;
- The newly proposed major signal timing adjustment mitigation at one intersection has not undergone ODOT review, and is fundamentally potentially flawed. It will likely affect the operation of 12 different intersections on Kuebler Blvd, 8 of which the TIA has never evaluated;
- The proposed timing adjustment will also likely worsen the queuing problems at the Kuebler/27th Avenue intersection;
- The new analysis still provides no Saturday peak hour, or weekday AM peak hour analysis;
- The new Traffic Growth analysis now uses an incorrect 1.12% growth rate, instead of the proper 1.8% rate mandated by the UDC;
- The speed bumps now proposed do not appear to have undergone proper analysis required by the Code;
- The TIA presented by the applicant rests on a proverbial “razor’s edge” of compliance for two of the intersections actually studied, and with all the other errors and incorrect assumptions, both those intersections and at least some of the 8 other as yet un-studied intersections will likely fail the mobility standards in the Code;
- The newest traffic count data - which was collected at Greenlight’s request and previously submitted with Greenlight’s Supplemental Report dated July 2, 2020 - has been completely ignored by the applicant. Instead, the applicant is still relying on the traffic count data in the now completely out of date TIA for a number of years ago; and

- It is critically important that the applicant's TIA be updated to meet the Site Plan TIA requirements, because those requirements are fundamentally different than the Rezone TIA requirements – and the current applicant is for a Site Plan approval.

Proposed Findings

PacTrust/Costco and their supporters seek Findings on vested rights and an approval of the project as proposed. Basically, they want the Council to find that PacTrust now has a proverbial “free pass” to build precisely what they promised the Council during the Rezone process they would not build.

LUBA held that those promises were not binding – because they were not incorporated by the City into Rezone Approval Conditions. That is unfortunate, but hopefully that will be a good lesson for the City on the need to include all key representations relied upon - in its Conditions of Approval.

We strongly oppose the Council caving in and making the Findings that PacTrust and its supporters suggest. Instead, we ask that the Council affirm its prior conclusions on trees, and make explicit findings on traffic issues. The Council should also make findings on the nature of, and the limits on, the vested right held by PacTrust.

We have attached as Exhibit B what we believe are the key components of the Findings that the Council should incorporate into its decision on this matter. This is not the entirety of the Findings. These are merely key points that the Council can ask its attorney to incorporate into the full Findings.

Conclusion

PacTrust's hyperbolic assertion that Salem is attempting to “deny the right to complete the development,”¹¹ is not legally or factually accurate. The City Council was (and will hopefully again) merely following its own City Code.

It is completely appropriate to require PacTrust/Costco to do what the Site Plan Ordinance mandates be done, before a Site Plan can be approved. It would be inappropriate to give PacTrust an “out” from the same Code that every other developer has to follow and meet.

There is no dispute that PacTrust has the vested right to develop a shopping center of up to the permitted square footage, **as long as** that proposed shopping center also meets the requirements of Salem's Site Plan related development regulations. Submitting a plan that conforms to the Site Plan requirements is a necessary part of getting a development approved. Unless or until PacTrust submits such a plan (and all

¹¹ Exhibit 5, p. 7.

the component parts of that plan, included a valid and updated TIA) the Site Plan proposal before you cannot and should not be approved.

Sincerely,

/s/ Karl G. Anuta

Karl G. Anuta

C: Clients



July 28, 2020

Karl Anuta
735 SW First Avenue
Portland, OR 97204

RE: Salem Costco Remand

Mr. Anuta,

Greenlight Engineering has been asked to evaluate the transportation related impacts of the proposed Salem Costco, fueling depot and other retail pads project.

We submitted a review of the applicant's transportation related documents in a Report dated December 10, 2018 and we provided traffic analysis addressing a number of the errors made in the applicant's Traffic Impact Analysis ("TIA") in a July 2, 2020 Report.

Based on our review of this application, it is clear that numerous errors and omissions have been made in the TIA. Without a TIA based upon the clear and objective criteria of the City of Salem, it is impossible to evaluate the adequacy of the transportation system or make a finding that the application meets the approval criteria. Additionally, it appears that if this application is approved without further mitigation, several intersections will operate inadequately, creating the need for the City of Salem, ODOT and/or other developments to address this development's unmitigated impacts.

The primary purpose of this Supplemental Report is to address the City of Salem's March 27, 2020 PacTrust Traffic Impact Analysis Discussion" and the applicant's June 6, 2020 "Response to Greenlight Engineering comments."

Executive Summary

- The City of Salem Public Works Director has now purportedly awarded an exception to the requirement for a TIA although city staff have previously stated publicly that a TIA is required. However, the conditions necessary to approve an exception are not present. A full TIA is required and relevant to this application.
- The applicant argues that traffic impact analysis requirements of the Salem Administrative Rules don't apply to this application, a Site Plan Review does not require the traffic analysis of off-site intersections and that a very limited TIA is all that is required as the Comprehensive Plan Amendment/Zone Change TIA addressed most transportation issues. These arguments are incorrect. As previously confirmed by City staff, a full TIA is required as part of the Site Plan Review application.
- The applicant has now provided limited evidence regarding the trip generation used in the TIA. However, there are numerous flaws in the methodology used and the TIA should be rejected. These flaws include:
 - The weekday PM and Saturday peak hour trip generation of the proposed Costco is based solely on traffic count data collected at the Salem Costco as it existed in

2005. The industry and City of Salem standards both call for the use of data from three to five local sites in developing a trip generation rate;
- The methodology assumes that the number of fueling positions of the fueling depot has no impact on the number of trips generated by the development, when that is not accurate; and
 - The methodology used in developing the daily trip generation and pass-by trip generation rates fails to comply with City of Salem and industry standards.
 - The intersection study area presented in the TIA does not remotely follow city requirements and many additional intersections are required for analysis in order to comply. City staff indicated that the study area is the same as the 2006 Comprehensive Plan Amendment/Zone Change TIA, but critical intersections were actually omitted from the Site Plan TIA.
 - The traffic growth rate presented in the TIA does not follow city requirements and is not supported by persuasive evidence.
 - The trip distribution does not follow city requirements and is not supported by persuasive evidence.
 - The proposed development is multi-phased, yet the TIA relies on a build-out year of 2019, a date that was always unrealistic given the scale of the project and required mitigation. The horizon year of 2019 does not meet city requirements.
 - The I-5 SB/Kuebler Boulevard intersection is analyzed with unsubstantiated right-turn-on-red volumes.
 - Traffic will back into the 27th Avenue/Site Access intersection, potentially blocking the roundabout and violating the requirements to approve the proposed 27th Avenue driveway.

Response to March 27, 2020 Public Works Memo

The March 27, 2020 City of Salem Public Works memo analyzes the requirements of SRC 803.015 regarding the need for a TIA, the need for transportation improvements and the approval criteria for granting an exception to the requirement for a TIA. SRC 803.015 reads:

- “(a) *Purpose.* The purpose of a traffic impact analysis is to ensure that development generating a significant amount of traffic provides the facilities necessary to accommodate the traffic impacts of the proposed development.
- (b) *Applicability.* An applicant shall provide a traffic impact analysis if one of the following conditions exists:
- (1) The development will generate 200 or more daily vehicle trips onto a local street or alley, or 1,000 daily vehicle trips onto a collector, minor arterial, major arterial, or parkway. Trips shall be calculated using the adopted Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the trips shall be calculated based on the proposed development that will occur on all lots that will be created by the land division.
 - (2) The increased traffic resulting from the development will contribute to documented traffic problems, based on current accident rates, traffic volumes or speeds, and identified locations where pedestrian and/or bicyclist safety is a concern.
 - (3) The City has performed or reviewed traffic engineering analyses that indicate approval of the development will result in levels of service of the street system that do not meet adopted level of service standards.

- (c) *Improvements may be required.* On-site and off-site public or private improvements necessary to address the impacts identified in the traffic impact analysis may be required as conditions of development approval. Improvements include, but are not limited to, street and intersection improvements, sidewalks, bike lanes, traffic control signs and signals, parking regulation, access controls, driveway approach location and design, and street lighting.
- (d) *Exception.* An exception to the requirement for a traffic impact analysis may be granted for development that generates more than the trips specified in subsection (b)(1) of this section if the Director determines the traffic impact analysis is not necessary to satisfy the purposes set forth in subsection (a) of this section.”

In evaluating SRC 803.015(b)(1), the staff memo concludes the proposed development meets the requirements to require a TIA based on the development's trip generation.

In evaluating SRC 803.015(b)(2), the memo concludes that “There are no documented traffic problems based on current accident rates, traffic volumes or speeds, and no identified locations where there is a pedestrian and/or bicyclist safety concern.”

There are, in fact, documented traffic problems that were presented in the 2006 Comprehensive Plan Amendment/Zone Change TIA for this property that anticipated numerous intersection failures before 2025. Additionally, we have documented in our July 2, 2020 Report that there are a number of intersection failures at the build-out of this development.

In evaluating SRC 803.015(b)(3), the staff memo concludes that the “2007 Comprehensive Plan Change and Zone Change (CPC/ZC) provided an analysis that shows the level of service at the identified intersections can be mitigated to meet the adopted level of service standards.”

This assessment is incorrect.

The 2006 CPC/ZC provides ample evidence that there will be intersection mobility standards failures prior 2025. The 2007 CPC/ZC conditions of approval and subsequent improvements, do not by any means, meet the adopted level of service standards if the Site Plan Review is approved with no further mitigation.

A traffic impact analysis for a CPC/ZC versus a Site Plan Review have very different criteria and goalposts. The approval of a CPC/ZC does not guarantee approval of a Site Plan Review nor does it reduce the requirements of a Site Plan Review's TIA. The Site Plan Review criteria stand on their own and must be fully met in order to approve this application.

A CPC/ZC, via the Transportation Planning Rule, has very different approval criteria than a Site Plan Review. As noted in the in Table 10 of the September 2006 traffic impact analysis prepared for the Zone Change application, there are a number of intersections that are expected to operate well beyond the City of Salem and ODOT mobility standards in the horizon year 2025. While this is an acceptable result for a CPC/ZC, it is not an acceptable result for a Site Plan Review. A Site Plan Review approval requires compliance with the mobility standards of Table 6-32 in order to establish that “negative impacts to the transportation system are mitigated adequately.” The currently proposed development has a

number of negative impacts on the transportation that have not been mitigated and if the applicant were to follow city requirements for traffic impact analysis, there would possibly be additional intersections to mitigate.

Traffic Control Device	Maximum Operational Standard
Signalized Intersection	LOS E Control Delay < 80 Seconds and/or v/c < 0.900
Two-way or All-Way Stop Control	LOS E Total Delay < 50 seconds

Table 6-32. Level of Service Standards for Various Traffic Control Devices

Below is an excerpt from the September 2006 CPC/ZC TIA that clearly establishes, that even with mitigation, several intersections are not expected to operate adequately in 2025. All five intersections listed below are expected to not meet mobility standards in 2025. These results are acceptable for a CPC/ZC application, as the v/c and LOS performance under the proposed zoning was better than or equal to the v/c and LOS performance under the existing zoning as required by the Transportation Planning Rule.

Table 10
Intersection Improvements and Resultant Intersection Operations
Year 2025 Weekday PM Peak Hour

Intersection	Existing CO/RA Zoning V/C Ratio / LOS	Proposed CO/CR Zoning V/C Ratio / LOS	Improvements	Resultant V/C Ratio / LOS
Kuebler Blvd/ Commercial St	1.33 / F	1.35 / F	- Signal timing adjustments	1.31 / F
Kuebler Blvd/ Battle Creek Rd	1.52 / F	1.66 / F	- Provide a second eastbound through lane.	1.15 / F
Kuebler Blvd/ 27 th Ave	1.80 / F	2.02 / F	- Provide a second eastbound through lane.	1.48 / D
Kuebler Blvd/ I-5 SB Ramp	1.92 / F	1.96 / F	- Re-stripe southbound left/through lane to a left/through/right lane	1.92 / F
Kuebler Blvd/ I-5 NB Ramp	1.29 / F	1.30 / F	- Re-stripe northbound left-turn lane to a left/right lane	1.10 / F
Kuebler Blvd/ 36 th Ave	2.28 / F	2.30 / F	- Signal timing adjustments	2.27 / F

Excerpt of September 2006 “PacTrust Kuebler Project” Traffic Impact Analysis

The same “don't make it worse” provision does not apply to a Site Plan Review as the Transportation Planning Rule is not applicable to a Site Plan Review. The Site Plan Review requires compliance with Table 6-32 of the Salem Administrative Rules and the SRC.

With the above information, it's not surprising that the results we presented in our July 2, 2020 Report illustrate performance standards failures at the Kuebler Boulevard/Commercial Street, Kuebler Boulevard/Battle Creek Road and I-5 SB offramp/Battle Creek Road intersections. These intersections were expected to fail over time per the CPC/ZC TIA. Based upon our July 2, 2020 analysis, the failure of these intersections, and perhaps more intersections, would actually occur with the build-out of the proposed development.

These performance standards issues were expected before 2025 as reported in the September 2006 CPC/ZC TIA prepared by the same traffic engineering consultant. For the purpose of a CPC/ZC, an applicant's responsibility is to mitigate any intersection performance issues back to the conditions prior to the approval of a Zone Change, under the previous zoning. Specifically, OAR 660-012-0060 does not allow a Zone Change to “Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.”

At the time of the CPC/ZC, the applicant could have chosen to complete a Site Plan Review application, but instead opted to wait. Additional growth on the transportation system with additional development erodes traffic operations over time. A CPC/ZC approval does not vest trips for a future development approval any more than it does for a property that has not undergone a recent CPC/ZC. All properties are subject to whatever transportation related requirements are in place at the time of development. Even though mitigation was required as part of the CPC/ZC approval, further mitigation may be required as part of the Site Plan Review as each application has different criteria and effects. The evidence in our July 2, 2020 Report indicates that additional mitigation is required in order to comply with the SRC.

As established in Table 6-33 of the Salem Administrative Rules (see below), a CPC/ZC TIA is based upon the “Salem TSP Horizon Year.” In contrast, a development “Allowed under existing zoning” and a “Multi-phased Development” are based upon “year of opening.” For a phased development such as this, a TIA must be based upon the year of opening of each phase, a standard this application fails to meet. Furthermore, a Zone Change is “Subject to the requirements of the Transportation Planning rule (OAR 660-012).”

Proposed Development	Horizon Year
Allowed under existing zoning	Year of Opening
Multi-phased Development	Year of opening each phase
Comp Plan Amendment and/or Zone Change.*	Salem TSP Horizon Year
Multi-Jurisdictional (ODOT, Marion or Polk County, Keizer)	As required by Jurisdiction
<i>*Subject to the requirements of the Transportation Planning Rule (OAR 660-012)</i>	

Table 6-33. Horizon Year for Various Proposed Developments

The applicant points to no code references that establish that addressing the requirements of a Zone Change traffic impact analysis exempt an applicant from meeting all requirements of a Site Plan Review TIA. Nowhere in the SRC or Administrative Rules is there any

exemption or reduction in scope of a TIA in relation to a previous CPC/ZC approval or other application approval. The requirements of the SRC and Administrative Rules, as written, must be followed in order to approve the proposed Site Plan Review.

A summary of the differences between a CPC/ZC and Site Plan Review are provided below in Table 1.

Table 1. Summary of Comprehensive Plan Amendment/Zone Change vs. Site Plan Review Requirements

Application	Summarized approval criteria	Transportation impacts	Does project meet this requirement?
Comprehensive Plan Amendment/Zone Change	Proposed zoning cannot result in the transportation system operating worse than planned under existing zoning at the planning horizon year (2025)	Addresses trip difference in proposed zoning vs. existing zoning of hypothetical development only	Yes, as evidenced in 2007 decision*
Site Plan Review	Transportation system must be adequate at the build-out year of the site	Addresses full trip impacts of specific development proposal; Also typically requires other review of other transportation impacts specific to the development	No**

*The 2006 TIA illustrates clearly that multiple intersections will fail before 2025. The approval criteria for a Comprehensive Plan Amendment/Zone Change per the Transportation Planning Rule allows these failures if the proposed zone change doesn't result in a worse failure than under existing zoning.

**July 2, 2020 Greenlight Engineering analysis illustrates multiple intersection failures. City of Salem TIA requirements were not followed including the required study area. The TIA fails to provide substantial evidence of compliance with the Site Plan Review criteria.

In evaluating SRC 803.015(c), the staff memo concludes that “The 2007 CPC/ZC identified all the required improvements to mitigate the traffic generated from a “shopping center” that could be developed on this site.”

As discussed earlier, the criteria used in evaluating the transportation system as part of a CPC/ZC are very different. The applicant has consistently failed to evaluate the transportation system per the clear and objective requirements of the City of Salem including the required intersection study area. The applicant has not provided substantial evidence that establishes whether improvements are required or not to satisfy the Site Plan Review criteria. Our July 2, 2020 provides evidence that additional mitigation is required for at least three intersections.

SRC 803.015(d) reads “An exception to the requirement for a traffic impact analysis may be granted for development that generates more than the trips specified in subsection (b)(1) of this section if the Director determines the traffic impact analysis is not necessary to satisfy the purposes set forth in subsection (a) of this section.”

In evaluating this criterion, the staff memo concludes that “The Director has determined that SRC 803.015(d) applies in this case, even though the criterion in SRC 803-015(b)(1) is met. The improvements to accommodate the traffic impacts from the proposed

development were identified in their Traffic Impact Analysis (TIA) and conditioned to this property as part of the 2007 Comprehensive Plan Change and Zone Change (CPC/ZC).”

Per the SRC, an exception may be granted if “traffic impact analysis is not necessary to satisfy the purposes set forth in subsection (a) of this section.” Subsection (a) states that “The purpose of a traffic impact analysis is to ensure that development generating a significant amount of traffic provides the facilities necessary to accommodate the traffic impacts of the proposed development.”

There is not evidence in the record that supports a finding that approval of the application will result in “facilities necessary to accommodate the traffic impacts of the proposed development” for all of the reasons described in this Report.

It should be noted that separate traffic impacts analyses for a CPC/ZC and Site Plan Review are not an uncommon requirement in other jurisdictions. In fact, we recently completed such an analysis for a project, Riverbend Phase 1, within the City of Salem. On another similar project in the City of Salem, city staff confirmed that a Site Plan Review TIA would be required subsequent to the approval of a CPC/ZC. It is unclear why such an analysis is not being required in this case given the tremendous trip generation of this project.

The December 10, 2018 City of Salem staff report asserts that “The TIA was scoped to analyze the same intersections that were evaluated for the original 2006 Comprehensive Plan and Zone Change for this property, however the City did not require the Saturday peak hour analysis...”

In their March 27, 2020 memo, staff corrects a portion of that statement by stating “The intersection of Commercial Street SE and Kuebler Boulevard SE was not included in the 2018 analysis because the City had a Capitol (sic) Improvement Project that rebuilt the intersection and added right-turn lanes and double left-turn lanes on all approaches. There is no additional mitigation required at this intersection.”

Perhaps omitted by error in the Site Plan Review TIA, there were actually two intersections, Kuebler Boulevard/Commercial Street and Kuebler Boulevard/36th Avenue, that were included in the 2006 TIA for the CPC/ZC that were *not* included in the applicant's Site Plan Review TIA. If omitted in error, the TIA should be updated to include these intersections.

There is no evidence that suggests that the improvements constructed at the Kuebler Boulevard/Commercial Street intersection result in adequate ongoing operations at that intersection. In fact, based on our July 2, 2020 analysis, that intersection will fail to meet City of Salem standards at the build-out of this development.

There is no discussion of the Kuebler Boulevard/36th Avenue intersection in the Site Plan TIA or staff memos.

The CPC/ZC TIA also omits a Saturday peak hour analysis that subsequently required as part of the Site Plan Review TIA.

In granting an exception, it appears that the Director may be relying upon the incorrect assumption that a TIA is not required as the CPC/ZC addressed all of the required elements of a Site Plan Review TIA. The CPC/ZC TIA and CPC/ZC approval does not substitute for or satisfy the approval criteria for a Site Plan Review application.

Approval Criteria Includes Need For A Site Plan Review Level TIA

In their June 6, 2020 memorandum, the applicant takes the unique position that the City's Administrative Rules governing the requirements of a TIA do not apply to this application. The applicant writes:

“A full TIA was not required because the development does not generate more than 1000 trips that have not already been fully accounted for. The trips associated with the shopping center reflected in the site review application have been addressed and mitigated by the 2007 Decision. Either for this reason or that specified in SRC 803.015(d), the City Administrative Rules “Roadways Standards”, do not apply, because the Roadway Standards in 6.33 apply only when SRC Chapter 803 identifies the threshold for requiring a TIA.”

A Site Plan Review is reviewed per SRC Section 220.005(f)(3), which states that a Class 3 Site Plan Review “shall be granted if: A) The application meets all applicable standards of the UDC [Uniform Development Code]; B) The transportation system provides for the safe, orderly and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately (C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles and pedestrians.”

The applicant argues that because some elements of transportation were addressed with the approval of the CPC/ZC, that a review of the transportation beyond the site frontage is off-limits in the review of this application. At the same time, the applicant has gone to great expense and effort in analyzing (although incorrectly and far out of compliance with ODOT and city requirements) a number of off-site intersections and elements that they now argue are not required. The applicant attempts to establish that the above criteria has limited applicability as the CPC/ZC approved almost 15 years ago has addressed most transportation matters.

There is nothing within the SRC or Administrative Rules that would lead one to such a conclusion. At the December 10, 2018 hearing, City Staff Planner Aaron Panko, after being questioned by Council whether Costco provided this traffic analysis “out of the kindness of their hearts,” confirmed that a Traffic Impact Analysis is indeed required as part of this application.

As referenced in our December 10, 2018 and July 2, 2020 letters, we have laid out very clearly the numerous ways in which the TIA fails to meet City of Salem requirements and the applicant's June 6, 2020 memorandum does little to improve compliance with those requirements.

The applicant points to no code references that establish that addressing the requirements of a CPC/ZC traffic impact analysis exempt an applicant from meeting all requirements of a

Site Plan Review traffic impact analysis. Nowhere in the SRC or Administrative Rules is there any exemption or reduction in scope of a traffic impact analysis in relation to a previous Zone Change approval or other application approval. The requirements of the SRC and Administrative Rules, as written, must be followed in order to approve the proposed Site Plan Review.

The TIA continues to ignore numerous requirements of the Administrative Rules. The applicant's June 6, 2020 memorandum does little to bring the TIA into compliance with the Administrative Rules and thus, no further into compliance with the Salem Revised Code ("SRC").

SRC 803.015(b) establishes that "An applicant shall provide a traffic impact analysis if...The development will generate 200 or more daily vehicle trips onto a local street or alley, or 1,000 daily vehicle trips onto a collector, minor arterial, major arterial, or parkway. Trips shall be calculated using the adopted Institute of Transportation Engineer's *Trip Generation Manual*." Per the applicant's trip generation estimate in their TIA, the development will generate 7,210 daily trips and easily exceeds the threshold for a traffic impact analysis.

At the December 10, 2018 hearing, Aaron Panko confirmed that the proposed development met the threshold to require a traffic impact analysis.

Section 6.1 of the Salem Administrative Rules states that "The requirements in this Division shall apply where required by the SRC or where referenced by a requirement in these Standards." Section 6.33 of the Salem Administrative Rules states that "SRC Chapter 803 identifies the threshold for requiring a TIA." Section 110.070(a) of the UDC states "The Director shall have authority to administer and enforce, to render written and oral interpretations of, and to adopt administrative rules [including the traffic impact analysis requirements] and procedures necessary and proper for the administration and enforcement of, the UDC."

Without compliance with the Administrative Rules, it cannot be determined that the requirements of the SRC are met that require "negative impacts to the transportation system are mitigated adequately." The SRC applies the Administrative Rules in making a determination about the determination of adequacy of the transportation network.

Trip Generation Methodology is Flawed

In their June 6, 2020 memorandum, the applicant states that the "...site generated traffic analyses are based on data and guidance from the most current version of the ITE [Institute of Transportation Engineers] *Trip Generation Manual*." Further, the applicant provides that ITE states "when practical, the user is encouraged to supplement data in this document with local data that has been collected at similar sites" and it was the applicant's intent to follow "best practices as required by ITE" and to be "consistent with ITE recommended practice."

The City of Salem requires "Trips shall be calculated using the adopted Institute of Transportation Engineer's *Trip Generation Manual*."

Rather than supplement their own trip generation data with ITE *Trip Generation Manual* data, the weekday PM peak hour trip generation data for the Costco with fueling depot is not based on *Trip Generation Manual* data at all. The applicant's data is not supplemented by, but relies entirely on, data from just one Costco warehouse and gas station – a store and station that isn't all that similar to the proposed Costco warehouse and fueling depot currently proposed. Given that the applicant claims to have data from many other sites, it's unclear why the applicant didn't follow the ITE methodology for developing a local trip generation rate. Certainly, best practices of ITE were not utilized in the TIA. Instead, the applicant's TIA employed practices that ITE specifically recommends against.

In their TIA, the applicant states that “[i]t is important to note that trip generation for the Costco sites is not linearly tied to square-footage size of the Costco warehouse building.” Inconsistently, in their June 6, 2020 memorandum, the applicant has revealed that the weekday PM peak hour and Saturday peak hour trip generation of the proposed Costco and fueling depot used in the TIA is based solely, directly and linearly on the size of the existing Salem Costco warehouse with no correlation to the number of fueling positions of the gas station. The data used to estimate trips was collected in 2005 when the Salem Costco gas station was significantly smaller than it is currently.

The applicant's June 6, 2020 memorandum states “The weekday PM peak hour trip generation rates (7.49 trips per 1,000 square-feet of Costco and fuel positions) is based on data collected at the existing Salem Costco and fuel station.” Similarly, “The Saturday midday peak hour trip generation rate (9.12 trips per 1,000 square-feet of Costco and fuel positions) is based on data collected at the existing Salem Costco and fuel station.” The applicant states that “The daily trip generation rate...is based on an average trip generation rate at nine Costco stores with fuel stations...”

The applicant's trip generation methodology, without stating it specifically, is based on the assumption that there is no greater trip generation associated with the number of fueling positions as the trip generation rate is based solely on the size of a Costco warehouse. The traffic counts to determine the trip rate of the Salem Costco and gas station were conducted in 2005. The 2005 version of the gas station is not comparable to the current Salem Costco gas station or to the proposed new Costco and fueling depot. There is a large discrepancy in size of the fueling stations at issue.

Under current conditions at the existing Costco, there appears to be 16 fueling positions. However, in reviewing aerial photography, it is clear that there were even fewer fueling positions existed in 2005 - when the traffic counts relied upon in the applicant's TIA were taken. In contrast, the currently proposed Costco and fueling depot will include at least 30 fueling positions. The applicant makes no mention of, nor provides any analysis of this significant discrepancy in the size of the fueling stations.

The ITE *Trip Generation Manual* methodology clearly illustrates a correlation between the number of fueling positions of a gas station and the number of trips generated. Yet the applicant's limited methodology makes no such correlation. If there were no additional trips generated by a larger gas station, Costco would have no reason to keep building larger fueling depots, as they have done numerous times around the country and in the Pacific Northwest.

The applicant's methodology assumes that just a small percentage of Costco warehouse traffic also uses the fueling station. If true, then the station clearly will generate a significant number of its own new trips not related to the warehouse.

Basing the trip generation of the currently proposed Costco and fueling depot solely on the 2005 Salem Costco trips defies logic and should be rejected. While the applicant has stated that the City of Salem and ODOT staff have agreed with the results of the current TIA that does not change the actual facts. Unfortunately, the TIA has always and continues to lack the necessary details and transparency that allows the TIA to be properly reviewed and verified.

The applicant provides evidence that the use of the Institute of Transportation Engineers' ("ITE") *Trip Generation Manual* data for "Discount Club" is inappropriate for the existing Salem Costco and that a local trip rate should be developed for the proposed Costco. By back calculation, it appears that the existing Salem Costco has a square footage of approximately 145,000 square feet. The applicant's June 6, 2020 memorandum establishes that the trip generation of the 2005 version of the Salem Costco and gas station in 2005 was 1,089 weekday PM peak hour trips and 1,325 Saturday peak hour trips.

Based on the ITE *Trip Generation Manual*, a Costco of 145,000 square feet should generate approximately 606 weekday PM peak hour trips and 924 Saturday peak hour trips. For the Salem Costco in 2005, the ITE Trip Generation Manual would *underestimate* traffic by 56% during the weekday PM peak hour and 36% in the Saturday peak hour. This strongly indicates the need to develop a local trip generation rate. Unfortunately, in developing a local trip generation rate, the TIA falls well short of completing this task in a reliable way that meets industry or City of Salem standards.

The use of the 2005 Salem Costco's trip generation solely is not supported by the ITE *Trip Generation Manual*, nor City of Salem requirements. Relying on the data from a single site (the 2005 Salem Costco) for a trip generation estimate is not in compliance with the industry standard ITE *Trip Generation Handbook* - a document the applicant references and acknowledges as "best practices as required by ITE" – but then does not follow.

The *Trip Generation Handbook* states the following:

"The principal objectives of *Trip Generation Manual*...are...to provide guidance in the proper techniques for estimating trip generation...to encourage the standardization of trip generation data collection efforts..."

"[In developing a local trip generation rate not based upon the data of the *Trip Generation Manual*] the analyst **should collect trip generation data at a minimum of three local sites. Collecting data at five or more sites is preferable.** Where there are only one or two potential data collection sites in a comparable setting, the analyst should use that data, coupled with other local or national data, to derive the estimate. The analyst is cautioned that this recommendation should not be used as an excuse for collecting and using data from only one or two sites when more sites are reasonably available" (emphasis added).

Providing no excuse, the applicant presents weekday PM peak hour and Saturday peak hour trip generation that relies solely on the trip generation of the 2005 Salem Costco and gas station. Given the amount of data that the applicant supposedly controls, but doesn't share or use as part of this application, it appears feasible to base the trip generation of the proposed Salem Costco on more than one site. Inexplicably, the applicant opted to ignore the *Trip Generation Handbook* and instead, base their trip generation estimates on just one site and it is a site that does not compare with the proposed site.

The *Trip Generation Handbook* also notes:

“Each data collection site should be located in a setting comparable to that of the study site...The data collection sites **should reflect the size range of the study site and the anticipated general intensity of activity. Each independent variable presented in the Manual for the particular land use (such as GFA or employees) should be included, if available, in the identification of potential comparable sites**” (emphasis added).

“If data are being collected at a proxy site for a study site, the context or setting for the data collection site should match that of the study site.”

The applicant has provided no information about the 2005 Salem Costco warehouse size and the number of fueling positions of that gas station when the traffic count data was collected. An appropriate size range of the study site is not a range at all, as the trip generation is inappropriately based on only one site. It therefore provides no range of data to be used in developing a trip generation rate for this much larger Costco and fueling depot.

In order to develop a trip generation rate for the proposed Costco, a minimum of three study sites should have been referenced and they should include a range of Costco warehouses with at least one site that included a Costco of at least 160,000 square feet like the proposed Costco and a fueling station with at least 30 fueling positions. The 2005 Salem Costco is approximately 145,000 square feet (and smaller than the proposed Costco) with an unknown number of fueling positions (though much smaller than the proposed fueling depot). If the applicant would have studied a range of sites per the *Trip Generation Handbook* rather than just one site, the trip generation estimate may have fallen within a range of data and perhaps the 2005 Salem Costco could have been used in conjunction with the data from several other locations. Instead, the applicant opted to ignore the *Trip Generation Handbook*.

In the applicant's June 6, 2020 letter, the applicant claims that the proposed Costco and fueling station daily trips are based upon a trip rate of 75.86 vehicles per 1,000 square feet of warehouse, again contradicting their previous statement that the Costco warehouse trip generation is not linearly tied to the size of the warehouse. Again, the applicant provides no evidence of the daily trip generation traffic counts and the reported daily trip generation rate cannot be confirmed in any way. The trip rate also doesn't take into account the influence of the 30 fueling positions as the trip rate is based upon the square footage of the warehouse only and not the fueling positions which are typically measured based on a per fueling position metric.

Finally, while providing numerous traffic counts around the country for the purpose of validating the pass-by trip data collection and daily trip generation, the applicant has provided no information regarding any of the warehouse sizes, number of gas station

fueling positions, site addresses or other information of these sites that can be linked to the number of trips to ensure that the other sites are appropriate comparisons for the proposed Costco and fueling depot. Per the ITE *Trip Generation Handbook*, certain background information should be provided in generating a trip generation rate. Salem Administrative Rules 109-006-6.33(h) requires that “[p]ass-by trips must be quantified and may be approved based upon sufficient supporting data.”

Therefore, the pass-by trip information and daily trip generation information provided in the applicant's June 6, 2020 memorandum also cannot be reviewed or validated and should be rejected.

Without this analysis, the application does not meet the requirement that “...all applicable standards of the UDC [Uniform Development Code]” are met and that “...negative impacts to the transportation system are mitigated adequately.”

Study Area is Incomplete

The December 10, 2018 City of Salem staff report asserts that “The TIA was scoped to analyze the same intersections that were evaluated for the original 2006 Comprehensive Plan and CPC/ZC for this property, however the City did not require the Saturday peak hour analysis...”

Perhaps omitted by error in the Site Plan Review TIA, there were two intersections, Kuebler Boulevard/Commercial Street and Kuebler Boulevard/36th Avenue, that were included in the 2006 traffic impact analysis for the Zone Change that were *not* included in the applicant's Site Plan Review TIA. If omitted in error, the TIA should be updated to include these intersections.

The 2006 TIA concluded that both of these intersections were anticipated to operate well beyond the City of Salem mobility standards in 2025. Yet, inexplicably these two key intersections were excluded from the Site Plan Review TIA.

As our July 2, 2020 analysis showed, the intersections of Kuebler Boulevard/Commercial Street, I-5 SB offramp/Kuebler Boulevard and Kuebler Boulevard/Battle Creek Road will all operate beyond the City of Salem's and ODOT's mobility standards upon the opening of the proposed development with no identified mitigation.

Salem Administrative Rules 109-006-6.33(c) requires that the “TIA study area shall extend to the following: (1). All proposed access points (2). Any intersection where the proposed development can be expected to contribute 50 or more trips during the analysis peak hour on a collector, arterial, or parkway, or 20 or more trips on a local street or alley (3). Any intersection where the additional traffic volume created by the proposed development is greater than ten percent of the current traffic volumes on any leg...”

The Kuebler Boulevard/Stroh Lane intersection will experience an increase of 418 trips in weekday PM peak hour and 529 trips in the Saturday peak hour yet was not included in the study area. It is likely that the Commercial Street/Kuebler Boulevard intersection will

experience an increase of over 400 trips in the weekday PM peak hour and over 500 trips in the Saturday peak hour.

There are many other intersections similarly impacted that were inexplicably omitted from the Site Plan Review TIA. Several intersections will experience an increase in traffic of hundreds of vehicles per hour, so this omission is not insignificant.

Without this analysis, the application does not meet the requirement that “...all applicable standards of the UDC [Uniform Development Code]” are met and that “...negative impacts to the transportation system are mitigated adequately.” The full scale of the negative impacts have yet to be studied based on the clear and objective requirements that define a traffic impact analysis.

Traffic Growth Does Not Meet Requirements

As previously addressed in our December 10, 2018 and July 2, 2020 Reports, Section 6.33 of the Administrative Rules states “Background rates and trip distribution shall be based upon the Mid-Willamette Valley Council of Governments Transportation Model.”

In response, the applicant's June 6, 2020 Report states that “As coordinated with City Public Works staff, the 1% growth rate was deemed reasonable because it is for a 1-year build-out scenario, not a long-term traffic analysis. Further, we are advised that the coordinated growth rate by Marion County for the Salem-Keizer UGB is 1.12%, which confirms the appropriateness of using the 1% growth rate.”

In reality, as our prior Reports show, the growth rate that should be used in the analysis is actually higher than what was used in the TIA.

Without this factor correctly addressed, the application does not meet the requirement that “...all applicable standards of the UDC [Uniform Development Code]” are met and that “...negative impacts to the transportation system are mitigated adequately.”

Year of Opening Assumption is Inappropriate and Doesn't Meet Requirements

As we originally noted, the proposed opening date of 2019 reported in the TIA was never realistic for a development of this size especially considering the numerous transportation improvements required of the Zone Change as well as those improvements that should be required as part of this Site Plan Review in order to comply with City of Salem requirements.

The applicant's June 6, 2020 memorandum states “Nothing requires that traffic analyses be updated for successive appeals which delay the date of opening of the shopping center. The purpose of the traffic study is to determine the proposal's compliance with UDC 220.005(3) on the date it was submitted. The proposal met all traffic standards on the date the traffic report and application were submitted to the city. Regardless, whether the date of opening was 2019 or has moved to 2021 due to appeals, the conclusion that UDC 220.005(3) is met does not change.”

While the appeal certainly has not positively contributed to meeting this timeline, it was never a realistic timeline to begin with.

As previously mentioned, the applicant has also clearly communicated that this is a multi-phase development with an unknown horizon year of completion. However, the applicant seeks Site Plan Review approval at this time for the entire development. The May 31, 2018 TIA states that “[t]he proposed Costco will include a warehouse and fuel station with four islands and the potential to add a fifth island in the future (30 fueling positions).” The fifth island will apparently be constructed at some later time that is not stated. Additionally, the site plan submitted by the applicant illustrates 21,000 square feet of retail use as a “future phase.”

According to Table 3.3 of the ODOT *Design Review Guidelines*, a development with a trip generation of excess of 5,000 trips like the one proposed should be required to be required to provide an analysis at least 15 years into the future. This analysis has not been provided.

As required by Table 6-33 and the *Design Review Guidelines*, the need to analyze a horizon year well beyond 2019 is clear.

Without this issue correctly addressed, the application does not meet the requirement that “...all applicable standards of the UDC [Uniform Development Code]” are met and that “...negative impacts to the transportation system are mitigated adequately.”

Trip Distribution Doesn't Meet Requirements

The Administrative Rules requires that the “trip distribution shall be based upon the Mid-Willamette Valley Council of Governments Transportation Model. If model data is not available...trip distribution shall be determined by the City Traffic Engineer.”

The applicant's June 6, 2020 letter states:

“Model data for Costco is not available in the Mid-Willamette Valley COG model. However, as a matter of best practices as well as the Roadway Standards, the City Traffic Engineer determined trip distribution be based upon Costco specific data. In turn, as required by the City Traffic Engineer, the site review traffic study used existing proprietary Salem Costco sales data from FY 2014 through FY 2016 for every zip code in Oregon, which is analyzed to determine the percent of sales value to each zip code. Estimated directional routing to each zip code was then determined, to approximate percentage of travel each direction to/from the proposed new Costco site.”

It is possible that Costco specific zip code data could produce better trip distribution results than the Mid-Willamette Valley Council of Governments model. However, the Administrative Rules require the trip distribution to be based upon the model and model data is certainly available.

Moreover, the applicant provides no evidence of the data used in determining the trip distribution, so it cannot be reviewed. If this data has been submitted to the City for review, it has not made it's way into the written record of the application providing no ability for the

public to review. In the absence of evidence supporting the clear and objective requirement of the Administrative Rules, the trip distribution assumptions of the TIA should be rejected.

Without this factor correctly addressed, the application does not meet the requirement that “...all applicable standards of the UDC [Uniform Development Code]” are met and that “...negative impacts to the transportation system are mitigated adequately.”

Fueling Depot Queuing is Not Based on Evidence

In their June 6, 2020 memorandum, the applicant states that “Table 6 summarizes peak hour vehicle queues based on trip generation data from the existing Salem Costco site and Costco Fueling-specific queue data.”

It should be noted again that the only trip generation data utilized in the TIA is based upon the 2005 Salem Costco traffic volumes when there was significantly fewer fueling positions than there are currently. The fueling station has since been increased in size. Additionally, according to the applicant, the gas station generates no traffic as the trip generation the applicant presents is based entirely upon the size of the warehouse, not on the number of fueling positions.

The applicant also suggests that there is other “Costco Fueling-specific queue data” that was used in their queuing analysis with no further explanation. The TIA provides no evidence of this additional queue data or how it was used. In Table 6, the applicant presents a number of estimated queues but provides no evidence or methodology regarding how these figures were derived. There is methodology that can be used for developing queue estimates for such an activity, but the TIA doesn't establish how the queue estimates were generated and they cannot be reviewed or verified.

The applicant notes that they desire to “ensure that congestion and circulation on their site do not negatively impact operations or safety on the surrounding transportation system (e.g. spill back to 27th Street for this site). Given the number of times that Costco gas stations have been expanded or modified (including the existing Salem Costco), it would seem prudent for the applicant to provide at least some evidence that the proposed gas station can accommodate queues on-site as these others sites may have derived their queuing estimates from this “Costco Fueling-specific queue data.”

The Site Plan Review criteria requires that “The transportation system provides for the safe, orderly and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately” and “Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles and pedestrians.”

However, the application continues to provide no evidence that queues can be accommodated on-site. Given the proximity of the fueling depot to 27th Avenue, it is possible that the fueling depot queue could extend into primary entrance from 27th Avenue and into the roundabout. The TIA should provide evidence of the analysis and describe their methodology.

Queues Will Extend Into the 27th Avenue/Site Access Roundabout Intersection

In response to our concern that the northbound right turn movement at the Kuebler Boulevard/27th Avenue intersection is projected to be 325 feet and extend into the 27th Avenue/Site Access roundabout intersection, the applicant responds incompletely that the “95th percentile queue lengths for the northbound right-turn movement are projected to be accommodated within the storage length.”

The northbound right turn lane, as illustrated below in Figure 1, is approximately 270 feet in length, well short of the 325 feet of northbound right turn queue that is expected to develop. The TIA reports that the queues for the northbound left turn and through movement queues total approximately 200 feet. The 525 feet of queues that develops at the Kuebler Boulevard/27th Avenue intersection may extend into the single lane exiting the roundabout because the northbound right turn queue may block other northbound traffic. This queue may prevent the roundabout from flowing at all as northbound traffic may block the proposed single lane roundabout. This situation will likely worsen during peak holiday shopping traffic.

The March 27, 2020 City of Salem “PacTrust Traffic Impact Analysis Discussion” memo states:

“The City had made it clear that a traffic signal would not be supported for the main site driveway onto 27th Street (sic) SE. The new TIA was used to evaluate the operations at the proposed driveway to 27th Street SE, and determine options other than a traffic signal that could serve the developments (sic) traffic. The analysis showed the most appropriate traffic control at the driveway to 27th Street SE is a roundabout. It provides good traffic operations and serves both properties on the east and west sides of 27th Street SE.”

The TIA provides no analysis comparing a roundabout to a traffic signal or any other traffic control at this intersection, so it is unclear how the TIA illustrates that “The analysis showed the most appropriate traffic control at the driveway to 27th Street SE is a roundabout.”

As noted earlier, the applicant continues to provide no evidence of how they derived their queuing estimates at the fueling depot, which is located adjacent to the 27th Avenue/Site Access intersection. Fueling depot queuing spillback could additionally worsen operations at this intersection.

This may leave the City of Salem with a very difficult situation to manage and mitigate this design that the TIA clearly illustrates is not adequate to accommodate future growth or even the development itself. This may become a point of contention for future development in the area.

Requiring a traffic impact analysis with an appropriate horizon year as required by Table 6-33 of the Administrative Rules will likely provide the City with better information in making an informed decision about the close proximity of this intersection to Kuebler Boulevard/27th Avenue. Currently, the application does not illustrate that “The transportation system provides for the safe, orderly and efficient circulation of traffic into and out of the proposed

development, and negative impacts to the transportation system are mitigated adequately” and “Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles and pedestrians” as required.

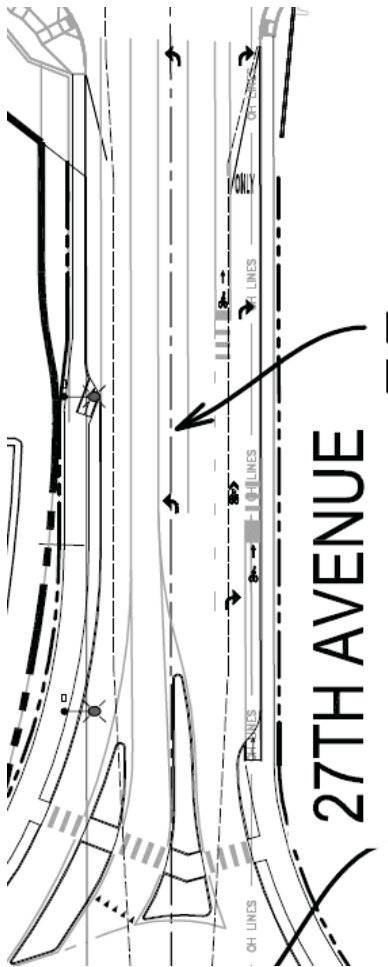


Figure 1: Excerpt of applicant's site plan

Without this issue being adequately addressed, the application does not meet the requirement that the application meets all applicable standards of the UDC [Uniform Development Code]” are met and that “The transportation system provides for the safe, orderly and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately” and “Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles and pedestrians.”

27th Avenue Driveway Does Not Meet Requirements

A driveway to 27th Avenue is proposed. SRC 803.025 requires:

“A Class 2 driveway approach permit shall be granted if:

- (1) The proposed driveway approach meets the standards of this chapter and the Public Works Design Standards;
- (2) No site conditions prevent placing the driveway approach in the required location;
- (3) The number of driveway approaches onto an arterial are minimized;
- (4) The proposed driveway approach, where possible:
 - (A) Is shared with an adjacent property; or
 - (B) Takes access from the lowest classification of street abutting the property;
- (5) The proposed driveway approach meets vision clearance standards;
- (6) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;
- (7) The proposed driveway approach does not result in significant adverse impacts to the vicinity;
- (8) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and
- (9) The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.”

The application fails to provide evidence that these criteria are met.

As discussed above, the queuing at the Kuebler Boulevard/27th Avenue intersection will likely spillback into the roundabout at the 27th Avenue/Site Access intersection. Additionally, the TIA fails to provide substantial evidence that queues from the fueling depot will not spillback onto 27th Avenue.

It cannot be found that “No site conditions prevent placing the driveway approach in the required location,” “The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access,” “The proposed driveway approach does not result in significant adverse impacts to the vicinity,” “The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections,” “The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.”

Kuebler Boulevard Driveway is Not Supported by Requirements

Section 804.001 of the SRC provides that “The purpose of this chapter is to establish development standards for safe and efficient access to public streets.”

Section 804.060 of the SRC states that the “The Director may require the closure of a driveway approach where...The driveway approach is not constructed in conformance with this chapter and the Public Works Design Standards...A new building or driveway is

constructed on the property...A change of use or activity in an existing building increases the amount of required parking...[or] There is a demonstrated safety issue.”

Kuebler Boulevard is classified as a Parkway. Section 804.040 of the SRC states that “[d]riveway approaches onto a parkway shall be no less than one mile from the nearest driveway approach or street intersection, measured from centerline to centerline.” The existing Kuebler Road access (which currently serves no development and carries no traffic) is just 660 feet east of the Kuebler Boulevard/Battle Creek Road intersection and approximately 1290 feet west of the Kuebler Boulevard/27th Avenue intersection. This criterion cannot be met. The SRC further states that “[t]he standards set forth in this section cannot be varied or adjusted.”

A Kuebler Boulevard access cannot meet the standard and should be removed. The TIA and site plan need to be updated to reflect no access to Kuebler Boulevard.

The only argument the applicant provides for keeping this access, is that since the access was required as a condition of approval of the 2006 zone change application, then it needs to be provided. However, the inclusion of the driveway is in clear violation of the UDC. SRC 804.001 establishes the “standards for safe and efficient access to public streets.” As the access does not comply with this section, then the access does not meet the standards for a safe and efficient access to a public street. In fact, its presence is in clear violation of the UDC. The approval criteria of the Site Plan Review cannot be ignored.

With the Kuebler Boulevard access the application cannot comply with the Site Plan Review criteria which requires that “The application meets all applicable standards of the UDC [Uniform Development Code]...The transportation system provides for the safe, orderly and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately...[and] Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles and pedestrians.”

Saturation Flow Rate Doesn't Meet Requirements

In their June 6, 2020 memorandum, the applicant states:

“Public Works Standards 6.33(b) authorizes a saturation flow rate other than 1800 where '*a separate flow rate analysis has been completed.*' A saturation flow rate study (i.e. flow rate analysis) is the measurement of the maximum rate of flow of traffic in a specific lane group on an approach to a signalized intersection. KAI conducted such a separate flow rate analysis and the result of that analysis makes clear that the use of a 1900 vehicle per hour saturation flow rate is appropriate” and

“As show (sic) in Table 7, because the saturation flow rates collected in the field are greater than the rates used in the May 31, 2018 Traffic Study, using a 1,900 vphpl baseline flow rate meets the City of Salem Public Works Standards per Division 6, Section 6.33.”

Here, basic traffic engineering principles are discarded. A saturation flow rate is measured by lane group (i.e. eastbound through movement versus eastbound left turning movement may have different flow characteristics at different intersections during different time

periods). Where the applicant has performed saturation flow rate observations, and where the data supports it, we agree that a 1,900 vphpl flow rate is appropriate. However, the applicant has conducted very limited saturation flow rate observations and then have inappropriately applied those observations to all intersections and all time periods. Should the applicant wish to apply this 1,900 vphpl saturation flow rate, they should conduct these observations at all intersections for all lane groups for all time periods. In their TIA, the applicant very inappropriately applies a saturation flow rate to different lane groups.

Assuming a higher saturation flow rate than actual will provide an inaccurate picture of the future function. It will assume a greater theoretical intersection capacity than may actually exist. As noted previously, the applicant has illustrated two intersections that operate at exactly the mobility standard of the City of Salem and ODOT. Our July 2, 2020 analysis addresses a number of the errors of the TIA and finds that several intersections will fail to meet City of Salem and ODOT mobility standards.

Without this factor correctly addressed, the application does not meet the requirement that “...all applicable standards of the UDC [Uniform Development Code]” are met and that “...negative impacts to the transportation system are mitigated adequately.”

Seasonal Adjustment Doesn't Meet Requirements

In their June 6, 2020 Report, the applicant states that “it was determined that traffic levels throughout the study area during the month of December represents acceptable traffic levels for use in a traffic analysis (i.e. 30th highest hour volume of the year).”

In our December 10, 2018 and June 2, 2020 Reports, we provided evidence that there is seasonal variation at the I-5 SB/Kuebler Boulevard intersection that extends beyond the assumed growth rate of the TIA. These are traffic analysis errors and omissions that should not occur as these are not new requirements for an ODOT facility. The fact of the matter is that the applicant, like in many other instances, did not follow adopted standards and specifically in this case, the *Analysis Procedures Manual's* methodology for determining the 30th highest hour volume of the year. The methodology utilized in the TIA is in no way supported by the *APM* in the treatment, or lack thereof, of seasonal adjustment.

The TIA is not compliant with the *APM* and therefore, compliance with the mobility standard of the Oregon Highway Plan cannot be determined.

Without this factor correctly addressed, the application does not meet the requirement that “...all applicable standards of the UDC [Uniform Development Code]” are met and that “...negative impacts to the transportation system are mitigated adequately.”

RTOR at I-5 SB offramp/Kuebler Boulevard

The applicant continues to provide no evidence that 42% of southbound right turn movements at the I-5 SB offramp/Kuebler Boulevard occur on a red signal indication. In their June 6, 2020 memorandum, the applicant references past documents that they suggest address the lack of evidence, but still don't provide evidence of this figure. Suspiciously, this

factor has been applied to both the weekday PM peak hour and Saturday peak hour traffic analysis. It is very unlikely that exactly 42% of southbound right turns on red (“RTOR”) happen to occur both during the weekday PM and Saturday peak hours.

Without this factor correctly addressed, the application does not meet the requirement that “...all applicable standards of the UDC [Uniform Development Code]” are met and that “...negative impacts to the transportation system are mitigated adequately.”

Conclusion

A TIA meeting the requirements of the SRC is required, yet still not provided.

The applicant's TIA continues to contain numerous errors and omissions that remain unresolved even with the applicant's June 6, 2020 memorandum. The applicant's TIA continues to put aside the clear and objective requirements of the City of Salem and ODOT. The TIA also lacks the necessary evidence to support the TIA's claims.

The numerous errors and omissions identified should be taken in the context that the results of the TIA rest on a razor's edge with two intersections identified as operating exactly at the mobility standard. There are possibly other intersections not studied in the TIA (although required to be studied) that also will not meet mobility standards. By not addressing these intersection operations failures, several intersections will operate inadequately, creating the potential for the City of Salem, ODOT and/or other developments to address this development's unmitigated impacts.. Our July 2, 2020 Report establishes that in addressing just a few of these errors, at least three intersections will fail to meet mobility standards.

Should you have any questions, please contact me at rick@greenlightengineering.com or 503-317-4559.

Sincerely,



Rick Nys, P.E.
Principal Traffic Engineer



EXPIRES: 12/31/2020

Proposed Findings for SPR-DAP18-15 on Remand

1. Vested Right

The applicants' claim a vested right based on significant investment and progress toward construction of a development. The Council agrees that the applicants have a vested right to a community shopping center on the subject property up to the maximum allowable square footage provided in CPC/ZCO6-06. In other words, that shopping center can be up to 240,000 square feet GLA, or 299,000 on the combined 28.4 acre site, as approved in CPC/ZCO6-06.

However, that shopping center still must meet the Site Plan Review requirements of the Salem Revised Code (SRC). The applicant submitted a generalized proposal for a community shopping center in CPC/ZCO6-06. That is what was approved, subject to the conditions attached to it. There was no Site Plan submitted or approved in that proceeding.

The vested right that the applicants have is limited to a community shopping center that meets all Site Plan Approval criteria. We previously found, and the LUBA Order in this case explicitly confirmed, that the applicants' proposal is subject to provisions of the Site Plan criteria in the SRC.¹

The Site Plan application before us is subject to all laws and regulations in force on the date it was deemed complete by the City, September 4, 2018. The vested right to build a shopping center of up to the square footage outlined, does not change that. The shopping center must have a Site Plan that meets all applicable provisions of the SRC, including, as is most relevant in this Decision, SRC 220.005(f)(3).²

2. Heritage Trees

Our December 17, 2018 Decision in this matter found that the applicants had failed to demonstrate that the removal of the eight large Oregon White Oaks was necessary. We found that the applicant did not qualify for an exemption to the laws protecting these trees.³

¹ LUBA Slip Op. at *29.

² "Class 3 site plan review. An application for Class 3 site plan review shall be granted if: (A) The application meets all applicable standards of the UDC; (B) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately ; (C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and (D) The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development."

³ Findings, SPR-DAP18-15 December 17, 2018, p.6.

The LUBA Order in this case approved our decision. The applicants have not persuaded us to change that opinion.

We again find that the applicants have not proven that removal of the Oaks is “necessary.” Other options, including a smaller project with less parking and/or less gas pumps, should be explored.

We do not agree with the applicants’ proposed interpretation of SRC Chapter 808. We find that uprooting and attempting to move a tree of this sort is, practically speaking, the same as “removing” that tree.

We find, again, that the application does not comply with SRC Chapter 808, and therefore does not comply with all applicable standards of the Uniform Development Code (UDC) as required by SRC 220.005(f)(3)(A).

3. Traffic

Site Plans are reviewed under SRC 220.005(f)(3). Besides the general requirement that Site Plans meet all provisions of the UDC the elements of a Site Plan relevant to traffic impacts fall SRC 220.005(f)(3)(B) and (C):

(B)The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately;

(C)Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians;

UDC section SRC 803.015, specifies what is required of a Traffic Impact Analysis:

The applicants submitted a Traffic Impact Analysis (TIA) for this Site Plan Review, along with a series of memos and other supplemental material provided by their consultant, Kittelson and Associates, Inc. The opponents have submitted Reports and Supplemental Reports as well as new traffic count data, from Greenlight Engineering.

We find, based on our review of all the materials in the Record, that the current TIA before us is insufficient to meet the SRC & UDC requirements. It is out of date, does not taken into account new traffic count data, and it fails to look at some key intersections.

After LUBA Remanded this matter to us, but before we had the opportunity to review the Remand, City Staff produced a Memo in which Staff concluded that a TIA was not necessary for this particular Site Plan Review. The Remand was to the Council, not to Staff. We disagree with the conclusions in that Memo.

We do not find that that the TIA done for the Rezone in CPC/ZC06-06 is adequate for Site Plan Review. That TIA does not fully analyze and provide mitigation for all the traffic impacts that are likely from the proposal in front of us. Consequently, no exception should be granted under SRC 803.015(d), to the normal requirement in SRC 803.015(a) that a Site Plan TIA must demonstrate necessary facilities to accommodate the traffic generated by the development are provided.

We find that because this project will generate a significant amount of traffic, but does not as currently proposed provide facilities sufficient to accommodate that traffic, that an exception under SRC 803.015(d) is not appropriate. Based on our review of the Record, the applicant's TIA, and various Memos and Exhibits supporting it, as well as the reports by Greenlight Engineering, we find that there are likely to be unmitigated traffic impacts from this development that exceed legal standards.

We further find that the TIA and the materials supplementing it neglected to use some standards and procedures that the law requires, and therefore the traffic impacts of this project have not been adequately determined. As such, the application does not comply with all applicable standards of the UDC as required by SRC 220.005(f)(3)(A).

Zachery Cardoso

From: daltfam@comcast.net
Sent: Wednesday, August 12, 2020 4:02 PM
To: Planning Comments
Subject: Re. CASE # SPR - DAP 18-15
Attachments: CostCo REBUTTAL TO SUPPORTIVE TESTIMONY FINAL 8-12-20.docx

Dear City of Salem Staff, City Councilors, and Mayor Bennett:

I am attaching my comments regarding some of the points recently submitted in favor of the current/revised PacTrust proposal

for the development of the commercial-zoned parcel on Kuebler Boulevard between Battlecreek Road and 27th.

This is being submitted for consideration as part of the Remand process, currently expected to be publicly considered in September(2020).

Thank you.

William Dalton
6619 Huntington Circle SE
Salem 97306
(503) 371-4174
daltfam@comcast.net

TO: Salem City Council
FROM: William B. Dalton
RE: Case # SPR – DAP 18-15
DATE: August 12, 2020

Dear Councilors and Mayor Bennett:

As per the guidelines shared by the City regarding the “remand” of the PacTrust proposal for the development of the land zoned “Commercial” at Kuebler Boulevard and 27th Street, I am responding to some of the points raised in testimony presented in favor of the current PacTrust proposal:

PACTRUST’S “VESTED RIGHTS”

Both Jeff Olson (*Olson*) and the Salem Area Chamber of Commerce (*Chamber*) claim that- based on the City’s approval of the rezoning in 2007, and PacTrust’s subsequent investment in infra-structure improvements – PacTrust has a “vested right” to develop the land consistent with the City’s overall guidelines re. “commercial development.”

..Interestingly, ***none of the testimony (Pro or Con) regarding this proposal challenges that contention! What are being challenged are this specific proposal’s inconsistencies with City Code, and its potential very negative impacts on the Community [as noted Below].***

APPROPRIATENESS

Both Olson and the Chamber argue that this (2019/modified 2020) Proposal from PacTrust is consistent both with the designated Zoning and the presentations made by PacTrust in 2007 to support their re-zoning request. In fact, Olson goes so far as to suggest that PacTrust’s proposal for locating CostCo there is exactly what PacTrust meant when it proposed in 2007 that the parcel be developed as a “neighborhood shopping Center”: the right size, a store that meets the criterion for “*daily needs retail*.” Olson even suggests that it was actually Orenco “Crossroads” (replete with *24-hour shopping* and a *gas station*) that PacTrust was referring to in 2007 – never mind that at that time **PacTrust specifically denied wanting to include a “big box store” OR “a gas station” in their planned use.**

..Now Council is being asked to approve the largest possible Big Box store and a 30-pump gas depot! ***This not only differs completely from the ‘07 presentation, but is incompatible with neighborhood needs & character, area roads’ traffic capacity, and City of Salem Revised Codes.***

TRAFFIC

As attested by-now hundreds of written and verbal comments (approx. 80% of all input on this issue), ***the impact of TRAFFIC from this proposed development presents major concerns for those living in the surrounding neighborhoods, as well as the residents of all of South Salem.***

In defense of the proposal, however, Olson suggests that there will be LESS traffic (and even a lower ‘carbon footprint’...), citing CostCo’s “limited hours”, “limited product choice”, and the “fewer trips” required by those who “stock-up” at CostCo.

..In response, one has only to refer to PacTrust/CostCo’s rationale for wanting to move from its current location (e.g., heavy traffic/trip capacity demands, limited highway access...) and the updated “Traffic Impact Analysis” from GreenLight Engineering, to realize that these observations are hugely inaccurate.

..Interestingly, Olson even goes so far as to suggest that Kuebler Boulevard’s designation as a PARKWAY (which the City defines as a roadway designed for ‘*high capacity and high speeds*’) makes this the perfect location for this development. But **both traffic counts at the current CostCo site, and the updated traffic analysis -- raise significant questions regarding the credibility of this statement!**

TREES/WHITE OAKS

A surprising amount of testimony has been submitted in favor of protecting the parcel's grove of mature trees (featuring a large number of heritage-grade white oaks), which are proposed to be destroyed – or partially 'relocated'-- under the plans submitted by PacTrust.

In response, the Chamber has spoken out in favor of the overall benefits to be accrued from the partial tree relocation, including creating a 'showcase' of transplanted trees at the facility's entrance.

..Sadly, though, as has been pointed out by numerous testifiers (both laymen and professional arborists)—***replanting a few trees does NOT protect/retain the mini-ecosystem*** now represented by the grove; and there is a ***very limited possibility that these large mature white oaks would survive such an (even well-intentioned...) effort***. In addition, 'replanting' such trees does not meet City Code requirements (i.e., for protecting trees where they are). Sadder still, none of Costco's alternative design proposals reflect any meaningful effort to include the tree grove, much less protect it.

COSTCO

Much is said regarding Costco itself. In fact a substantial portion of the testimony by both Olson and the Chamber is in defense of Costco, i.e., as "good guys" = employ many people from this area, treat their employees well, pay taxes, an excellent 'anchor' for other retail stores, ... = "Best in class!"

..Importantly, none of the testimony I have listened to and read (N = over 250 now...) raises any questions about these points. In fact, even among those *vehemently* opposed to locating Costco to Kuebler, there was much praise for them, much it from members/regular customers.

..**The concerns/issues are NOT about Costco; They are about attempting to locate an overly large warehouse store and gas 'depot' --bordering residential areas (established, new, and proposed...), --on one of Salem's only Parkways, -- near major intersections where traffic is already heavy/maxed out, -- at one of the busiest connections to I 5, --on the major highway (Kuebler Boulevard) serving as a major thoroughfare and connector for the fastest growing area in Salem – and all the while avoiding compliance with the 'Site Plan Review' requirements of Salem's City Code.**

CONCLUSION

I do not live in the immediate vicinity of this proposed development on Kuebler (though, like everyone living in South Salem, we will be impacted by traffic overload/tie-ups in this area...).

But as a long-time resident of Salem, I have deep concerns regarding DEVELOPMENT PROCESS ISSUES (i.e., decisions based on facts and guided by City guidelines and 'Code'; outcomes actually based on City Staff and Developer presentations/proposals; responsiveness to citizen needs and input), and QUALITY-of-LIFE CONCERNS for our City (health, safety, comfort, attractiveness, maintenance of home values,...).

Sadly, the current (even 'revised') Proposal submitted by Costco - to include this mega Warehouse Store and Gas Depot on Kuebler Boulevard, between Battlecreek Road and 27th – violates not only good planning precepts but also the values that I (and a majority of those submitting testimony...) hold high.

Thank you for your thoughtful consideration.

Sincerely,

William Dalton

6619 Huntington Circle SE
Salem

Zachery Cardoso

From: John Miller <john@wildwoodco.com>
Sent: Wednesday, August 12, 2020 4:30 PM
To: Planning Comments
Subject: Rebuttal input: for CPC/ZC 06-06
Attachments: JDM rebuttal-final with enclosures.pdf

Rebuttal input: for CPC/ZC 06-06

John D. Miller, President
Wildwood/Mahonia
503-585-8789 (voice)
503-363-2358 (fax)

August 11, 2020
Mayor and City Council
City of Salem, Oregon

Rebuttal CPC/ZC 06-06 (Pactrust/Costco)

I am a neighbor of the Pactrust/Costco site. After completing a Masters in Environmental Design in the Stanford Engineering Dept. in 1971, I returned to Oregon to plan and develop sustainable projects. I have done several near the site in question, including: The award winning Old Pringle Schoolhouse renovation directly west of the Pactrust property, our Woodscape Glen and Woodscape communities to the south of the Schoolhouse, Mahonia Vineyards and Nursery further south where I have gained extensive experience in rescuing, moving and growing Oregon White Oak (we recently donated several to the Salem Parks Dept.), the Sequential Pacific Biodiesel plant further east on Kuebler and my nearby residence adjacent to the vineyard and nursery. I served on the Salem Planning Commission for many years and received the Willard Marshall Community Service award for helping complete the rewrite of the Salem Zone Code as Salem Planning Commission President. I care deeply about our community and this neighborhood.

As evidenced by the vast majority of the letters you have received, I and hundreds of other citizens are concerned that the massive scale of this proposal will overwhelm the surrounding street system and lead to the end of more than 2,000 years of accumulated history in the mature Oregon White Oak trees on the site.

The July 24, 2020 amendment to Monarch Tree Service's March 10, 2020 report to Pactrust is an attempted end-run around the intent of Salem's tree Ordinance. The Ordinance contains a prohibition on removing protected Oregon White oak trees over 24" in diameter. The intent of the Ordinance is to leave such rare trees in place in order to preserve them for present and future generations.

The Monarch proposal to dig up an entire grove, or savanna, of 8 mature Oregon White Oak trees (ranging from 24" to 51" in diameter) and move them to an excavated bank 600' to the east on 27th Ave. SE is a gargantuan task with an extremely high cost and a very low chance of tree survival. What is the guarantee when/if this proposal fails? A multi-year performance bond for maintenance and survival should be required. This proposal does not comply with either the intent or the letter of the law. It is also flawed; for example, why does the table on page 3 of Monarch's report list tree #2823 as 51" in diameter, but on page 4 it lists the same tree as only 29.4"? Is this shrinkage, or a predictor of events to come?

The alternative to ending over 20 centuries of these oaks' history is very simple: Propose a development with a bit less building area and traffic generation/parking requirements; one that fits the local transportation network, the site's natural features and the existing neighborhood. The Site Plans presented thus far by Pactrust/Costco appear to all be aimed at proving that the only place on the entire 20+ acre site for the proposed, massive, Costco is on top of the oak grove and adjacent to the existing residences, the Salem Clinic and a neighborhood church. The analysis shows that a better analogy than this being an "attempt to shoehorn a large foot into a small shoe" could be "it is like trying to shove a clown shoe into a ballerina slipper".

The various Greenlight Engineering Reports clearly show that multiple major intersections, including portions of the I-5 interchange, would be compromised if the proposal currently pending is approved. The Council would not be helping the City, or its citizens, by allowing an end-run around the TIA and Site Plan review processes. A valid TIA is a required step in the development process for all such projects. The 8 magnificent oaks, the surrounding street systems, and the citizens of Salem should not be forced to pay the price of poor planning.

The attached alternate scenarios suggest that there are other, more appropriate, options. These are not actual Site Plans or proposals, they simply demonstrate the possibilities that could result from a reduction of the building areas of the project, allowing for a functional traffic system and rendering the removal/moving of the oaks unnecessary. Since neither the City or the public has yet seen a valid (and required) Transportation Impact Analysis (TIA) one can only guess at how much additional traffic the network could handle. The 2 scenarios we developed show that with a 16% reduction of building area on the East site the oaks could be saved in place with the North Scenario. As a distant second choice we found that a more suitable site for a shorter move than the one proposed by Monarch could be created with the South Scenario.

Lacking a required TIA that would demonstrate that such a reduction is necessary, we undertook a survey of the other Costco stores in the Willamette Valley in the I-5 corridor to determine what the typical size might be for the Costco stores near I-5 from Vancouver to Eugene.

- **The average size of the Vancouver, Tigard, Albany, Eugene and Salem stores is 139,070 sf. These are all near I-5 and most abut at least 2 major arterials and/or highways. The Pactrust site does not; Boone Rd. and 27th Ave. are collectors, Battlecreek Rd. is a minor arterial.**
- **The proposed Pactrust/Costco store would be 168,650 sf, over 21% larger than the average of the stores listed above. Our attached scenarios for the East site show a 11% reduction in store size to 150,000 sf and removal of the 6,000-sf commercial pad resulting in an overall reduction of 16%. This percentage reduction may also allow the West Site to meet standards.**
- **The existing Salem Costco fuel depot has 8 lanes and 16 pumps, similar to Eugene. The proposed Salem Costco would have 10 lanes and 30 pumps. We suggest elimination of the fueling depot altogether and its increased traffic generation or limiting it to 24 pumps.**

- **Pactrust's proposed building areas would require 759 parking spaces for the combined East and West sites using the Salem standard of 250 sq. ft. per 1,000 sf of building. They have instead applied for 1,053 spaces, 264 more than required and 132 more than saving the oak grove might displace. This overage suggests even more traffic than they now claim is anticipated.**

North Scenario: Costco store adjacent to Kuebler Blvd. Oak grove retained in place, 6,000 sq. ft. building pad eliminated., 24 pump Fueling depot instead of 30.

South Scenario: Costco store on the south with the oaks moved (if this is determined to be legally allowed) a short distance to a far better site (soils etc.) adjacent to Boone Rd. creating a buffer for the residences, church and clinic.

The point of the attachments is not to do the design work for Pactrust, it is simply to show the Council, Costco and Pactrust that there are other options, and that it is not really "necessary" to remove these magnificent trees or prudent to compromise the traffic network. It is instead necessary for Pactrust/Costco to revise their proposal and offer a more suitable project – one that will actually meet the Site Plan Review and TIA requirements for this particular location.

This planning challenge represents a huge opportunity for Pactrust, Costco, the City and the community to create a uniquely sustainable project. Saving the Oregon White Oak grove would reduce the "heat island" effect of the huge parking lot, reduce stormwater runoff, sequester carbon, and create a natural buffer for the existing residences, church and clinic. It would be a strong statement about sustainability and community, values that are increasingly important to consumers.

Pactrust's refusal to comply with Salem's requirements for the Traffic Impact Analysis and now the claim that they are exempt from the required Site Plan Review process are ludicrous. The accompanying threats of lawsuits are even worse. These rules are there for all of us and I join my fellow citizens in the belief that the majority of the Council will not waver.

Respectfully submitted,

John D. Miller

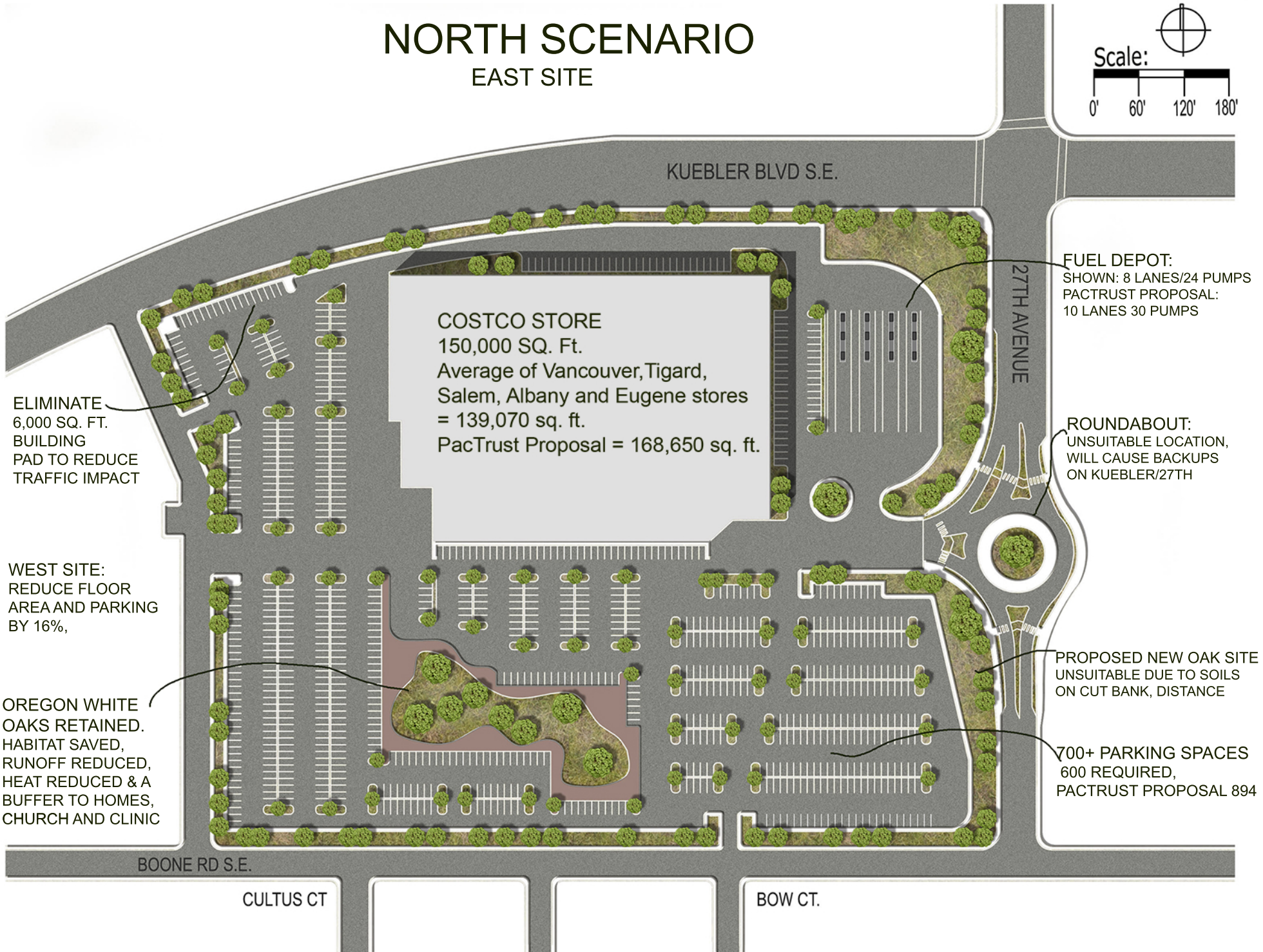
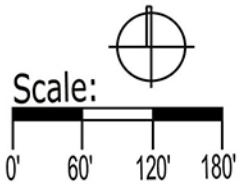
John Miller, President
Wildwood/Mahonia
4985 Battlecreek Rd. SE, Suite 200
Salem, OR 97302

Enclosures:

- Encl. 1 – North Scenario
- Encl. 2 – South Scenario

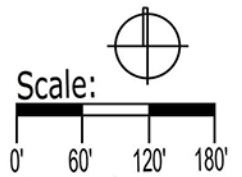
NORTH SCENARIO

EAST SITE



SOUTH SCENARIO

EAST SITE



Zachery Cardoso

From: Jake <jakekrishnan@gmail.com>
Sent: Wednesday, August 12, 2020 4:47 PM
To: Planning Comments; citycouncil; Aaron Panko
Subject: Rebuttal on public comments - Case # SPR-DAP18-15; REMAND
Attachments: Jake Krishnan Rebuttal Public comments 08122020.pdf

Dear City Council and Planning Department

Re: Case # SPR-DAP18-15; REMAND - Rebuttal of public comments

Please find attached my rebuttal on the public comments on the proposed remand application for the Kuebler Gateway Shopping Center development

thanks

Best Regards
Jake Krishnan

Jake Krishnan

5249 • Klamath St SE • Salem • OR 97306 • 503-442-6639 • jakekrishnan@gmail.com

August 12, 2020

The Mayor and City Council
City of Salem
555 Liberty Street SE
Salem, OR 97306

Dear Mayor and Members of the City Council

RE: Case Number – SPR-DAP18-15; REMAND – Kuebler Gateway Shopping Center
Rebuttal on open comments

I wish to submit rebuttal on the comments submitted by Kellington Law Group, Attorneys for the applicants (M&T Partners and Pacific Realty Associates LP) vide their letter dated July 27, 2020 on two different Exhibits, as follows:

1. First Open Record Exhibit 5

I specifically call attention to the First Open Record Exhibit 5 – pages 1-7 of the said exhibit that states “Once PacTrust’s right to develop the shopping center approved in 2007 had vested.....The applicant had the right to develop a shopping center of up to 299,000 sq. ft. on the subject property.....”

I have addressed the non-existence of the applicant’s vested right to develop on the said property in my public comments submitted earlier and for the sake of clarity, I repeat those here.

VESTED RIGHT FOR PACTRUST:

The remand application asks the city to determine whether PacTrust has a vested right to approval of their application, based on off-site improvements made. (In reliance of the City Council’s 2007 zoning decision vide “Order No. 2007-16-CPC/ZC Comprehensive Plan Change/Zone Change No. 06-6-CPC/ZC”).

I wish to point out that the City Council has not changed any underlying rules or policies between the original zone change decision in 2007 and the decision to decline the application in Dec 2018. On the other hand, PacTrust has materially changed several key items in their development plan between 2007 and 2018. While the City Council’s decision in 2007 allowed for a zoning change from “RA - Residential Agriculture” to “CR – Commercial Retail”, it relied on essential policies that would be complied with, through the development following this zone change. The underlying understanding behind the zone change was that it would be a “Community Shopping Center” that would enable compliance with several policies and criteria related to the change. There are at least 18 references to “Community Shopping Center” in the original zoning change order of 2007. Since there’s no zone categorization for “Community Shopping center” under Salem City’s Development

code, it was generally categorized as "CR-Commercial Retail". However, when we examine each one of these underlying policy items and criteria that were considered in approving the original application in 2007, it is apparent that the city based the approval on a Community shopping center that would encourage a pedestrian and bike friendly small cluster of retail shops and not a huge warehouse with a massive set of gas dispensing pumps, right in the middle of a residential neighborhood. It will be determined through my assertions below, that change in the development plan (by PacTrust) from a community shopping center to a large warehouse establishment like Costco, made it non-compliant with the underlying policy items and criteria for zone change approval provided in 2007. Hence the concept of "vested interest" would no longer be valid because PacTrust invalidated it with its changes. I'll review each one of these underlying policies below.

References to the page numbers are to the original Zone change order in 2007 - ORDER NO. 2007-16-CPC/ZC
COMPREHENSIVE PLAN CHANGE/ ZONE CHANGE NO. 06-6-CPC/ZC

Page 48 – TSP Policy 2.3 - Promotion of Walking for Health and Community Living – The original policy condition is that the proposal enables people living at least within a one-quarter (0.25) mile of the Subject Property to walk to medical services as well as to shopping and related services on this development.

However, with a Costco being planned in this location, this condition cannot be met. Given that an average shopper buys ~ 8 items (bulk sized packages) from Costco (see Exhibit A - external research report attached to this letter and available [here](#)), how do we expect a shopper to walk into Costco for making purchases? In fact, in all my 15 years as a shopper at Costco, I have not once seen a pedestrian shopper walking into the store since its impractical to carry out the large number of shopping items unless we have a motorized vehicle of some kind (either a personal auto or taxi). Therefore, this policy will be vitiated with the presence of Costco.

Page 49 - Transportation - Aesthetics and Landscaping Policy 20 - development of the Subject Property will encourage the use of the public transit system. Policy 19 can be met – This condition also will not be met. Based on the same argument as before, Costco shoppers do not use public transport facilities, given the difficulty in carrying bulk provisions from the store in public transport. A true Community shopping center (as originally intended) encourages a walking population to frequent the small retail stores and beverage shops. The Costco warehouse will not encourage the use of public transport to and from the store. This is a matter of common sense and can be easily proven by the large stream of cars and other vehicles that are parked in the current Costco location on Hawthorne avenue.

Page 50 - Criterion 6: The proposed change benefits the public – The original criterion stated and I quote "In addition, as a result of its proximity to the surrounding neighborhoods, the Subject Property will be accessible by alternate means of transportation, and provide the opportunity to decrease usage of private motor vehicles." This condition will also be falsified due to the reasons mentioned earlier. There are no pedestrian or foot shoppers coming into Costco. Because of the reasons mentioned above, there will be no opportunity to decrease usage of private motor vehicles. If anything, there will be an increased volume of motor vehicles coming into the neighborhood with Costco.

Page 52/54 – Criterion 3 – Factor 5 - **The proposed use will benefit the public health, safety and welfare, by providing frequently used commercial services in closer proximity to the residential population than is currently available.** – “This will result in the opportunity to access those services without the use of a motor vehicle.” – this factor will also be invalidated since there will be no opportunity for residents to use Costco for shopping without using a motor vehicle. Even a next-door resident cannot walk to Costco to shop since it is impractical to walk home with a heavy load of bulk packed grocery items that is normally available in Costco. I would exhort the City Council to physically visit Costco on any day to find out how many shoppers walk to shop there. The truth will be borne out in no time.

Please note that the city council has not made any changes to the underlying rules, policies and criteria for approval since 2007. However, PacTrust has made underlying changes to the type of development (from community shopping center to a Costco warehouse) between the time of the original zone change approval and the site layout approval application in 2018. With those changes, PacTrust does not have any “vested right” on the site, due to changes initiated by PacTrust that violate the underlying policies and criteria for the development it is seeking approval for. Since these policies form the basis of the approval for the development plan, any changes that vitiate these policies automatically invalidate PacTrust’s purported “vested right” (if any existed in the first place).

2. First Open Record Exhibit 4

In addition, I’d like to offer a rebuttal of the statements made in First Open Record Exhibit 4 indicating compliance with several conditions laid out in the Original zoning change “Order No. 2007-16-CPC/ZC Comprehensive Plan Change/Zone Change No. 06-6-CPC/ZC”. However, we need to look at the underlying criteria and standards used in arriving at the rationale for the zoning change and then look for compliance with the conditions imposed. If any of the underlying criteria and standards assumed in 2007 are in conflict with the current situation, then the rationale behind the zoning change is violated and we will need to re-examine the application ab initio. Mere compliance with conditions based on a set of criteria and standards that have since been violated does not satisfy the intent behind the rezoning change order.

I draw your attention to the original rezoning Order No. 2007-16-CPC/ZC Comprehensive Plan Change/Zone Change No. 06-6-CPC/ZC. Text within quotation marks “ ” are direct quotes from the rezoning order.

- Page 7 – Criterion 1 – Page 10 – Vicinity – The rezoning order attempts to define or clarify vicinity as being “appropriate, reasonable and consistent with the City’s standard”. “As explained in the application, the “vicinity” of the proposed project is the area within the City from east of Commercial Street to the east side of I-5, and from Madrona Avenue on the north to the City limits on the south.”
- Page 11 – “The vicinity that the applicant picked - composed of parts of several developing and developed residential areas within several neighborhoods - is a reasonable one.” “The SACP Commercial Development Goal divides “shopping and service facilities” into three types: regional facilities, community facilities and neighborhood facilities”.

- Page 11-12 – “Further, the term "Regional" is defined as "of, relating to, or characteristic of a large geographic area." Webster's II, 990 (1988). SACP Policy G(I) contemplates that the "region" is the area comprised of "the Salem urban area."
- Page 12 – “Regional, therefore, refers to all territory lying within the Salem/Keizer Urban Growth Boundary. The proposal does not fit the characteristics outlined in Resolution 87-126 for a regional facility. Therefore, this is further evidence that the proposal is for a community level facility and that the appropriate vicinity is for the proposed use as a community facility.”
- Page 12 – “The Commercial Development Goal contemplates that community shopping and service facilities will generate "major customer traffic" and that a community shopping and service facility will provide "a wide variety of goods and services for a market area of several neighborhoods. The market area here is for several neighborhoods but is not "regional."
- Page 14 – “Accordingly, Council finds it is reasonable to conclude that Kuebler travelers as well as many of the residents within the selected "vicinity" which includes parts of three neighborhoods would consider a retail shopping and service center on the subject property to be in their market area.”
- Page 14 - “Opponents rely on Urban Land Institute (ULI) data to argue the proposal is not for a community shopping center but rather for a "regional" one, necessitating evaluation of a larger "vicinity". However, City Council finds that the ULI data supports the opposite conclusion - i.e., that the proposed development will be a community shopping center. ” “The area the proposed use is to serve is a three-neighborhood area in southeast Salem and its significant emerging residential growth as well as the traffic flowing through this area on Kuebler Blvd. which abuts the subject property.”
- Page 16 – “Opponents identified two parcels that they claimed were suitable alternative sites for the proposed use. One property is located at State Street and Cordon Road, in the northeast part of the Salem urban area (the "Picsweet Property"). The Picsweet Property and Chemawa Property are not in the "vicinity" of, but rather are distant from, the Subject Property. These two properties would not be located close enough to serve the three neighborhoods north and south of Kuebler Boulevard, and east and west of Battle Creek Road or the SE Salem Kuebler Blvd. traffic. The Picsweet Property is approximately five miles northeast of the Subject Property. The Chemawa Property is approximately eight miles from the Subject Property in North Salem. These sites are not within the scope of the term "vicinity" based on the dictionary definition of the term or any other reasonable definition of the term "vicinity."

Based on all these assertions, there are 2 key takeaways:

1. The “vicinity” for determining the areas that this community shopping center would serve, was the 3 neighborhoods in SE Salem (with residential growth) and traffic flowing through Kuebler Blvd. Even a location 5 and 8 miles from the property was considered out of “vicinity”.

This fundamental basis for the definition for “vicinity” is now proved wrong since Costco is a membership driven retail store – the two Costcos nearest Salem are in Wilsonville (36 miles from Boone Road SE) and Albany (19 miles from Boone Road SE). Assuming members within

the half-way mark will have the potential to visit the Salem Costco, the service area for the new Costco location could be as much as 18 miles (half the distance to Wilsonville). Since the city council on page 16 indicated that 8 miles from the subject property is itself outside the vicinity, it is clearly evident that the store is no longer a "community shopping center" but a "regional store", needing evaluation for a larger vicinity from traffic and alternative site locations.

2. Page 11-12 identifies that "regional" in this context means Salem/Keizer Urban Growth Boundary and this proposal does not fit within such a definition.

However, this definition is again proved wrong knowing that the other nearest Costco establishments are in Wilsonville (36 miles from Boone Road SE) and Albany (18 miles from Boone Road SE), it is certain that members will shop from at least 18 miles away (towards Wilsonville) and 9 miles away (towards Albany). Thus it will be a regional store needing more evaluation as befits a regional store and not a community shopping center.

The original rezoning order went to great lengths to differentiate between regional and community shopping centers and the definitions of vicinity for the purpose of evaluating alternative site locations and traffic impacts. Since the basis of these evaluations are now being proved wrong and incorrect, it is imperative the City Council should review the original underlying criteria and if there are conflicts, attempt to resolve those first (evaluate alternative locations within a new redefined vicinity, understand traffic impacts when there will be shopper flow from a wider region than just the 3 neighborhoods, and check against the original intent of a pedestrian and bike friendly neighborhood community shopping center as envisaged in the original rezoning order) and then provide the decision.

Clearly, a development plan with Costco and 30 gas dispensing pumps are in complete conflict with the rezoning change "Order No. 2007-16-CPC/ZC Comprehensive Plan Change/Zone Change No. 06-6-CPC/ZC", both from a criterion and standard perspective. Accordingly, the City Council should note that the application for development of the Gateway Shopping Center in its current form is not in line with the original rezoning change order and should therefore not be approved.

Thank you for your attention to this important topic

Yours sincerely

Jake Krishnan