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July 27, 2020

Via Electronic Mail (planning comments@cityofsalem.net and apanko@cityofsalem.net)
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 (PacTrust/Costco)

Dear Aaron:

Attached please find for the record of the above referenced matter additional submittals by or on behalf of the applicants (M & T Partners and Pacific Realty Associates LP). The applicants reserve their rights to further respond to all submittals presented in the First Open record period that closes tomorrow. We provide these materials because they are helpful to resolution of this remand matter and to be sure that all parties have a chance to respond to them in the rebuttal period which begins on July 29, 2020. Thank you for your courtesies.

Very truly yours,

Wendie L. Kellington

WLK:wlk
CC: Shari Reed

Attachments:

First Open Record Exhibit 1 – Arbor Supplement
First Open Record Exhibit 2 – 2009 Site Review Legislative History
First Open Record Exhibit 3 – July 21, 2020 Kittelson Supplement
First Open Record Exhibit 4 – Partial Satisfaction and Promissory Note
First Open Record Exhibit 5 – Kellington Letter Dated July 27, 2020 RE: Transp. and VR



To: Aaron Jacobs, Landscape Manager
PacTrust
15350 SW Sequoia Parkway
Suite 300
Portland OR. 97224

REFERENCE: Kuebler Significant Tree – Oregon White Oak Viability

SITE ADDRESS: 2531 and 2521 Boone Rd. SE
Salem OR, 97306

DATE: July 24, 2020

PREPARED BY: Rick Sartori, ISA Certified Arborist WE-9479A
TCIA Certified Treecare Safety Professional (CTSP)
Mauget Tree Injector (Forest Worker) Certified

AMENDMENT

This memo shall serve to supplement our previous report dated March 10, 2020 to clarify a question you asked about whether in transplanting any tree, more than 30% of the root system of any tree will be removed. In this regard, [SRC Sec. 86.010. - Definitions](#), defines tree removal as "to cut down a tree, or remove more than 30 percent of the crown, circumference of the bark down to the heartwood, or root system of a tree, or to damage a tree in any manner so as to cause the tree to decline, become unstable, or die."

Relocation, or transplanting, is an alternative to removal. At no point will more than 30% of the root system of any tree be removed, this includes during any test digging, excavation, and transplanting.

During the proposed relocation process, the [U.S. Forest Service Root System Morphology of Oregon White Oak](#) study will be used as a guideline to quantify the gross root systems that the 8-significant white oak trees on the site have.



Sarah C. Mitchell
P.O. Box 159
Lake Oswego, OR 97034

Phone: (503) 636-0069
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Email: sm@klgpc.com

July 23, 2020

Via Email

Aaron Panko, Planner III
City of Salem Planning Div.
555 Liberty St SE, Rm 305
Salem, OR 97301
apanko@cityofsalem.net
planningcomments@cityofsalem.net

RE: *SPR-DAP18-15 Remand; Kuebler Gateway Shopping Center
Legislative History of the City of Salem's Site Plan Review Ordinance*

Dear Mr. Panko:

This letter is submitted on behalf of our clients, the applicants in the above-referenced matter, M & T Partners, Inc. and Pacific Realty Associates, LP. Please include this letter in the record of the above-referenced remand proceeding.

This letter explains the legislative history of the City of Salem's site plan review ordinance now codified at SRC Chapter 220.

On November 3, 2008, the City of Salem adopted Ordinance 20-08, the City's first site plan review ordinance. *See* Exhibit 1 which is the legislative history of Ordinance 20-08 and is attached to this letter, pages 1-14. The ordinance was adopted to implement ORS 197.195 (procedures for limited land use decisions) and to bring the City's development review process into greater conformance with the Comprehensive Plan's Commercial Development Policy No. 2 (Shopping and Service Facilities).¹ *See* Exhibit 1, p 21-22, 25. The site plan review ordinance became effective January 1, 2009. Exhibit 1, p 14; *see also* City of Salem Charter Chapter VIII, Section 52 (2008) (a non-emergency ordinance takes effect on the 30th day after its adoption or on a later date that the ordinance prescribes). Prior to January 1, 2009, the City had no formal site plan review process for development requiring a building permit, including commercial development. *See* Exhibit 1, p 22. Rather, building plans submitted to the City received approval by all applicable City departments through a ministerial process coordinated by the Building and Safety Division of the Community Development Department. *Id.* Accordingly,

¹ Commercial Development Policy No. 2 required review of a "development plan" for shopping and service facilities prior to development approval. *See* Exhibit 1, p 25. However, no formal process of site plan review, to include criteria for approval, existed under this policy prior to the adoption of Ordinance 20-08.

final building permit approvals obtained through the pre-2009 process did not result in the issuance of formal written decisions. *Id.*

The 2009 ordinance established for the first time a formal process for site plan review, the purpose of which was “to provide a unified, consistent and efficient means to review proposed development that requires a building permit[.]” Exhibit 1, p 1. The ordinance prescribed that “[a]ll development that requires a building permit requires site plan review prior to issuance of the building permit” with certain exemptions. *Id.* The exemptions were for single-family and duplex dwellings and their accessory structures, signs, ordinary repair and maintenance of existing structures, and interior construction that did not involve a change of use. Exhibit 1, p 2. The 2009 ordinance also provided for the first time three different types of site plan review (SRC 163.020), minimum application requirements (SRC 163.040), site plan requirements (SRC 163.050), review procedures (SRC 163.060), criteria for approval (SRC 163.070), and a process for appeals (SRC 163.110-.160). *See* Exhibit 1, p 1-14.

In sum, prior to January 1, 2009, the City did not have a formal site plan review process for development that required a building permit, including commercial development. Ordinance 20-08 established a formal process for site plan review that applied to commercial development, but that ordinance did not become effective until January 1, 2009.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Sarah Mitchell", with a stylized, cursive script.

Sarah C. Mitchell

SCM:scm

CC: Wendie L. Kellington
Shari Reed

Attachments:

Exhibit 1 – Legislative History Ordinance 20-08

1 **ENGROSSED**

2 **ORDINANCE BILL NO. 20-08**

3 AN ORDINANCE RELATING TO LAND USE; AND CREATING SRC CHAPTER 163

4 *The City of Salem ordains as follows:*

5 **Section 1.** Sections 2 through 17 are added to and made a part of the Salem Revised Code,
6 Chapter 163.

7 **Section 2.** SRC 163.010 is added to read:

8 **163.010 Site Plan Review, Purpose.** The purpose of site plan review is to provide a unified,
9 consistent and efficient means to review proposed development that requires a building
10 permit, other than single-family residential, duplex residential development and installation
11 of signs, to ensure that such development meets all requirements imposed by the Salem
12 Revised Code, which include requirements related to access, pedestrian connectivity,
13 setbacks, parking areas, external refuse storage areas, open areas, and landscaping; and
14 requirements that transportation and utility infrastructure are adequate or will be adequate to
15 serve the proposed development.

16 **Section 3.** SRC 163.020 is added to read:

17 **163.020 Site Plan Review Applicability.**

18 (a) All development that requires a building permit requires site plan review prior to
19 issuance of the building permit, unless such development is exempt from site plan review
20 under SRC 163.030.

21 (b) Type I-Limited Site Plan Review is required for development that does not involve a
22 land use or limited land use decision, as defined by ORS 197.015 and involves only
23 interior construction or tenant improvements that include a change of use, but require no
24 exterior improvements that would alter the existing parking, landscaping, or buffer yards
25 required by the Salem Revised Code;

26 (c) Type I Site Plan Review is required for development that does not involve a land use
27 or limited land use decision, as those terms are defined in ORS 197.015.

28 (d) Type II Site Plan Review is required for development that involves a land use or
29 limited land use decision, as those terms are defined in ORS 197.015. As used in this
30 subsection, land use and limited land use decisions include, but are not limited to:

- (1) Any development application that requires a Transportation Impact Analysis pursuant to Transportation System Plan;
- (2) Any development application that requires a geotechnical report or geologic assessment pursuant to SRC Chapter 69;
- (3) Any development application that requires deviation from clear and objective development standards in the Salem Revised Code relating to streets, driveways or vision clearance areas;
- (4) Any development application that proposes dedication of right-of-way which is less than the requirements of the Salem Transportation System Plan;
- (5) Any development application that requires deviation from the clear and objective standards of the Salem Revised Code and where the Planning Administrator or Director of Public Works is granted the authority to use limited discretion in deviating from the established standard, including approval of a concurrent zoning adjustment, pursuant to SRC Chapter 116; or
- (6) Any development that requires a variance or conditional use permit.

(e) A site plan review application may be processed concurrently with an application for a building permit; provided however, that a building permit shall not be issued until site plan review approval has been granted.

Section 4. SRC 163.030 is added to read:

163.030 Site plan review, Exemptions. The following development applications shall not require site plan review:

- (a) The construction of single-family or duplex dwellings on an individual lot, including the construction of accessory structures associated with such dwellings.
- (b) The installation of signs pursuant to SRC Chapter 62.
- (c) Regular and ordinary repair or maintenance of existing structures, utilities, landscaping, and impervious surfaces, and the installation or replacement of operational equipment or fixtures.
- (d) The alteration or regular and ordinary repair or maintenance of the front or face of an existing building.
- (e) Interior construction or tenant improvements that involve no change of use.

Section 5. SRC 163.040 is added to read:

163.040 Site Plan Review, Minimum Application Requirements. A complete application for site plan review shall consist of the following:

(a) Type I-Limited Site Plan Review.

(1) A complete application on forms provided by the Planning Administrator, and signed by the property owner, or signed by a prospective purchaser, lessee, or agent, if written delegation of signature authority to such person is submitted with the application; and

(2) Payment of all applicable fees.

(b) Type I Site Plan Review.

(1) A complete application on forms provided by the Planning Administrator, and signed by the property owner, or signed by a prospective purchaser, lessee, or agent, if written delegation of signature authority to such person is submitted with the application;

(2) Three copies of a site plan of a size and form, and including the information specified in SRC 163.050;

(3) Three copies of an assessor's map with identification of the lot, block and tax lot number, or other legal description;

(4) Three copies of an existing conditions plan drawn on the same scale as the site plan, which shall include, at a minimum, the following:

(A) The total site area, dimensions and orientation relative to north;

(B) The location of existing structures and other improvements on the site, including accessory structures, fences, walls and driveways, noting their distance from property lines;

(C) The location of the one-hundred-year flood plain, if applicable;

(5) A completed Trip Generation Estimate for the proposed development, on forms provided by the Director of Public Works; and

(6) Payment of all applicable fees.

(c) Type II Site Plan Review. The Planning Administrator may waive the submittal requirement of any item in this section if the Planning Administrator determines that the

1 item would not provide evidence of satisfaction of any of the applicable criteria.

2 (1) All the items required for a Type I Site Plan Review under subsection (b) of this
3 section;

4 (2) The zoning district, comprehensive plan designation and land uses for all
5 properties abutting the site, including, but not limited to, driveway locations, public
6 and private streets, including bike paths, transit stops, sidewalks and other bike and
7 pedestrian pathways, curbs, and easements;

8 (3) The elevation of the site at two-foot contour intervals, with specific identification
9 of slopes in excess of fifteen percent;

10 (4) The location of drainage patterns and drainage courses, if applicable;

11 (5) A preliminary utility plan showing capacity needs for municipal water and sewer
12 service and schematic location of connection points to existing municipal water and
13 sewer services;

14 (6) Summary table which includes site zoning designation, total site area, gross floor
15 area by use (i.e. manufacturing, office, retail, storage), building height, itemized
16 number of full size, compact and handicapped parking stalls and the collective total
17 number, total lot coverage proposed, including areas to be paved for parking and
18 sidewalks;

19 (7) A Geological Assessment or Geotechnical Report, if required by SRC Chapter
20 69, or a statement from an engineer certifying that landslide risk on the site is low,
21 and that there is no need for further landslide risk assessment;

22 (8) A Traffic Impact Analysis, if required for the development, shall be provided
23 based on a format and thresholds specified in standards established by the Director of
24 Public Works;

25 (9) Additional information, as determined by the Planning Administrator, that may
26 be required by any other provision or for any other permit elsewhere in Salem
27 Revised Code and any other information that may be required to adequately review
28 and analyze the proposed development plan as to its conformance to the applicable
29 criteria; and

30 (10) Payment of all applicable fees.

Section 6. SRC 163.050 is added to read:

SRC 163.050 Site Plan Requirements. All site plans required by this Chapter shall be on sheets not larger than twenty-four inches by thirty-six inches, unless otherwise allowed by the Planning Administrator. Site plans shall be drawn at a scale of one inch equals forty feet or larger, i.e., one inch equals thirty feet. All site plans shall also be submitted on eight inch by eleven inch or eleven inch by seventeen inch size paper. All site plans shall include:

- (a) The total site area, dimensions and orientation relative to north;
- (b) The location of all proposed primary and accessory structures and other improvements, including fences, walls and driveway locations, indicating distance to such structures from all property lines and adjacent on-site structures;
- (c) Loading areas, if included with proposed development;
- (d) The size and location of solid waste and recyclables storage and collection areas, and amount of overhead clearance above such enclosures, if included with proposed development;
- (e) An indication of future phases of development on the site, if applicable;
- (f) All proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;
- (g) The location, height and material of fences, buffers, berms, walls and other proposed screening as they relate to buffer yard and landscaping required by SRC Chapter 132;
- (h) The location of all street trees, if applicable, or acknowledgment that planting of street trees will be required at time of development pursuant to SRC Chapter 86; and
- (i) Identification of vehicle, pedestrian and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.

Section 7. SRC 163.060 is added to read:

163.060 Site Plan Review, Procedures.

- (a) Type I-Limited and Type I Site Plan Review applications shall be reviewed by the Planning Administrator for compliance with the criteria as set forth in this Chapter. The Planning Administrator's decision for Type I-Limited and Type I Site Plan Review applications are final decisions and are not appealable to the City.

1 **(b) Type II - Notice of Application.** Within ten days of determination that an application
2 is deemed complete, but not less than twenty days before the review authority makes a
3 decision, written notice of the application shall be mailed to all the following:

4 **(1)** Applicant;

5 **(2)** Owners and occupants of the subject property;

6 **(3)** Owners of properties located within 250 feet of the perimeter of the subject
7 property;

8 **(4)** Neighborhood Association(s) that includes the subject property;

9 **(5)** Community organizations, agencies, and interested persons that have submitted
10 written requests for notification; and

11 **(6)** For modification applications, to persons who requested notice of the original
12 application that is being modified.

13 **(c)** The notice of a Type II application shall include all of the following:

14 **(1)** The street address or other easily understood geographical reference to the subject
15 property;

16 **(2)** The applicable criteria for the decision, listed by commonly used citation.

17 **(3)** The place, date, and time that comments are due;

18 **(4)** A statement that copies of all evidence relied upon by the applicant are available
19 for review, and can be obtained at a reasonable cost;

20 **(5)** A statement that issues that may provide the basis for an appeal to the Land Use
21 Board of Appeals must be raised in writing and with sufficient specificity to enable
22 the applicant and the decision maker to respond to the issue;

23 **(6)** The name and phone number of a Staff contact; and

24 **(7)** A brief summary of the local decision making process for the decision being
25 made.

26 **(d)** The notice of a Type II application shall allow a fourteen-day period for the
27 submission of written comments, starting from the date of mailing, and include a
28 statement that comments received after the close of the comment period will not be
29 considered by the review authority.
30

1 (e) Type II Application Decision. The Planning Administrator shall approve,
2 conditionally approve, or deny the application. The decision shall include a brief
3 statement that explains the criteria and standards considered relevant to the decision, state
4 the facts relied upon in rendering the decision and explain the justification for the
5 decision based upon the criteria, standards and facts set forth.

6 (f) Notice of Decision. Within five days after the Planning Administrator renders a
7 decision, the City shall mail notice of the decision to the following:

8 (1) Applicant;

9 (2) Owner and occupant of the subject property;

10 (3) All individuals who submitted timely comments;

11 (4) Neighborhood Association(s) that includes the subject property;

12 (5) Any group or individuals who requested notice of the decision; and

13 (6) Any person who submitted comments within the fourteen-day comment period
14 prior to the decision.

15 (g) The notice shall include all the following:

16 (1) A description of the nature of the decision;

17 (2) An explanation of the nature of the application and the proposed use or uses that
18 could be authorized;

19 (3) The street address or other easily understood geographical reference to the subject
20 property;

21 (4) The name of a City representative to contact and the telephone number where
22 additional information may be obtained;

23 (5) A statement that a copy of the application, all documents and evidence submitted
24 by or on behalf of the applicant and applicable criteria are available for inspection at
25 no cost and will be provided at a reasonable cost;

26 (6) A statement that any person who participated in the decision by submitting oral or
27 written comments during the fourteen-day comment period, the Neighborhood
28 Association and the applicant may appeal the decision;

29 (7) A statement that the decision will not become final until the period for filing a
30 local appeal has expired; and

(8) An explanation that the decision cannot be appealed directly to the Land Use Board of Appeals.

(h) Unless appealed pursuant to this Chapter, the decision is effective on the sixteenth day after notice of the decision is mailed.

Section 8. SRC 163.070 is added to read:

163.070 Site Plan Review, Criteria for Approval.

(a) Approval of Type I-Limited or Type I Site Plan Review application shall be granted if the Planning Administrator finds that only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the application, and that the applicant has met all the applicable standards.

(b) Approval of a Type II Site Plan Review application shall be granted if the Planning Administrator finds that:

(1) The application has met all applicable standards of the Salem Revised Code, or the application has met all standards requiring the exercise of discretion or legal judgment necessary to grant an appropriate deviation, including approval of a concurrent zoning adjustment consistent with SRC Chapter 116;

(2) 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;

(3) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and

(4) The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development.

Section 9. SRC 163.080 is added to read:

163.080 Site Plan Review, Conditions of Approval. Conditions may be attached to a site plan review approval that are deemed necessary to more fully satisfy the criteria set forth in SRC 163.070, and may be considered in determining if the criteria set forth in SRC 163.070 have been met. Such conditions, once attached, shall be considered development standards applicable to the development.

Section 10. SRC 163.090 is added to read:

1 **163.090 Site Plan Review; Modifications.** Modification to an approved site plan shall
2 follow the same procedure as the original approval, unless approval of the requested
3 modification does not constitute a land use or limited land use decision, in which case the
4 modification shall be processed as a Type I-Limited, or Type I Site Plan Review application,
5 as applicable.

6 **Section 11.** SRC 163.100 is added to read:

7 **163.100 Site Plan Review, Expiration.**

8 (a) Site Plan approval shall be valid for a period of four years following the date of the
9 final decision of the Planning Administrator. If no valid building permit application is on
10 file with the City, consistent with the approved site plan within such time, the site plan
11 approval will expire and a new application must be filed and approval granted prior to
12 issuance of a building permit.

13 (b) If a valid building permit application is submitted, the site plan approval shall remain
14 valid until the building permit expires.

15 **Section 12.** SRC 163.110 is added to read:

16 **163.110 Site Plan Review; Appeals.** A Type II Site Plan Review decision is appealable to
17 the Hearings Officer as set forth in this Chapter. Upon receipt of an appeal of a Type II Site
18 Plan Review decision, the Planning Administrator shall provide notice of the appeal to
19 Council at its next regular meeting. Council may, pursuant to the procedures for Council
20 review set forth in SRC 114.210, elect to have the appeal transferred to the Council, and have
21 the appeal heard by Council pursuant to SRC 114.200. Unless subsequently discontinued,
22 the appeal to Council shall replace the appeal filed with the Hearings Officer.

23 **Section 13.** SRC 163.120 is added to read:

24 **163.120 Appeal of Type II Site Plan Review Decision.**

25 (a) Within fifteen days of the date of the mailing of a Type II Site Plan Review decision,
26 the decision may be appealed to the Hearings Officer by the following:

27 (1) Applicant;

28 (2) Owner of the subject property;

29 (3) Neighborhood Association officially recognized by the City that includes the
30 subject property; and

(4) Any person who submitted written comments prior to the end of the public comment period.

(b) The notice of appeal shall be submitted on a form provided by the Planning Administrator accompanied by a fee established by City Council. The record from the initial proceeding shall be forwarded to the Hearings Officer.

(c) The notice of appeal shall include a statement of issues on appeal. The appeal shall be limited to the issues raised in the notice of appeal. Unless the appellant requests a hearing on the record only, the appeal hearing shall be de novo and new evidence pertaining to appeal issues shall be accepted.

(d) At least seven calendar days prior to the hearing, the appellant shall submit an appeal statement explaining specifically how the decision is inconsistent with applicable criteria.

(e) Unless the appellant and the applicant agree to a longer time period, the Hearings Officer shall hold the hearing within forty-five days of receipt of the appeal application.

Section 14. SRC 163.130 is added to read:

163.130 Notice of Appeal Public Hearing.

(a) At least twenty days prior to the hearing, the City shall mail written notice to all of the following:

- (1) Applicant;
- (2) Owner of the subject property;
- (3) Appellant, if different from the owner;
- (4) Neighborhood Association(s) that includes the subject property;
- (5) Any person who provided written comments prior to the close of the public comment period of the initial application; and
- (6) Owners of property within 250 feet of the perimeter of the subject property.

(b) The notice shall include all of the following:

- (1) The street address or other easily understood geographical reference to the subject property;
- (2) The applicable criteria for the decision, listed by commonly used citation;
- (3) The place, date, and time of the hearing;

- (4) The nature of the original application and appeal, and the proposed use or uses that could be authorized;
 - (5) A statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at a reasonable cost;
 - (6) A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings;
 - (7) A statement that copies of the application and all evidence and documents submitted by or on behalf of the applicant and appellant are available for review, and that copies can be obtained at a reasonable cost;
 - (8) A statement that failure to raise an issue at the hearing, in person or by letter, or failure to provide statements or evidence with sufficient specificity to enable the decision maker to respond to the issue precludes an appeal based on that issue;
 - (9) The name and telephone number of a staff contact; and
 - (10) A brief summary of the local decision-making process for the decision being made.
- (c) At least seven days prior to the public hearing, the staff report shall be submitted to the Hearings Officer and made available to the public. A copy of the report shall be mailed or delivered to the applicant and appellant at the time it is submitted to the Hearings Officer.
- (d) Unless the appellant requests a hearing on the record only, the appeal hearing shall be de novo and new evidence pertaining to appeal issues shall be accepted.

Section 15. SRC 163.140 is added to read:

163.140 Appeal Hearing Procedures. The appeal hearing shall comply with the following procedures:

(a) The Hearings Officer shall:

- (1) Regulate the course and decorum of the hearing;
- (2) Dispose of procedural requests or similar matters; and
- (3) Impose reasonable limitations on the number of witnesses to be heard and set reasonable time limits for oral presentation, questioning of witnesses, and rebuttal testimony.

1 (b) Conduct of Hearing.

2 (1) No person may be disorderly, abusive, or disruptive of the conduct of the hearing;

3 (2) No person may present evidence, argument or comment without first being
4 recognized by the presiding officer;

5 (3) All witnesses shall identify themselves and their place of residence;

6 (4) Any employee, agent, or officer of the City shall disclose his or her relationship
7 to the City when commencing to testify;

8 (5) Formal rules of evidence as used in courts of law shall not apply; and

9 (6) Audience demonstrations such as applause, cheering, display of signs, and other
10 conduct disruptive of the hearing shall not be permitted. Any such conduct may be
11 cause for immediate suspension of the hearing.

12 (c) Order of Procedure. The Hearings Officer in the conduct of the hearing shall:

13 (1) Commence the hearing by announcing the nature and purpose of the hearing and
14 summarizing the rules for its conduct;

15 (2) Call for statements of conflicts of interest, ex parte contacts, biases, abstentions,
16 or challenges to impartiality;

17 (3) Any member considering abstention for reasons other than those described above
18 shall state the reasons for the abstention, seek the advice of the body, and announce a
19 decision and the reasons therefor;

20 (4) Receive staff report; and

21 (5) Call for testimony in the following order:

22 (A) Applicant.

23 (B) Neutral parties.

24 (C) Opponents.

25 (D) Questions of staff.

26 (E) Applicant rebuttal and final argument.

27 (6) Announce whether the record is closed, record will be held open; or the hearing
28 will be continued.

29 (d) To the degree necessary for an orderly process within available time, the Hearings
30 Officer may consolidate submissions by participants or establish reasonable time limits

for presentation of testimony. One or more spokespersons for any group may be designated by the Hearings Officer.

(e) The questioning of witnesses is a matter solely within the discretion of the Hearings Officer. No questioning of witnesses shall be permitted after the applicant's rebuttal and final argument, except the questioning of the applicant as to matters contained in rebuttal or final argument testimony by the Hearings Officer.

(f) The burden of proof is upon the applicant. A decision to resolve the issues presented shall be based upon reliable, probative and substantial evidence in the record.

(g) The Hearings Officer may take official notice of the following:

(1) All facts which are judicially noticeable;

(2) All public records of the City; and

(3) The charter, ordinances, resolutions, rules, regulations, and officially promulgated policies of the City.

(h) Matters officially noticed need not be established by evidence and may be considered by the Hearings Officer in the determination of the proposal.

Section 16. SRC 163.150 is added to read:

163.150 Record of Proceedings on Appeal.

(a) An adequate record of the hearing shall be prepared, and shall include all evidence and testimony submitted prior to the close of the record of the proceeding. To assist in the preparation of the record, the proceedings may be stenographically or electronically recorded, but the record need not set forth evidence verbatim.

(b) Where practicable, the Hearings Officer shall cause all presented physical and documentary evidence to be marked to show the identity of the person offering the evidence and to indicate whether it is presented on behalf of the applicant or an opponent.

(c) A member of the public shall have access to the record of the proceeding at a reasonable time and place. A member of the public shall be entitled to obtain copies of the record at their own expense.

Section 17. SRC 163.160 is added to read:

163.160 Appeal Decision.

(a) Unless the applicant and appellant agree to a longer time period, the Hearings Officer

1 shall make a decision within thirty days of the close of the record. The Hearings Officer
2 shall affirm, reverse, or modify the decision of the initial review authority. Before
3 reversing or modifying the decision, the Hearings Officer shall make findings and
4 conclusions clearly stating how the initial review authority failed to properly evaluate the
5 application or make a decision consistent with applicable criteria. The decision of the
6 Hearings Officer is the final local decision.

7 (b) Within 5 days after a decision by the appeal review authority is rendered, notice of
8 the decision shall be mailed to all of the following:

- 9 (1) Applicant;
10 (2) Owner of the subject property;
11 (3) Appellant;
12 (4) Any person who provided oral or written testimony during the public hearing or
13 written testimony prior to the public hearing; and
14 (5) Any person who requested notice of the appeal decision.

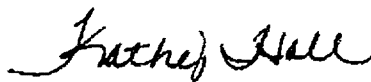
15 (c) The notice shall summarize the decision of the appeal review authority, and explain
16 any non-jurisdictional appeal rights and deadlines.

17 **Section 18. Effective Date.** This ordinance shall become effective on January 1, 2009, and
18 shall apply to any applications for building permits submitted on and after January 1, 2009.

19 **Section 19. Severability.** Each section of this ordinance, and any part thereof, is severable, and
20 if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of
21 this ordinance shall remain in full force and effect.

22 PASSED by the Council this 3rd day of November, 2008.

23 ATTEST:

24 

25 City Recorder

26 Approved by City Attorney: 

27
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29 Checked by: B. Colbourne

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FOR COUNCIL MEETING OF:
AGENDA ITEM NO.:

November 3, 2008
8.2 (a)

TO: MAYOR AND CITY COUNCIL

THROUGH:  LINDA NORRIS, CITY MANAGER

FROM: VICKIE HARDIN WOODS, DIRECTOR 
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: SUPPLEMENTAL STAFF REPORT AMENDMENT TO ORDINANCE BILL
20-08

ISSUE:

Should Ordinance Bill 20-08 be amended to provide City Council with notice of Site Plan Review appeals, and provide Council with the option to hear Site Plan Review appeals in place of the Hearings Officer?

RECOMMENDATION:

Staff recommends that Ordinance Bill 20-08 be amended to provide City Council with notice of Site Plan Review appeals, and provide Council with the option to hear Site Plan Review appeals in place of the Hearings Officer.

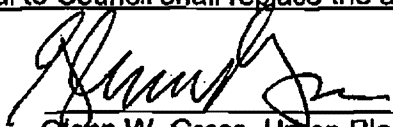
BACKGROUND:

Ordinance Bill 20-08 provides for a new site plan review process that will affect the way most building permits other than single family and duplex residential and signs are processed. This process is required by state statute. Staff has worked with the development community to develop a procedure that is efficient and streamlined.

The ordinance currently allows for appeal of Type 2 Site Plan Review decisions to the Hearings Officer. In order to involve City Council in the Site Plan Review process, but not burden Councilors with the responsibility of hearing all appeals, staff recommends providing Council with the option to hear Site Plan Review appeals in place of the Hearings Officer, on a case-by-case basis.


To this end, staff recommends that Section 12 of Ordinance Bill 20-08 be amended to read:

"163.110 Site Plan Review; Appeals. A Type II Site Plan Review decision is appealable to the Hearings Officer as set forth in this Chapter. Upon receipt of an appeal of a Type II Site Plan Review decision, the Planning Administrator shall provide notice of the appeal to Council at its next regular meeting. Council may, pursuant to the procedures for Council review set forth in SRC 114.210, elect to have the appeal transferred to the Council, and have the appeal heard by Council pursuant to SRC 114.200. Unless subsequently discontinued, the appeal to Council shall replace the appeal filed with the Hearings Officer."


Glenn W. Gross, Urban Planning Administrator

FUTURE REPORT: September 8, 2008
FOR COUNCIL MEETING OF: September 22, 2008
AGENDA ITEM NO.: _____

October 13, 2008
8.1 (a)

TO: MAYOR AND CITY COUNCIL
THROUGH:  LINDA NORRIS, CITY MANAGER

FROM: VICKIE HARDIN WOODS, DIRECTOR 
COMMUNITY DEVELOPMENT DEPARTMENT

**SUBJECT: AMENDMENTS TO SRC TITLE X, SALEM ZONING CODE, TO
ESTABLISH A SITE PLAN REVIEW PROCESS (CA 08-2)**

ISSUE:

Should the City Council amend SRC Title X, Salem Zoning Code, by enacting Ordinance Bill No. 20-08 to establish a Site Plan Review process to ensure that approval of development requiring a building permit, other than single-family or duplex residential, occurs in a manner consistent with State statutes?

RECOMMENDATION

Staff recommends that the City Council advance Ordinance Bill No. 20-08 to second reading for enactment.

BACKGROUND:

In January 2006, the Land Use Board of Appeals (LUBA) remanded a City of Salem driveway variance decision associated with the review of a new Dutch Brothers coffee kiosk, LUBA Case No.2005-145 (*Delk v. City of Salem*). In summary, LUBA found that elements of the City of Salem's commercial building permit review process involve discretionary decisions, which are defined as limited land use decisions under Oregon Revised Statutes (ORS) 197.015. LUBA also found that the City's review process does not follow the proper procedural steps required for these types of decisions under ORS 197.195.

This appeal revealed the potential for other such appeals of the City's existing building permit review system. In light of this, City staff, in conjunction with an advisory committee, developed a formal Site Plan Review process consistent with State statute. The Site Plan Review Advisory Committee is composed of Salem-based design and land development professionals, neighborhood representatives, and appointed officials. City staff met regularly with the Advisory Committee throughout 2007 to develop a Site Plan Review system that is consistent with State statutes, acceptable to the community, and compatible with the City's existing development review process. Additional meetings between staff and the Advisory Committee are expected after adoption of the ordinance in order to monitor implementation of the site plan review.

Staff conducted public outreach meetings with the Salem Chapter of the American Institute of Architects on April 9, 2008, the Salem Land Use Network on April 30, 2008, and the Salem Area Chamber of Commerce Government Affairs Session on May 1, 2008.

FACTS AND FINDINGS:

Procedural Findings

1. On May 20, 2008, the Planning Commission held a public hearing to receive testimony and consider the proposed amendments. Public testimony was provided at the hearing in support of the amendments. No testimony in opposition was received.

Subsequent to the close of the public hearing, the Planning Commission voted to approve the amendments and recommended that the City Council accept first reading of an ordinance bill for the purpose of amending SRC Title X (Attachment A).

Additional procedural findings and findings demonstrating that the proposed ordinance is consistent with the Salem Area Comprehensive Plan are available in Attachment A.

Limited Land Use Decisions at Time of Building Permit

2. ORS 197.015(12)(b) defines a limited land use decision as a final decision or determination made by a local government pertaining to a site within an urban growth boundary that concerns:

The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review.

ORS 197.195(3) further defines public notice requirements for such limited land use decisions.

3. The level of discretion currently exercised by City staff in the building permit approval process may be considered land use or limited land use decisions under State statute.

Currently, building plans submitted to the City's Permit Application Center receive approval by all applicable City departments through a process coordinated by the Building and Safety Division of the Community Development Department. Planning and Public Works review is included in this building permit review system. Building permit approval is a ministerial act. Department approval and hand-written comments are noted directly on the construction plans. Staff does not issue any formal written decisions and does not provide any opportunity for public comment or appeal during the existing building permit review process.

The current process is appropriate for single-family dwelling and duplex building permits because the subdivision in which such dwellings are sited has received approval through a public process as provided in the Salem Subdivision Code, in

accordance with State statute. This existing process is not appropriate, however, for all other building permits involving discretionary decisions because the building permit approval process includes no opportunity for public comment and appeal. Examples of such discretionary issues at the time of building permit include:

- Location of driveway
- Parking lot layout and landscaping
- Pedestrian connectivity
- Landscaped buffer yards
- Transportation and utility infrastructure

As stated earlier, State statute defines these kinds of decisions as limited land use decisions, which require an opportunity for public comment and appeal. The proposed Site Plan Review process will satisfy these requirements, thereby eliminating the threat of further appeals after building permit issuance.

Site Plan Review Advisory Committee

4. The purpose of the Site Plan Review Advisory Committee is to work with City staff in the drafting of the Site Plan Review ordinance, and provide valuable feedback to staff throughout the adoption and implementation of the new process. The Advisory Committee is composed of local design and land development professionals, appointed officials, and neighborhood representatives.

City staff met regularly with the Site Plan Review Advisory Committee throughout 2007 to develop a Site Plan Review system. At these meetings, the Committee worked through difficult questions about processing timeframes, application submittal requirements, and legal issues. The proposed ordinance reflects the concerns of the Advisory Committee, such as flexibility in the process for the applicant, streamlined process coordinated with other required development approvals, assurance of obtaining all required approvals early in the process, and opportunity for notice and comment for the neighboring properties and interested persons.

Site Plan Review Process

5. As proposed, Site Plan Review applications may be processed prior to, or concurrent with, a building permit application. Not all building permit approvals involve discretionary decisions, which are considered limited land use decisions under State statute. The Site Plan Review Advisory Committee acknowledged this fact when crafting the proposed Site Plan Review ordinance. As a result, the proposed ordinance provides three types of Site Plan Review, depending on the level of staff discretion required during review. In addition, the proposed ordinance exempts single-family and duplex dwellings, sign permits, interior remodeling with no change of use, and ordinary maintenance and repair of existing structures from the Site Plan Review process altogether.

The following table compares the different types of Site Plan Review proposed.

	Applicability	Review Process	Submittal Requirements
Type 1-Limited Site Plan Review	Change of use and tenant improvement permits with no site alteration proposed, which meet all applicable clear and objective standards	Written decision issued, no notice or opportunity for appeal	Completed application form and payment of fee
Type 1 Site Plan Review	Building permits which meet all applicable clear and objective standards	Written decision issued, no notice or opportunity for appeal	<ul style="list-style-type: none"> Completed application form Fee Site plan Assessor's map Existing conditions plan Completed Trip Generation Estimate form
Type 2 Site Plan Review	Any building permit requiring a land use or limited land use decision, such as building permits requiring a: <ul style="list-style-type: none"> Traffic Impact Analysis, Geological report or assessment, Deviation from the development standards or the Salem Revised Code relating to streets, driveways, or vision clearance, or Deviation from the requirements of the Salem Transportation Plan 	Notice and comment period, written decision issued, and opportunity for appeal	<ul style="list-style-type: none"> Completed application form Fee Site plan Surrounding property information Assessor's map Existing conditions plan Completed Trip Generation Estimate form Preliminary utility plan Geological assessment or report, if required per SRC Chapter 69 Traffic Impact Analysis, if required by Public Works
Exempt from Site Plan Review	Single-family and duplex dwellings, sign permits, ordinary maintenance and repair of existing structures and site features	NA	NA

Compatibility with Salem's Existing Development Review Process

- Currently, building permit applications for new construction, excluding single-family and duplex residential, are reviewed within 30 working days and alterations within 20 working days. These timeframes are performance goals for the completion of a first review by all applicable City departments. If building plans are complete and all applicable regulations are met, permits are issued within the timeframe goal. Building and Safety Division records indicate that between January 1, 2007 and July 1, 2007, 100 percent of building permits met the 30-day and 20-day timeframe goals.

Site Plan Review will alter the existing scheme by removing Planning and Public Works Department reviews from the building permit process. Planning and Public

Works review will be conducted through a Site Plan Review application, which will be reviewed prior to or concurrent with the building permit review.

The overall City approval timeframe for developments requiring Type One and Type One Limited Site Plan Review will not be significantly affected. The overall City approval timeframe for development requiring Type Two Site Plan Review will be affected because of the added notice and appeal period process. Staff anticipates the processing timeframe for a complete Type Two application to be approximately 60 calendar days. This 60 calendar-day timeframe may take place prior to or concurrent with the 20 or 30 working-day building permit timeframe.



Glenn W. Gross, Urban Planning Administrator

Attachment: A. Planning Commission Decision dated May 20, 2008

Prepared by Bryan Colbourne, Senior Planner

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PLANNING COMMISSION

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

City of Salem
AT YOUR SERVICE

ISSUE:

Proposed Amendments to SRC Title X, Salem Zoning Code, to Establish a Site Plan Review Process (CA 08-2)

DATE OF DECISION:

May 20, 2008

APPLICANT:

City of Salem

PURPOSE OF REQUEST:

Should the City amend Salem Revised Code (SRC) Title X, Salem Zoning Code, to establish a Site Plan Review process to establish a site plan review process to ensure that approval of development requiring a building permit, other than single-family or duplex residential, occurs in a manner consistent with State statutes?

ACTION:

The Planning Commission moved to adopt the facts and findings of the staff report and recommended that the City Council accept first reading of an ordinance bill for the purpose of amending SRC Title X, Salem Zoning Code, to establish a Site Plan Review process to establish a site plan review process to ensure that approval of development requiring a building permit, other than single-family or duplex residential, occurs in a manner consistent with State statutes.

The Planning Commission's decision is based upon the following Facts and Findings:

1. Procedural Findings

Under SRC 110.070, any amendment to the Salem Zoning Code that amends, supplements, or changes only the text must be initiated either by the City Council or by the Commission by resolution. The Urban Planning Administrator must fix a date for a public hearing before the Commission and cause notice to be published as provided in SRC 114.080. On March 18, 2008 the Planning Commission initiated the text amendment to the code and resolved to set the matter before the Planning Commission for a public hearing (PC Resolution 08-3).

The Planning Administrator set the public hearing for May 20, 2008, and caused notice of the hearing to be published in the Salem Statesman Journal newspaper on May 8, 2008, and May 15, 2008, as required under SRC 114.080. Notice was also sent to every neighborhood organization and to the Boards of Commissioners of Marion and Polk Counties as required under SRC 114.060(b) for all legislative hearings.

ORS 197.610 and OAR 660-018-0020 requires that the Department of Land Conservation and Development receive notification of any proposed amendment to a local land use regulation at least 45 days prior to the first public hearing. Such notice was sent by regular mail on March 26, 2008.

The proposed amendment is included as Attachment 2. This amendment proposes the addition of a new chapter to the SRC Title X, Salem Zoning Code.

2. Limited Land Use Decisions at Time of Building Permit

ORS 197.015-(12) defines a limited land use decision as a final decision or determination made by a local government pertaining to a site within an urban growth boundary that concerns:

(b) The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review.

ATTACHMENT A

ORS 197.195 (3) further states "A limited land use decision is subject to the requirements of paragraphs (a) to (c) of this subsection. In addition:

(b) For limited land use decisions, the local government shall provide written notice to owners of property within 100 feet of the entire contiguous site for which the application is made. The list shall be compiled from the most recent property tax assessment roll. For purposes of review, this requirement shall be deemed met when the local government can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

The level of discretion currently exercised by City staff in the building permit approval process may make many building permit approvals land use or limited land use decisions under State statute.

Currently, building plans submitted to the City's Permit Application Center receive approval by all applicable City departments through a process coordinated by the Building and Safety Division of the Community Development Department. Planning and Public Works review is included in this building permit review system. Building permit approval is a ministerial act. Department approval, with hand written comments, are noted directly on the construction plans. No formal written decision is issued, and no opportunity for public comment or appeal is provided.

This system is appropriate for single-family dwelling and duplex building permits because the subdivision in which such dwellings are sited has usually completed a public approval process as provided in the Salem Subdivision Code, in accordance with State statute. This existing system is not appropriate, however, for all other building permits involving discretionary decisions. This is because the building permit approval process includes no opportunity for public comment and appeal. Examples of such discretionary issues at time of building permit include:

- Location of driveway
- Parking lot layout and landscaping
- Pedestrian connectivity
- Landscaped buffer yards
- Transportation and utility infrastructure

As stated earlier, State statute defines these kinds of decisions as limited land use decisions, which require an opportunity for public comment and appeal. The proposed Site Plan Review process will satisfy these requirements, thereby eliminating the threat of further appeals after building permit issuance.

3. Site Plan Review Advisory Committee

The purpose of the Site Plan Review Advisory Committee is to work with City staff in the drafting of the Site Plan Review ordinance, and provide valuable feedback to staff throughout the adoption and implementation of the new process. The Advisory Committee is composed of a mix of local design and land-development professionals, appointed officials, and neighborhood representatives.

City staff met regularly with the Advisory Committee throughout 2007 to develop a Site Plan Review system. At these meetings, the Committee worked through difficult questions about processing timeframes, application submittal requirements, and legal issues. The proposed ordinance reflects the concerns of the Advisory Committee, such as flexibility in the process for the applicant, streamlined process coordinated with other required development approvals, assurance of obtaining all required approvals early in the process, and opportunity for notice and comment for the neighboring properties and interested persons.

4. Site Plan Review Process

As proposed, Site Plan Review applications may be processed prior to, or concurrent with a building permit application. Not all building permit approvals involve discretionary decisions considered limited land use decisions under State statute. The Site Plan Review Advisory Committee acknowledged this fact when crafting the proposed Site Plan Review ordinance. As a result, the proposed ordinance provides three types of Site Plan Review, depending on the level of staff discretion required during review. In addition, the proposed ordinance exempts single-family and duplex dwellings, sign permits, ordinary maintenance and repair of existing structures, and façade improvements from the Site Plan

Review process altogether.

Type One Limited, Type One, and Type Two Site Plan Review are proposed. These application types are consistent with the land use procedure types proposed in the City of Salem's Land Use Procedures Ordinance currently being drafted.

Type One Limited Site Plan Review is intended for interior construction projects and tenant improvements with no change of use, or interior construction and tenant improvements that include a change of use, but propose no exterior improvements/alterations to the site. Type One Limited Site Plan Review is the simplest type of Site Plan Review proposed. No public notice or opportunity for comment or an opportunity for appeal is provided, because no discretion is required in rendering a Type One Limited Site Plan Review approval. Application submittal requirements are minimal in that it requires a completed application form and payment of a fee.

Type One Site Plan Review is for development not involving discretionary decisions, and not covered by Type One Limited Review. No notice or opportunity for appeal is required in the Type One process. Application submittal requirements for Type One Site Plan Review are listed in 163.040(b) of the proposed ordinance (Attachment 2). Staff anticipates that Type One review will be the most common application type processed.

Type Two Site Plan Review is the highest level of Site Plan Review proposed, and is for development proposals requiring land use or limited land use decisions in rendering a final decision. Subsection 163.020(d) of the proposed ordinance (Attachment 2) provides a list of development issues that make for a Type Two Site Plan Review. Type Two Site Plan Review involves a notice and comment period, written decision issued by the Urban Planning Administrator, and opportunity for appeal. Application submittal requirements for Type Two review are listed in 163.040(c) of the proposed ordinance (Attachment 2). Approval criteria are established for Type Two review in 163.060(b) of the proposed ordinance.

5. Additional Public Outreach

In addition to working with the Site Plan Review Advisory Committee, staff conducted public outreach with the Salem Chapter of the American Institute of Architects, the Salem Land Use Network, and the Salem Area Chamber of Commerce. These additional public outreach meetings took place throughout April and May 2008. At the meetings, staff answered questions, explained why Site Plan Review is needed in order to conform to State statute, and explained how the new process may affect developers and citizens.

Beginning in November 2007, City staff has notified prospective developers of the upcoming Site Plan Review process at Planning Pre-Application Conferences, where applicable. Informational Site Plan Review handouts will be available at the City's Permit Application Center starting Summer 2008.

6. Compatibility with Salem's Existing Development Review Process

Currently, building permit applications for new construction, excluding single-family and duplex residential, are reviewed within 30 working days, and alterations within 20 working days. These timeframes are performance goals for the completion of a first review by all applicable City departments. If building plans are complete, and all applicable regulations are met, permits are issued within the timeframe goal. If building plans are not complete, or do not meet all applicable regulations as submitted, first review and formal comments are sent to the applicant within the timeframe goal. Building and Safety Division records indicate that between January 1, 2007 and July 1, 2007, 100 percent of building permits met the 30-day and 20-day timeframe goals.

Site Plan Review will alter the existing scheme by removing Planning and Public Works Department reviews from the building permit process. Planning and Public Works review will be conducted through a Site Plan Review application, which will be reviewed prior to or concurrent with the building permit review.

The overall City approval timeframe for developments requiring Type One and Type One Limited Site Plan Review will not be significantly affected. The overall City approval timeframe for development requiring Type Two Site Plan Review will be affected because of the added notice and appeal period process. Staff anticipates an approximately 60 calendar day processing timeframe for a complete Type Two application. This 60 calendar day timeframe may take place prior to or concurrent with the

20 or 30 working day building permit timeframe.

To promote consistency and timely review, the Planning and Public Works staff now reviewing building permits will be the same staff assigned to implement the new Site Plan Review process.

7. Testimony Received

No written public testimony has been received at the date of writing this staff report.

8. Consistency of the Proposed Amendments with the Intent and Goals and Policies of the Salem Area Comprehensive Plan

The Salem Area Comprehensive Plan (SACP) is the long-range plan for guiding development in the Salem urban area. The overall goal of the plan is to accommodate development in a timely, orderly and efficient arrangement of land uses and public facilities and services that meet the needs of present and future residents of the Salem urban area.

The proposed text amendment is consistent with and conforms to the intent of the SACP, including the following applicable SACP goals and policies:

SACP SECTION IV. URBAN AREA GOALS AND POLICIES

- B. General Development Goal (SACP Page 23):** *To insure that future decisions concerning the use of land within the Salem urban area are consistent with State Land Use Goals.*
- B. General Development Policy No. 1 (Citizen Involvement) (SACP Page 23):** *Opportunities for broad-based citizen involvement in the development, revision, monitoring and implementation of the Salem Area Comprehensive Plan shall be provided by the City of Salem and Marion and Polk Counties. Where neighborhood groups have been officially recognized by the governing body, they shall be included in the planning process. To help assure citizen participation and information, public hearings shall be held prior to adoption of all land use ordinances.*
- B. General Development Policy No. 7 (Optimal Use of the Land) (SACP Page 23):** *Structures and their siting in all residential, commercial, and industrial developments shall optimize the use of land. The cumulative effect of all new residential development in the Salem urban area should average 6.5 dwelling units per gross acre of residential development. Development should minimize adverse alteration of the natural terrain and watercourses, the potential for erosion and adverse effects upon the existing topography and soil conditions.*
- B. General Development Policy No. 12 (Development Compatibility) (SACP Page 23):** *Land use regulations which govern the siting of any development shall encourage development to reduce its impact on adjacent properties by screening, landscaping, setback, height, and mass regulations.*

Finding: The proposed Site Plan Review process is consistent with State Land Use Goals. The proposed amendments will provide public notice and opportunity for comment prior to a decision and an opportunity for appeal for development involving land use or limited land use decisions.

The flexibility offered in the Type Two Site Plan Review process will allow staff to apply the facts of an application to the standards of the Salem Revised Code for bufferyards, screening, landscaping, setback, height, and mass regulations. In this way, Site Plan Review will provide a better-organized means for review of development compatibility and optimal site layout.

- C. Urban Growth Development Goal (SACP Page 26):** *To ensure that the rate, amount, type, location and cost of development will preserve or enhance the City's quality of life and promote the City's efficient delivery of services.*

Finding: Section 2 of the proposed ordinance titled "163.010 Site Plan Review, Purpose" states:

Site plan review is required in order to:

- a) Ensure that access, pedestrian connectivity, setbacks, parking areas, external refuse storage areas, open areas, and landscaping are consistent with the applicable development standards and criteria of the Salem Revised Code; and
- (b) Ensure that transportation and utility infrastructure are adequate or will be adequate to serve the proposed development.

Establishing a consistent system for the review of development plans for these basic site amenities is critical to maintaining a high quality of life in Salem. Site Plan Review also promotes the City's efficient delivery of services by providing a better opportunity for Public Works staff to review site plans for adequate water, sewer, and storm drainage accommodations. Staff finds that the proposed ordinance is consistent with the Comprehensive Plan Urban Growth Development Goal.

G. Commercial Development Policy No. 2 (Shopping and Service Facilities) (SACP Page 33): 2. Development of shopping and service facilities may be approved only after reviewing a development plan consisting of maps and written statements on the following:

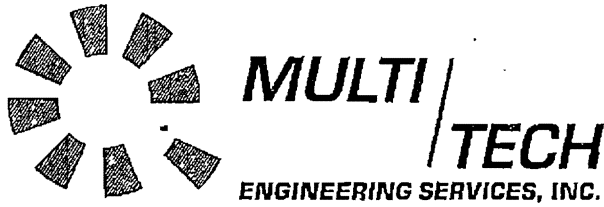
- a. Site plan,
- b. Layout of all off-street parking and loading facilities,
- c. Landscaping plan,
- d. Surface stormwater plan,
- e. Vehicular and pedestrian circulation plan,
- f. Utility plans,
- g. Impact on adjacent neighborhoods,
- h. Impact on adjacent street networks,
- i. Proposed use(s),
- j. Transit service, and
- k. Other information that may be required.

Finding: The proposed amendments establish a Site Plan Review process, which will apply to shopping and service facilities. The minimum application submittal requirements proposed in the Site Plan Review ordinance (Attachment 2) include many of the items listed in the Comprehensive Plan's Commercial Development Policy No. 2, thereby bringing Salem's development review process into greater conformance with this goal.

Case Planner: Bryan Colbourne, Senior Planner, Ext. 7463, bcolbourne@cityofsalem.net

Planning Commission Vote:

Yes 6 No 0 Absent 1 (Smith)



CONSULTANTS
1155 13th Street, S.E.
Salem, Oregon 97302
(503) 363-9227

DOCUMENT FILED

RECEIVED

October 13, 2008

OCT 08 2008
CITY OF SALEM
CITY RECORDER

OC - 7 003

COMMUNITY DEVELOPMENT

City Council
City of Salem
555 SE Liberty Road
Salem, Oregon 97301

RE: Site Plan Review Ordinance

Mayor and Council Members:

We have reviewed the proposed Site Plan Review Ordinance that is before you tonight, and to the extent of our review, we support the adoption of the Site Plan Review process. However, due to already submitted building and construction plans, we request that the Council postpone the effective date of the ordinance until after January 1, 2009. Postponing the effective date of the ordinance to January 1, allows pending permits to complete the plans review process before being subject to new regulations.

If you have any questions or comments please feel free to contact me at (503) 363-9227.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Grenz", is written over a horizontal line. Below the signature, the name "Brian Grenz" is printed in a standard sans-serif font.

Cc: Planning Division
File



851 SW 6th AVENUE, SUITE 600
PORTLAND, OR 97204
P 503.228.5230 F 503.273.8169

MEMORANDUM

Date: July 21, 2020 Project #: 22051

To: Shari Reed & Matt Oyen, Pacific Realty Associates, L.P. (PacTrust)

Cc: Wendie Kellington

From: Andy Daleiden, PE, Claire Dougherty, and Anthony Yi, PE, Kittelson & Associates, Inc.

Project: Kuebler Gateway Shopping Center

Subject: Supplemental Traffic Analyses in Response to Greenlight Engineering December 2018 Comments

Kittelson prepared this memorandum to supplement previous traffic related analyses for the Kuebler Gateway Shopping Center. This analysis was completed at the request of the project development team to provide greater detail on two issues of concern to project opponents that are reflected in the December 2018 memorandum from Greenlight Engineering. While we're aware of a more recent Greenlight Engineering memorandum dated Jul 2, 2020, to which we will provide an additional response to in the forthcoming rebuttal period in August 2020, the supplemental analyses presented in this response memorandum are based on two issues of concern raised in the prior December 2018 Greenlight memorandum.

1. Concern about the use of 2019 as build-out year of the proposed development

At the time of the May 2018 Traffic Study for the Kuebler Gateway Shopping Center prepared by Kittelson, the build-out horizon year was 2019. The selection of the 2019 horizon year was appropriate and supported by the City's professional staff. Sound transportation engineering practice dictates the selection and maintenance of a consistent horizon year to evaluate traffic, regardless of whether appeals delay the date of opening beyond the studied horizon year. Regardless, project opponents have called for the horizon year to advance and traffic be reanalyzed due to appeals delaying the date of opening beyond the studied 2019 horizon year. However, unless an approval standard requires otherwise, neither Kittelson nor other traffic engineers using best practices, would adjust the horizon year or analytical underpinnings of traffic analyses to match delays caused by the land use appeals processes. In this regard, the City of Salem standards does not require a new or supplemental traffic analysis to match the protracted land use appeals processes.

Nevertheless, to address concerns raised about the horizon year, this memorandum provides supplemental analyses, which includes additional background traffic volume growth and re-analysis of all study intersections, to be representative of year 2021

weekday PM peak hour conditions, using the Costco specific data and, as explained below, using the eligible Institute of Transportation Engineers (ITE) categories. As explained in our June 6, 2020 memorandum the ITE category “Discount Store” description includes stores with fueling positions and is a reasonable ITE category to use to calculate trip generation if a strict ITE analysis is to be used, as the Greenlight Memo requests. A conservative approach also using ITE would be to combine trips estimated under the ITE category of “Discount Club” and add to it the category of “Gasoline/Service Station” which may reflect duplication of trips as some sites surveyed by ITE include on-site fueling pumps. We provide the relevant ITE analyses below.

The ITE based and site-specific Costco analyses were extended to year 2021, as the summer/fall 2021, is a reasonable timeframe for a significant portion of the proposed development to be built and occupied. Also, the critical time-period is the weekday PM peak hour, so all analysis was performed under this time-period. This re-analysis using the 2021 horizon year demonstrates all relevant standards are met. Please note that the 2021 horizon year assumes a 1 percent traffic growth rate in 2020. Given the effects of the COVID-19 pandemic, the 2020 growth rate is almost certainly much less.

2. Use of Costco specific data versus ITE trip generation rates to estimate the trip generation for the proposed Costco with fuel station.

Opponents demanded that the Applicant evaluate trip generation for this site review under strict ITE categories. As previously specified, any candidate ITE published trip generation rates are lower than the trip generation rate using Costco specific data. Table 1 provides a comparison of the weekday PM and Saturday midday peak hour trip generation rates for various ITE land use categories that include fueling positions, as compared to the rates used for the proposed Costco with fuel station.

Table 1. Comparison of ITE Land Use Trip Generation Rates to Costco Specific Trip Generation Rate

Land Use	ITE Land Use Code	Includes fuel/service station in ITE description?	Weekday PM Peak Hour Trip Rate (per 1,000 square-feet)	Saturday Midday Peak Hour Trip Rate (per 1,000 square-feet)
Free-Standing Discount Superstore	813	Yes	4.33	5.57
Free-Standing Discount Store	815	Yes	4.83	6.94
Discount Club	857	Yes	4.18	6.37
Costco with fuel station (30 positions)	Not Applicable	Not Applicable	7.49	9.12

As shown in Table 1 and used in the May 2018 Traffic Study, the Costco-specific trip generation rates are higher than the other ITE land use categories, and result in a conservative analysis in comparison to using the trip generation rates from the other ITE land use categories. The ITE Trip Generation Manual indicates that the some of the sites surveyed for the three ITE land uses shown in Table 1 included a fuel station or on-site fueling pumps. Accordingly, under an ITE analysis, Table 1 conclusively establishes that a strict ITE analysis establishes that the Costco specific trip generation estimates is far higher than using a straight

ITE analysis. This proves what Kittelson has explain in prior response memorandum – that the use of ITE data yields fewer trips than use of the Costco specific data.

However, to satisfy concerns, this memorandum provides supplemental analysis utilizing ITE specified rates for “Discount Club” ***and*** “Gasoline/Service Station” to estimate the trip generation potential of the site under both year 2019 weekday PM peak hour conditions (consistent with the May 2018 Traffic Study analyses) and year 2021 weekday PM peak hour total traffic conditions (assumed built-out year as noted in the first point above). This may reflect duplication of trips, because, as noted above, the ITE Discount Club category includes stores with on-site fueling pumps. Regardless, the ITE category or categories used to evaluate trip generation does not change the analysis and conclusions in the May 2018 Traffic Study.

SUMMARY OF FINDINGS

As documented herein, the re-analysis of the study intersections using Costco specific data under forecast year 2021 weekday PM peak hour conditions found that all study intersections can meet the City volume-to-capacity (v/c) operating standards, assuming the same off-site transportation improvements identified in the May 2018 Traffic Study and adjustments to signal timing to better accommodate forecast year 2021 traffic projections. 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, which are required conditions of approval from the 2007 era zone change decision for the site, regardless of the final development uses or horizon year. ODOT v/c remains within the acceptable v/c for ODOT facilities. Additionally, all study intersections meet City and ODOT v/c operating standards if the ITE specified rates for “Discount Club” ***and*** “Gasoline/Service Station” are used to estimate the trip generation potential of the site under both year 2019 and 2021 weekday PM peak hour conditions without any signal timing mitigation at the Kuebler Boulevard/Battle Creek Road intersection.

YEAR 2021 PM BUILD-OUT USING COSTCO SPECIFIC TRIP GENERATION DATA

Forecast year 2021 weekday PM peak hour traffic volumes were developed by increasing the year 2019 background weekday PM peak hour volumes by an additional 2 percent (representing a 1 percent annual increase for two years) upon which the proposed Costco and 21,000 square-foot (sq. ft.) retail pads trips were added onto, to be representative of year 2021 total traffic (build-out) conditions.

Figure 1 details the forecast year 2021 weekday PM peak hour traffic volumes and resulting study intersection operations. All intersections are projected to operate acceptably using the Costco specific trip generation data, with a minor (10 second) 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 corridor.

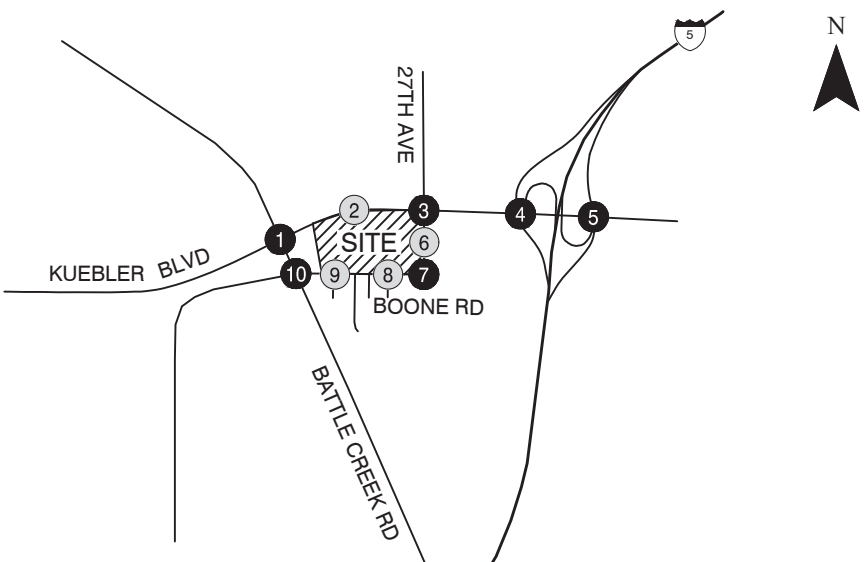
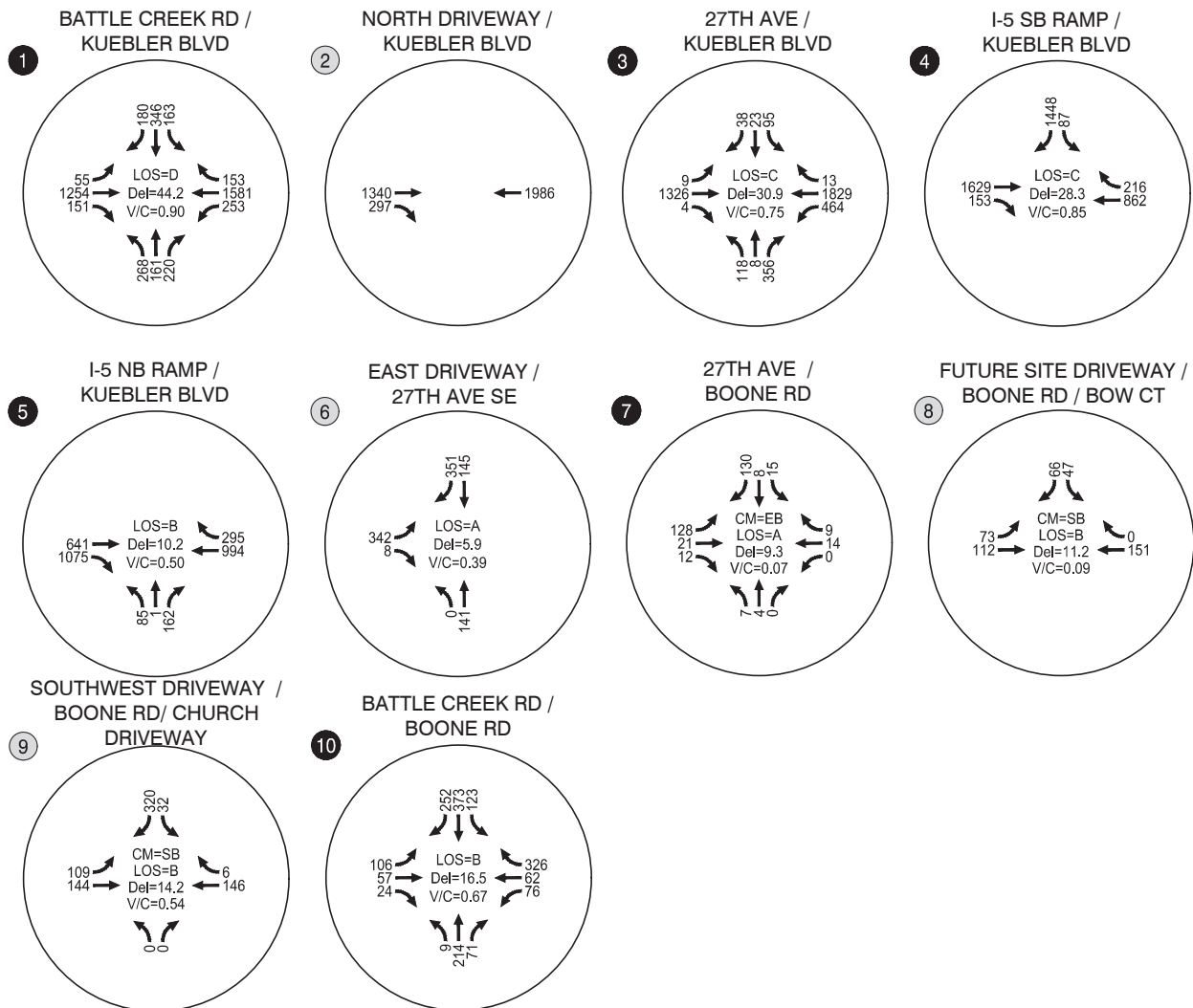
The minor signal timing adjustment is reasonable, considering the planned signal modifications at the Kuebler Boulevard/Battle Creek Road intersection and planned signalization of the adjacent Boone

Road/Battle Creek Road intersection (the same off-site transportation improvements identified in the May 2018 Traffic Study) and to better accommodate forecast year 2021 traffic projections. 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, which are required conditions of approval from the 2007 era zone change decision for the site, regardless of the final development uses or horizon year. To the extent that the city would not adjust signal timing in this corridor, the Applicant is willing to pay for the costs associated with the necessary signal timing adjustments.

Table 2. Year 2021 Total Traffic Weekday PM Peak Hour - Kuebler Blvd Intersection Operations Summary

Table 2 summarizes the year 2021 weekday PM peak hour traffic operations on Kuebler Boulevard assuming the 10 second signal timing adjustment at the Kuebler Boulevard/Battle Creek Road intersection (which results in consistent adjustments in the corridor).

Intersection	V/C	Level of Service (LOS)	Delay (seconds)
Kuebler Blvd/Battle Creek Rd	0.90	D	44.2
Kuebler Blvd/27 th Ave	0.75	C	30.9
Kuebler Blvd/I-5 Southbound Ramps	0.85	C	28.3
Kuebler Blvd/I-5 Northbound Ramps	0.50	B	10.2



CM = Critical Movement (Unsignalized)
 LOS = Intersection Level of Service (Signalized) / Critical Movement Level of Service (Unsignalized)
 Del = Intersection Average Control Delay (Signalized) / Critical Movement Control Delay (Unsignalized)
 V/C = Critical Volume-to-Capacity Ratio

2021 Total Traffic Conditions - Costco Trip Generation + Retail Pads Weekday PM Peak Hour Salem, Oregon

- Study Intersections
 # - Study Site Driveways

Figure 1

95TH PERCENTILE QUEUE LENGTHS

Kittelson used Synchro 10 to estimate 95th percentile queues for year 2021 total traffic weekday PM peak hour conditions utilizing the trip generation based on Costco site data plus Shopping Center (ITE Code #820) for the retail pads. Table 3 summarizes the 95th percentile queues and compares them to the total traffic year 2019 weekday PM peak hour queues, as reported in the May 2018 Traffic Study. All forecast 2021 95th percentile queues will be accommodated by the planned future storage.

Table 3. Costco Based Year 2021 Total Traffic Weekday PM Peak Hour 95th Percentile Vehicle Queuing Analysis Results

Intersection	Approach	Movement	95 th -Percentile Queue (ft)		Available Storage (ft)
			PM (2019 Buildout) May 2019 Traffic Study	PM (2021 Buildout)	
Kuebler Blvd/ Battle Creek Rd	EB	LT	75	Unchanged	420
		RT	50	Increases by 25 feet	220
	WB	LT	375*	Increases by 25 feet	400 ¹
		RT	50 ^m	Decreases by 25 feet	250
	NB	LT	175*	Increases by 50 feet	380 ²
		RT	150	Increases by 25 feet ³	150 ³
	SB	LT	225*	Increases by 25 feet	285
		RT	150	Decreases by 25 feet	285
Kuebler Blvd/ 27 th Ave	EB	LT	25 ^m	Unchanged	290
		RT	0 ^m	Unchanged	210
	WB	LT	300*	Increases by 25 feet	400
		RT	0 ^m	Unchanged	175
	NB	LT	175	Unchanged	225
		RT	325	Increases by 25 feet ⁴	325 ⁴
	SB	LT	150	Unchanged	150
		RT			
Kuebler Blvd/ I-5 Southbound Ramps	EB	RT	0	Unchanged	300
	WB	RT	0	Unchanged	425
	SB	LT	175*	Unchanged	1,350
	RT	RT	375	Unchanged	525
Kuebler Blvd/ I-5 Northbound Ramps	EB	RT	0	Unchanged	150
	NB	RT	75	Unchanged	100
Boone Rd/ Battle Creek Rd	EB	LT	75	Unchanged	140
	WB	LT	50	Unchanged	140
		RT	50	Unchanged	140
	SB	LT	50	Unchanged	95
	NB	LT	25	Unchanged	125

Notes: 95th percentile queue lengths have been rounded up to the nearest car length, assuming one vehicle equals 25 feet.

*95th percentile volume exceeds capacity, queues may be longer per Synchro note;

^m volume for 95th percentile queue is metered by upstream signal;

¹The WB left-turn lane will be restriped to provide 400 feet of storage for the WB left-turn.

²Available storage is based on future dual 190' northbound left-turn lanes

³Inclusive of taper space, 200 feet of storage available

⁴350 feet of storage available before potentially impacting the roundabout intersection to the south on 27th Avenue

ITE DATA AS BASIS OF COSTCO WITH FUEL STATION TRIP GENERATION ESTIMATE

Kittelson used Costco specific trip generation data in the May 2018 Traffic Study as accepted by the City and ODOT and identified in ITE as recommended practice. However, Kittelson has conducted a supplemental analysis to address concerns. Kittelson performed a traffic analysis under year 2019 and 2021 weekday PM peak hour total traffic conditions utilizing the ITE specified trip generation rates for “Discount Club” (ITE Code #857) plus “Gasoline/Service Station” (ITE Code #944) instead of the Costco specific trip generation data.

TRIP GENERATION ESTIMATE USING ITE

Table 4 summarizes the estimated trip generation using the ITE trip generation rates for “Discount Club” (ITE Code #857) and “Gasoline/Service Station” (ITE Code #944).

Table 4. ITE Published Rates Trip Generation Estimate

Land Use	ITE Land Use Code	Size (Square Feet)	Daily	Weekday PM Peak Hour			Saturday Midday Peak Hour		
				Total	In	Out	Total	In	Out
Discount Club	857	160,000	6,688	669	334	335	1,019	499	520
Internal Trips (10%)			(669)	(67)	(33)	(34)	(102)	(50)	(52)
Pass—by Trips (37% Daily/PM, 30% Sat)			(2,227)	(223)	(111)	(112)	(275)	(135)	(140)
Gasoline/Service Station	944	30	5,160	421	211	210	383	188	195
Internal Trips (10%)			(516)	(42)	(21)	(21)	(39)	(19)	(20)
Pass—by Trips (42%)			(2,322)	(159)	(80)	(79)	(144)	(71)	(74)
Total Trips			11,848	1,090	545	545	1,402	687	715
Total Internal Trips			(1,185)	(109)	(54)	(55)	(141)	(69)	(72)
Total Pass-By Trips			(4,549)	(382)	(191)	(191)	(420)	(206)	(214)
Total Net New Trips			6,114	599	300	299	841	413	429

Table 5 provides a trip generation comparison of the proposed Costco with fuel station trip generation as used for the May 2018 Traffic Study and the ITE trip generation rates for “Discount Club” and “Gasoline/Service Station”.

Table 5. Trip Generation - Total Trip Comparison (Costco vs. Discount Club)

Land Use	ITE Land Use Code	Daily	Weekday PM Peak Hour	Saturday Midday Peak Hour
Costco with fuel station (30 positions)	Not Applicable	12,138	1,198	1,459
Discount Club with fueling positions (30 positions)	857 & 944	11,848	1,090	1,402
Difference (greater number of trips using Costco data over Discount Club with Fuel Station)		+290	+108	+57

As shown, using the combined ITE trip generation data for “Discount Club” and “Gasoline/Service Station” results in fewer daily, weekday PM and Saturday midday peak hour trips as compared to the proposed Costco with fuel station trip generation data used in the May 2018 Traffic Study.

The trip generation estimate for the additional retail pads component of the proposed development remains unchanged from the May 2018 Traffic Study and is shown in Table 6 for reference.

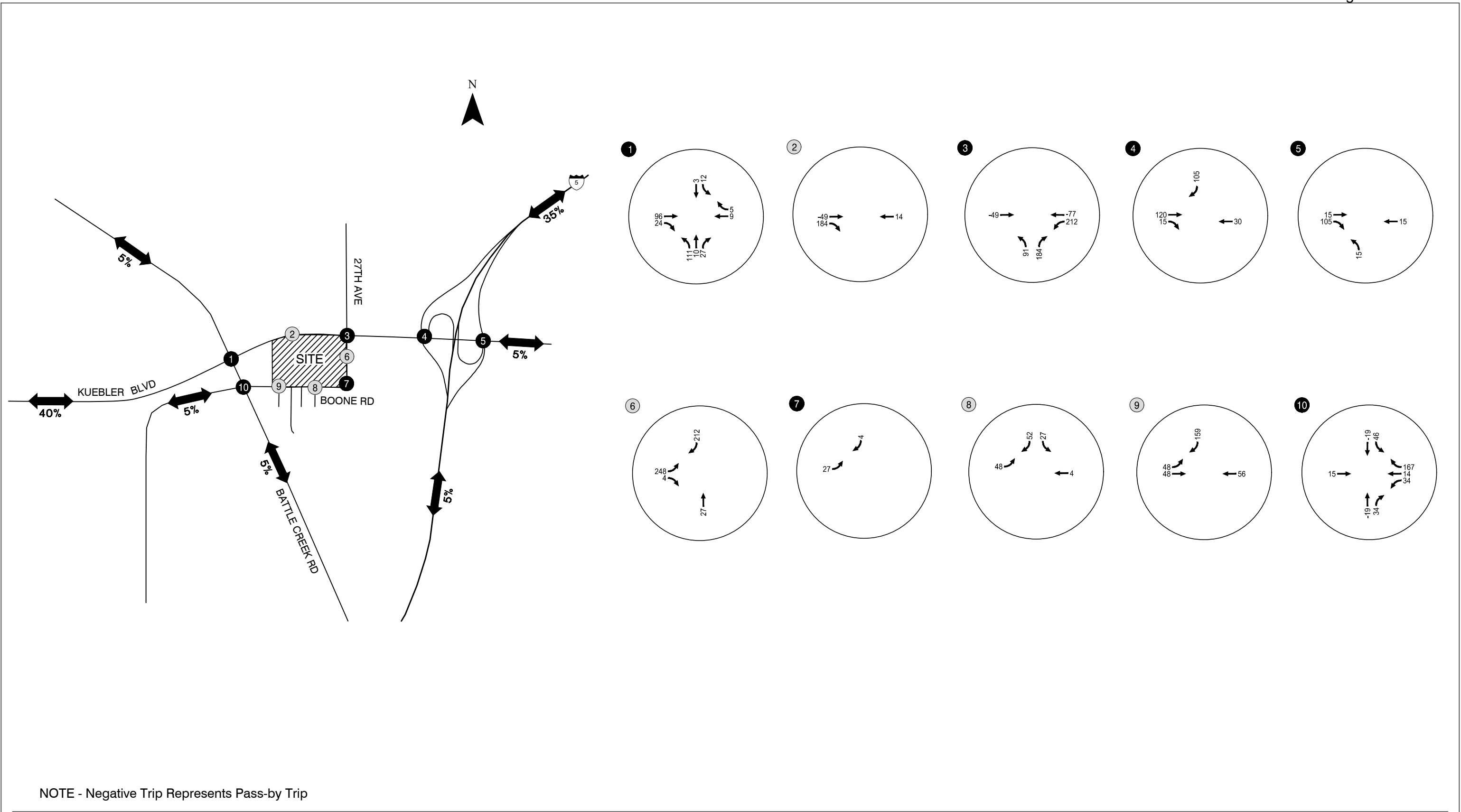
Table 6. Estimated Trip Generation for the Proposed Retail Pads

Land Use	ITE Land Use Code	Size (Square Feet)	Daily	Weekday PM Peak Hour			Saturday Midday Peak Hour		
				Total	In	Out	Total	In	Out
Retail (PacTrust)	820	21,000	897	78	37	41	101	53	48
Internal Trips (10%)			(90)	(8)	(4)	(4)	(10)	(5)	(5)
Pass-by Trips (34% Weekday, 26% Saturday)			(274)	(24)	(11)	(13)	(24)	(12)	(11)
Total Net New Trips			533	46	22	24	67	35	32

YEAR 2019 TOTAL TRAFFIC CONDITIONS – USING ITE TRIP GENERATION FOR DISCOUNT CLUB AND GASOLINE/SERVICE STATION PLUS 21,000 SQ. FT. OF RETAIL PADS

The weekday PM peak hour trips shown in Table 4 were distributed as shown on Figure 2 and were added to the background 2019 PM peak hour volumes, in place of the May 2018 TIA Costco trip assignment, and added to the retail pads trip assignment (as shown in Table 6) to develop revised total traffic year 2019 weekday PM peak hour volumes. The revised volumes and resulting intersections operations are shown on Figure 3.

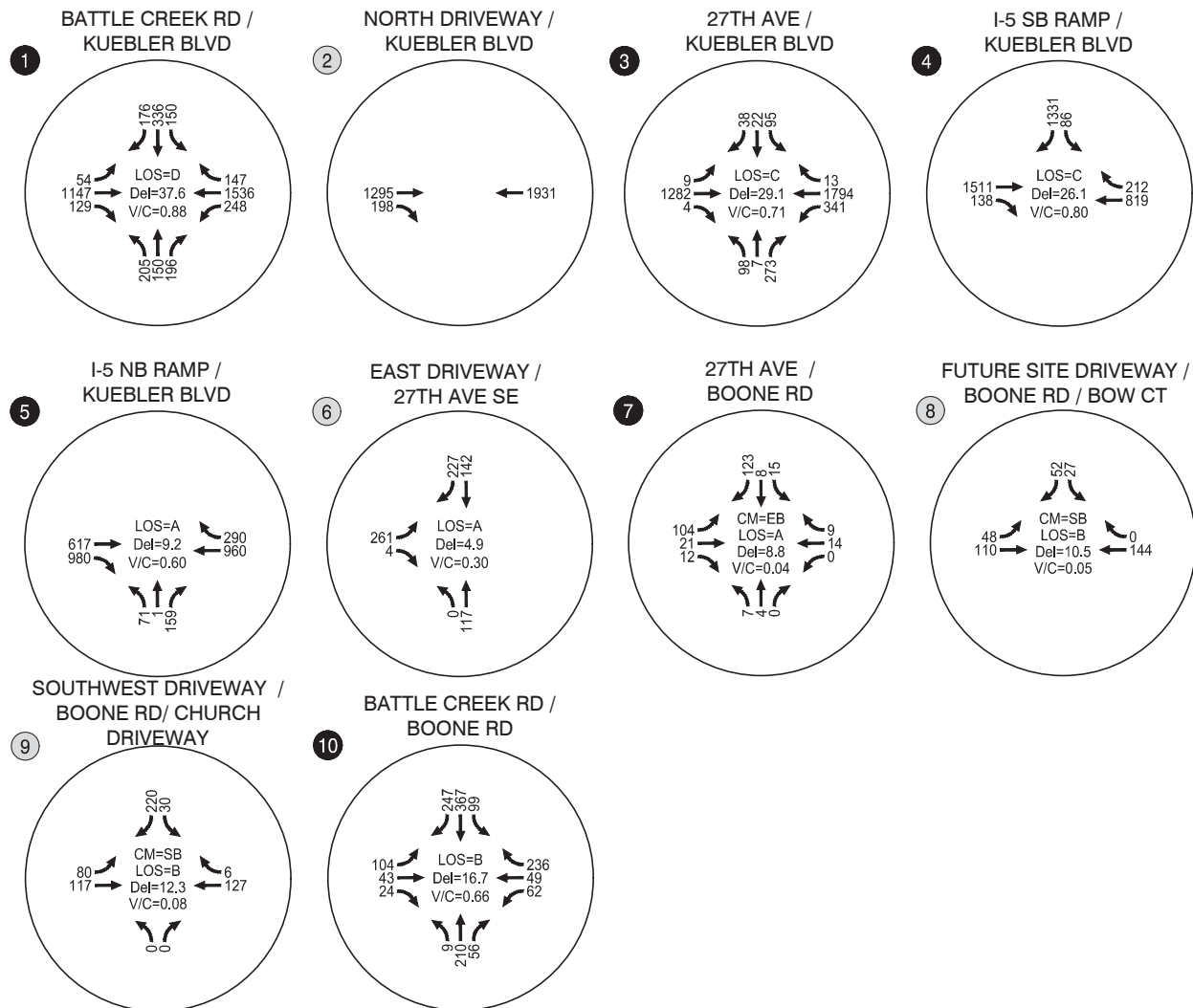
All intersections are forecast to meet the applicable City and ODOT operating standards utilizing the lower trip generation based on “Discount Club” (ITE Code #857) and “Gasoline/Service Station” (ITE Code #944) plus the ITE “Shopping Center” (ITE Code #820) category for the 21,000 sq. ft. retail pads.



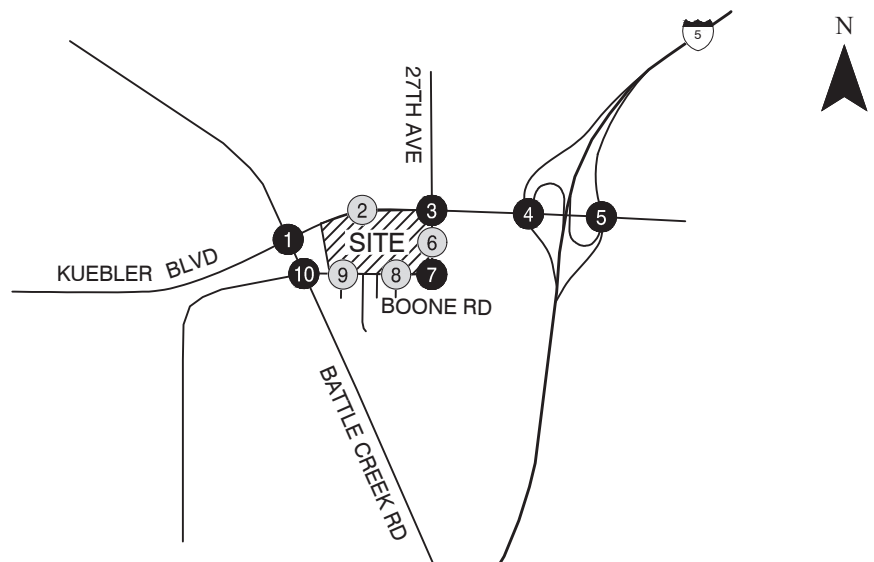
● - Study Intersections
○ - Site Accesses

**Total Trip Assignment - ITE Discount Club+Gasoline/Service Station
Weekday PM Peak Hour
Salem, OR**

Figure
2



CM = Critical Movement (Unsignalized)
 LOS = Intersection Level of Service (Signalized) / Critical Movement Level of Service (Unsignalized)
 Del = Intersection Average Control Delay (Signalized) / Critical Movement Control Delay (Unsignalized)
 V/C = Critical Volume-to-Capacity Ratio



**2019 Total Traffic Conditions - ITE Discount Club/Gasoline + Retail Pads
 Weekday PM Peak Hour
 Salem, Oregon**

Figure
3

95th Percentile Queue Lengths

Kittelson used Synchro 10 to estimate 95th percentile queues for year 2019 total traffic weekday PM peak hour conditions utilizing the trip generation based on “Discount Club” (ITE Code #857) and “Gasoline/Service Station” (ITE Code #944) plus “Shopping Center” (ITE Code #820). Table 7 summarizes the 95th percentile queues as compared to the year 2019 total traffic weekday PM peak hour queues, as reported in the May 2018 Traffic Study.

All forecast year 2019 total traffic 95th percentile queues can be accommodated by the planned future storage and are equal to or less than the year 2019 total traffic weekday PM peak hour queues reported in the May 2018 Traffic Study.

Table 7. ITE Based Year 2019 Total Traffic Weekday PM Peak Hour - 95th Percentile Vehicle Queuing Analysis Results

Intersection	Approach	Movement	95 th Percentile Queue (ft)		Available Storage (ft)
			PM (2019 Buildout) – May 2018 Traffic Study	PM (2019 Buildout) – ITE Discount Club / Gasoline + Retail Pads Trip Generation	
Kuebler Blvd/ Battle Creek Rd	EB	LT	75	Decreases by 25 feet	420
		RT	50	Unchanged	220
	WB	LT	375*	Decreases by 25 feet	400 ¹
		RT	50 ^m	Unchanged	250
Kuebler Blvd/ 27 th Ave	EB	LT	175*	Decreases by 25 feet	380 ²
		RT	150	Unchanged	150
	WB	LT	225*	Decreases by 25 feet	285
		RT	150	Unchanged	285
Kuebler Blvd/ I-5 Southbound Ramps	EB	LT	25 ^m	Unchanged	290
		RT	0 ^m	Unchanged	210
	WB	LT	300*	Decreases by 100 feet	400
		RT	0 ^m	Unchanged	175
Kuebler Blvd/ I-5 Northbound Ramps	EB	LT	175	Decreases by 25 feet	225
		RT	325	Decreases by 50 feet	325 ³
	WB	LT	150	Unchanged	150
		RT	0	Unchanged	300
Boone Rd/ Battle Creek Rd	EB	LT	175*	Unchanged	1,350
		RT	375	Decreases by 50 feet	525
	WB	LT	50	Unchanged	140
		RT	50	Unchanged	140
Boone Rd/ Battle Creek Rd	EB	LT	50	Unchanged	95
		RT	25	Unchanged	125
	WB	LT	50	Unchanged	140
		RT	50	Unchanged	140

Notes: 95th percentile queue lengths have been rounded up to the nearest car length, assuming one vehicle equals 25 feet.

*95th percentile volume exceeds capacity, queues may be longer per Synchro note;

^m volume for 95th percentile queue is metered by upstream signal;

¹The WB left-turn lane will be restriped to provide 400 feet of storage for the WB left-turn.

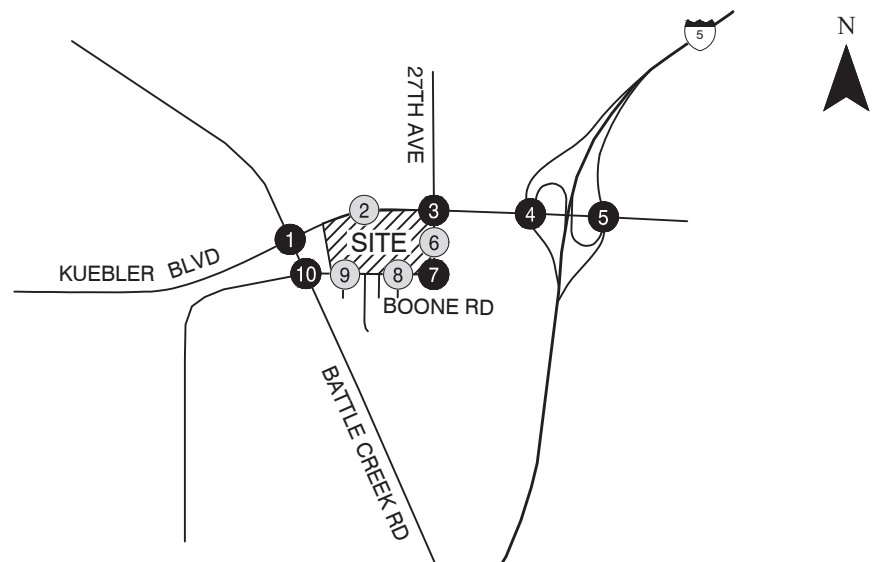
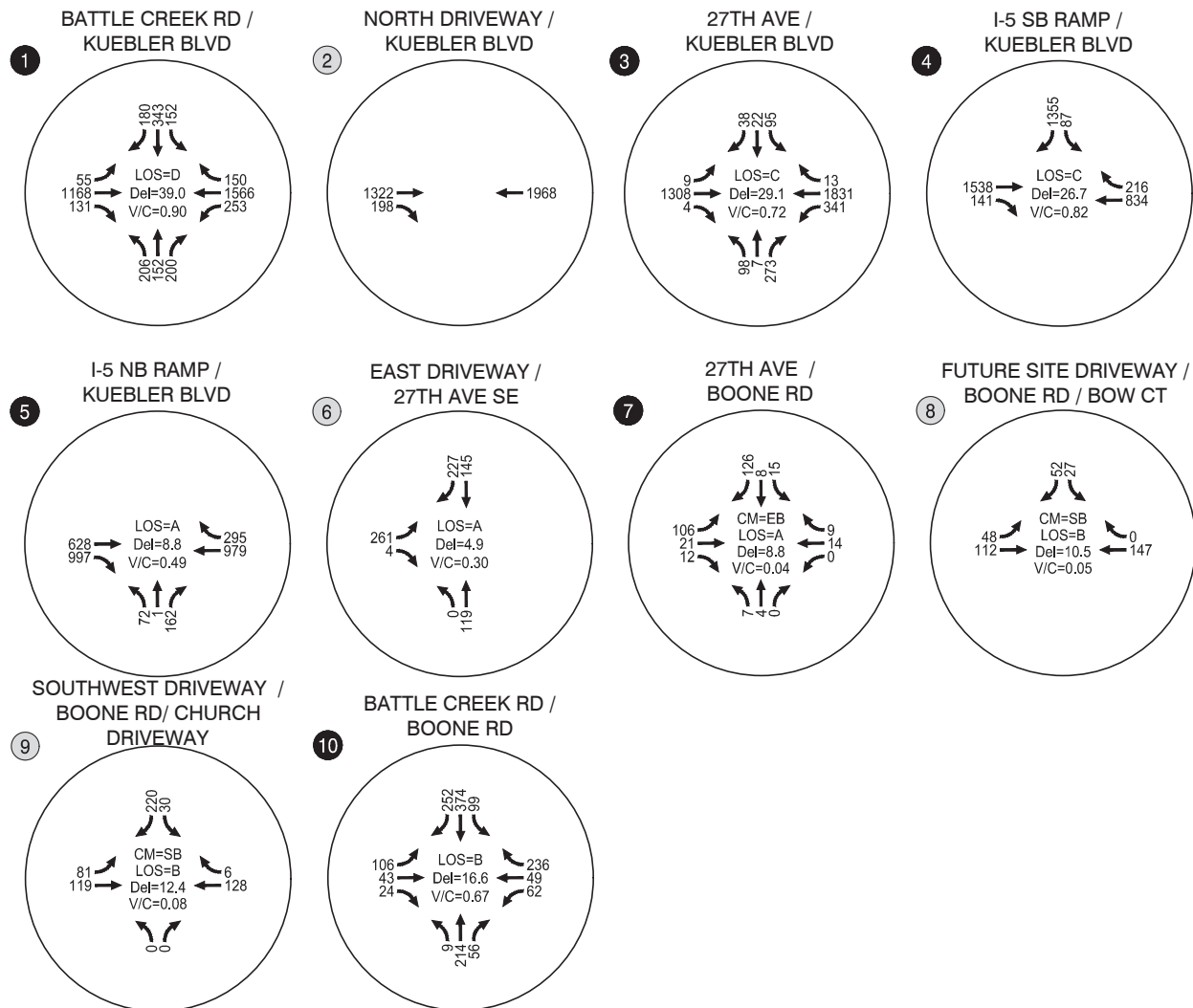
²Available storage is based on future dual 190' northbound left-turn lanes

³350 feet of storage available before potentially impacting the roundabout intersection to the south on 27th Avenue

YEAR 2021 TOTAL TRAFFIC CONDITIONS – USING ITE TRIP GENERATION FOR DISCOUNT CLUB AND GASOLINE/SERVICE STATION PLUS 21,000 SQ. FT. OF RETAIL PADS

The weekday PM peak hour trips shown in Table 4 were distributed as shown on Figure 2 and were added to the year 2021 background weekday PM peak hour volumes described in the prior section, in place of the May 2018 Traffic Study Costco trip assignment, and added to the retail pad trip assignment (as shown in Table 6) to develop the year 2021 total traffic weekday PM peak hour volumes based on the ITE specified trip generation rates. The revised volumes and resulting intersections operations are shown on Figure 4.

As shown, all intersections are forecast to meet the applicable City and ODOT operating standards utilizing the lower trip generation based on “Discount Club” (ITE Code #857) and “Gasoline/Service Station” (ITE Code #944).



CM = Critical Movement (Unsignalized)
 LOS = Intersection Level of Service (Signalized) / Critical Movement Level of Service (Unsignalized)
 Del = Intersection Average Control Delay (Signalized) / Critical Movement Control Delay (Unsignalized)
 V/C = Critical Volume-to-Capacity Ratio

2021 Total Traffic Conditions - ITE Discount Club/Gasoline + Retail Pads Weekday PM Peak Hour Salem, Oregon

Figure
4

95th Percentile Queue Lengths

Kittelson used Synchro 10 to estimate 95th percentile queues for year 2021 total traffic weekday PM peak hour conditions utilizing the trip generation based on “Discount Club” (ITE Code #857) and “Gasoline/Service Station” (ITE Code #944) and “Shopping Center” (ITE Code #820). Table 8 summarizes the 95th percentile queues as compared to the year 2021 total traffic weekday PM peak hour queues using the Costco trip generation (see Table 3 of this memorandum).

All forecast year 2021 total traffic 95th percentile queues can be accommodated by the planned future storage and are equal to or less than the total traffic 2021 PM queues reported in Table 3.

Table 8. ITE Based Year 2021 Total Traffic Weekday PM Peak Hour - 95th Percentile Vehicle Queuing Analysis Results

Intersection	Approach	Movement	95 th Percentile Queue (ft)		Available Storage (ft)
			PM (2021 Buildout) – Costco Trip Generation (Table 3)	PM (2021 Buildout) – ITE Discount Club / Gasoline + Retail Pads Trip Generation	
Kuebler Blvd/ Battle Creek Rd	EB	LT	50	Unchanged	420
		RT	75	Decreases by 25 feet	220
	WB	LT	375*	Unchanged	400 ¹
		RT	50 ^m	Unchanged	250
Kuebler Blvd/ 27 th Ave	EB	LT	175*	Decreases by 25 feet	380 ²
		RT	150	Unchanged	150
	SB	LT	225	Decreases by 25 feet	285
		RT	150	Unchanged	285
Kuebler Blvd/ I-5 Southbound Ramps	EB	LT	25 ^m	Unchanged	290
		RT	0 ^m	Unchanged	210
	WB	LT	300*	Decreases by 100 feet	400
		RT	0 ^m	Unchanged	175
Kuebler Blvd/ I-5 Northbound Ramps	EB	LT	175	Decreases by 25 feet	225
		RT	325	Decreases by 75 feet	325
	SB	LT	150	Unchanged	150
		RT	0 ^m	Unchanged	300
Boone Rd/ Battle Creek Rd	WB	LT	0	Unchanged	425
		RT	175*	Unchanged	1,350
	SB	LT	400	Decreases by 50 feet	525
		RT	0	Unchanged	150
Boone Rd/ Battle Creek Rd	EB	LT	75	Unchanged	140
		RT	50	Unchanged	140
	WB	LT	50	Unchanged	140
		RT	50	Unchanged	95
Boone Rd/ Battle Creek Rd	SB	LT	50	Unchanged	95
		RT	50	Unchanged	125
	NB	LT	25	Unchanged	125
		RT	25	Unchanged	125

Notes: 95th percentile queue lengths have been rounded up to the nearest car length, assuming one vehicle equals 25 feet.

*95th percentile volume exceeds capacity, queues may be longer per Synchro standard note;

^m volume for 95th percentile queue is metered by upstream signal;

¹The WB left-turn lane will be restriped to provide 400 feet of storage for the WB left-turn.

²Available storage based future dual 190' northbound left turn lanes

SUMMARY OF FINDINGS

The re-analysis of the study intersections under forecast year 2021 total traffic weekday PM peak hour conditions found that all study intersections will meet the applicable City and ODOT volume-to-capacity (v/c) operating standards, assuming the same off-site transportation improvements identified in the May 2018 Traffic Study and adjustments to signal timing to better accommodate forecast year 2021 traffic projections. 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, which are required conditions of approval from the 2007 era zone change decision for the site, regardless of the final development uses or horizon year. Additionally, all study intersections will meet the applicable City and ODOT v/c operating standards if the ITE specified rates for “Discount Club” and “Gasoline/Service Station” (plus ITE Code #820 for the 21,000 sq. ft. retail pads) are used to estimate the trip generation potential of the site under both year 2019 and 2021 total traffic weekday PM peak hour conditions. Under this scenario, no mitigation is required when using the ITE specified rates for “Discount Club” and “Gasoline/Service Station.”



ATTACHMENTS

Attachment A: Costco with Fuel Station + ITE Shopping Center (21,000 S.F. Retail Pads) Trip Generation - Year 2021 Total Traffic Weekday PM Peak Hour LOS Analysis Worksheets













Attachment B: ITE Discount Club + Gasoline/Service Station + ITE Shopping Center (21,000 S.F. Retail Pads) - Year 2019 Total Traffic Weekday PM Peak Hour LOS Analysis Worksheets

Attachment C: ITE Discount Club + Gasoline/Service Station + ITE Shopping Center (21,000 S.F. Retail Pads) - Year 2021 Total Traffic Weekday PM Peak Hour LOS Analysis Worksheets

Attachment A: Costco with Fuel Station + ITE Shopping Center
(21,000 S.F. Retail Pads) Trip Generation - Year 2021 Total Traffic
Weekday PM Peak Hour LOS Analysis Worksheets

Queues

1: Battle Creek Rd SE & Kuebler Blvd

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Group Flow (vph)	57	1293	156	261	1630	158	276	166	227	168	357	186
v/c Ratio	0.51	0.90	0.18	0.82	0.88	0.15	0.90	0.48	0.37	0.84	0.89	0.36
Control Delay	33.1	48.8	6.1	57.3	29.6	0.9	94.9	55.3	21.2	92.7	77.5	21.0
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	33.1	48.8	6.1	57.3	29.6	0.9	94.9	55.3	21.2	92.7	77.5	21.0
Queue Length 50th (ft)	21	596	19	157	713	8	130	136	87	152	318	70
Queue Length 95th (ft)	51	#753	56	#389	#981	m12	#210	205	167	226	408	123
Internal Link Dist (ft)		2582			824			385			4570	
Turn Bay Length (ft)	420		215	250		250	200		150	275		275
Base Capacity (vph)	145	1437	864	320	1846	1098	315	391	621	268	516	545
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	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	0
Reduced v/c Ratio	0.39	0.90	0.18	0.82	0.88	0.14	0.88	0.42	0.37	0.63	0.69	0.34

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.

HCM Signalized Intersection Capacity Analysis

22051- Salem Costco Relocation

1: Battle Creek Rd SE & Kuebler Blvd

Total Traffic 2021 - PM 140 sec cycle

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	55	1254	151	253	1581	153	268	161	220	163	346	180
Future Volume (vph)	55	1254	151	253	1581	153	268	161	220	163	346	180
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		0%			0%			0%			3%	
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	1.00
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)	1641	3505	1568	1787	3539	1524	3400	1827	1524	1710	1853	1575
Flt Permitted	0.07	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)	120	3505	1568	123	3539	1524	3400	1827	1524	1710	1853	1575
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)	57	1293	156	261	1630	158	276	166	227	168	357	186
RTOR Reduction (vph)	0	0	56	0	0	48	0	0	57	0	0	64
Lane Group Flow (vph)	57	1293	100	261	1630	110	276	166	170	168	357	122
Confl. Peds. (#/hr)	1		1	1		1						
Confl. Bikes (#/hr)			1									
Heavy Vehicles (%)	10%	3%	1%	1%	2%	4%	3%	4%	6%	4%	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)	62.6	57.4	70.0	82.2	73.0	89.4	12.6	26.4	47.2	16.4	30.2	35.4
Effective Green, g (s)	62.6	57.4	70.0	82.2	73.0	89.4	12.6	26.4	47.2	16.4	30.2	35.4
Actuated g/C Ratio	0.45	0.41	0.50	0.59	0.52	0.64	0.09	0.19	0.34	0.12	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)	110	1437	784	319	1845	973	306	344	513	200	399	398
v/s Ratio Prot	0.02	0.37	0.01	c0.12	c0.46	0.01	0.08	0.09	0.05	c0.10	c0.19	0.01
v/s Ratio Perm	0.21		0.05	0.36		0.06			0.06			0.07
v/c Ratio	0.52	0.90	0.13	0.82	0.88	0.11	0.90	0.48	0.33	0.84	0.89	0.31
Uniform Delay, d1	28.7	38.6	18.7	42.5	29.7	9.9	63.1	50.7	34.6	60.5	53.4	42.4
Progression Factor	1.00	1.00	1.00	1.13	0.77	0.32	1.00	1.00	1.00	1.00	1.00	1.00
Incremental Delay, d2	1.7	9.3	0.0	11.0	5.0	0.0	27.4	0.4	0.1	24.5	21.2	0.2
Delay (s)	30.4	47.9	18.7	59.1	27.9	3.1	90.5	51.1	34.8	85.0	74.6	42.5
Level of Service	C	D	B	E	C	A	F	D	C	F	E	D
Approach Delay (s)		44.2			30.0			61.8			68.7	
Approach LOS		D			C			E			E	
Intersection Summary												
HCM 2000 Control Delay			44.2									
HCM 2000 Level of Service												D
HCM 2000 Volume to Capacity ratio			0.90									
Actuated Cycle Length (s)			140.0									
Sum of lost time (s)												19.0
Intersection Capacity Utilization			90.4%									
ICU Level of Service												E
Analysis Period (min)			15									
c Critical Lane Group												

Queues

3: 27th Ave SE & Kuebler Blvd



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	#304	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.

HCM Signalized Intersection Capacity Analysis

22051- Salem Costco Relocation

3: 27th Ave SE & Kuebler Blvd

Total Traffic 2021 - PM 140 sec cycle

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	9	1326	4	464	1829	13	118	8	356	95	23	38
Future Volume (vph)	9	1326	4	464	1829	13	118	8	356	95	23	38
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	5.0	4.0	4.0	5.0	5.0	4.0	4.0	4.0	4.0	4.0	
Lane Util. Factor	1.00	0.95	1.00	0.97	0.95	1.00	1.00	1.00	1.00	1.00	1.00	
Frpb, ped/bikes	1.00	1.00	1.00	1.00	1.00	0.98	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	
Frt	1.00	1.00	0.85	1.00	1.00	0.85	1.00	1.00	0.85	1.00	0.91	
Flt Protected	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	
Satd. Flow (prot)	1805	3471	1615	3467	3539	1376	1805	1900	1538	1787	1706	
Flt Permitted	0.95	1.00	1.00	0.95	1.00	1.00	0.68	1.00	1.00	0.75	1.00	
Satd. Flow (perm)	1805	3471	1615	3467	3539	1376	1283	1900	1538	1415	1706	
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)	9	1396	4	488	1925	14	124	8	375	100	24	40
RTOR Reduction (vph)	0	0	1	0	0	3	0	0	65	0	36	0
Lane Group Flow (vph)	9	1396	3	488	1925	11	124	8	310	100	28	0
Confl. Bikes (#/hr)						1						1
Heavy Vehicles (%)	0%	4%	0%	1%	2%	15%	0%	0%	5%	1%	0%	0%
Turn Type	Prot	NA	pm+ov	Prot	NA	Perm	pm+pt	NA	pm+ov	pm+pt	NA	
Protected Phases	5	2	3	1	6		3	8	1	7	4	
Permitted Phases			2			6	8		8	4		
Actuated Green, G (s)	0.8	85.7	88.7	21.8	106.7	106.7	15.5	12.5	34.3	15.5	12.5	
Effective Green, g (s)	0.8	85.7	88.7	21.8	106.7	106.7	15.5	12.5	34.3	15.5	12.5	
Actuated g/C Ratio	0.01	0.61	0.63	0.16	0.76	0.76	0.11	0.09	0.24	0.11	0.09	
Clearance Time (s)	4.0	5.0	4.0	4.0	5.0	5.0	4.0	4.0	4.0	4.0	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	
Lane Grp Cap (vph)	10	2124	1023	539	2697	1048	153	169	420	164	152	
v/s Ratio Prot	c0.00	0.40	0.00	c0.14	c0.54		c0.02	0.00	c0.11	0.01	0.02	
v/s Ratio Perm			0.00			0.01	0.07		0.09	0.05		
v/c Ratio	0.90	0.66	0.00	0.91	0.71	0.01	0.81	0.05	0.74	0.61	0.18	
Uniform Delay, d1	69.6	17.6	9.4	58.1	8.7	4.0	60.6	58.3	48.7	59.0	59.0	
Progression Factor	1.07	1.45	1.00	0.98	1.25	1.00	1.00	1.00	1.00	1.00	1.00	
Incremental Delay, d2	167.7	1.0	0.0	14.6	1.2	0.0	25.5	0.0	5.8	4.4	0.2	
Delay (s)	242.4	26.4	9.4	71.7	12.1	4.0	86.1	58.3	54.5	63.3	59.2	
Level of Service	F	C	A	E	B	A	F	E	D	E	E	
Approach Delay (s)		27.8			24.0			62.3			61.7	
Approach LOS		C			C			E			E	
Intersection Summary												
HCM 2000 Control Delay			30.9			HCM 2000 Level of Service			C			
HCM 2000 Volume to Capacity ratio			0.75									
Actuated Cycle Length (s)			140.0			Sum of lost time (s)			17.0			
Intersection Capacity Utilization			77.9%			ICU Level of Service			D			
Analysis Period (min)			15									
c Critical Lane Group												

Queues
4: I-5 SB Ramps & Kuebler Blvd



Lane Group	EBT	EBR	WBT	WBR	SBL	SBR
Lane Group Flow (vph)	1697	159	898	225	91	1508
v/c Ratio	0.82	0.10	0.59	0.15	0.74	0.85
Control Delay	25.5	0.1	39.0	0.2	95.8	20.1
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	25.5	0.1	39.0	0.2	95.8	20.1
Queue Length 50th (ft)	610	0	322	0	83	451
Queue Length 95th (ft)	628	m0	#533	0	#175	358
Internal Link Dist (ft)	1344		678			
Turn Bay Length (ft)		150		250		475
Base Capacity (vph)	2170	1599	1519	1493	123	2134
Starvation Cap Reductn	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0
Reduced v/c Ratio	0.78	0.10	0.59	0.15	0.74	0.71

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.

HCM Signalized Intersection Capacity Analysis

22051- Salem Costco Relocation

4: I-5 SB Ramps & Kuebler Blvd

Total Traffic 2021 - PM 140 sec cycle

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↑↑	↗		↑↑	↗				↗		↗↗
Traffic Volume (vph)	0	1629	153	0	862	216	0	0	0	87	0	1448
Future Volume (vph)	0	1629	153	0	862	216	0	0	0	87	0	1448
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	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)		3471	1599		3539	1493				1570		2787
Flt Permitted		1.00	1.00		1.00	1.00				0.95		1.00
Satd. Flow (perm)		3471	1599		3539	1493				1570		2787
Peak-hour factor, PHF	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
Adj. Flow (vph)	0	1697	159	0	898	225	0	0	0	91	0	1508
RTOR Reduction (vph)	0	0	0	0	0	0	0	0	0	0	0	304
Lane Group Flow (vph)	0	1697	159	0	898	225	0	0	0	91	0	1204
Confl. Bikes (#/hr)						1						
Heavy Vehicles (%)	0%	4%	1%	0%	2%	6%	0%	0%	0%	15%	0%	2%
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	140.0		60.1	140.0				11.0		70.9
Effective Green, g (s)		83.0	140.0		60.1	140.0				11.0		73.4
Actuated g/C Ratio		0.59	1.00		0.43	1.00				0.08		0.52
Clearance Time (s)		5.0			5.0					4.0		
Vehicle Extension (s)		0.5			0.5					0.5		
Lane Grp Cap (vph)		2057	1599		1519	1493				123		1461
v/s Ratio Prot		c0.49			0.25							c0.43
v/s Ratio Perm			0.10			0.15				0.06		
v/c Ratio		0.82	0.10		0.59	0.15				0.74		0.82
Uniform Delay, d1		22.7	0.0		30.6	0.0				63.1		27.9
Progression Factor		0.97	1.00		1.12	1.00				1.00		1.00
Incremental Delay, d2		3.0	0.1		1.5	0.2				18.0		3.7
Delay (s)		25.0	0.1		35.9	0.2				81.1		31.6
Level of Service		C	A		D	A				F		C
Approach Delay (s)		22.9			28.7			0.0			34.4	
Approach LOS		C			C			A			C	
Intersection Summary												
HCM 2000 Control Delay			28.3									HCM 2000 Level of Service C
HCM 2000 Volume to Capacity ratio			0.85									
Actuated Cycle Length (s)			140.0							9.5		
Intersection Capacity Utilization			82.0%									ICU Level of Service D
Analysis Period (min)			15									
c Critical Lane Group												

Queues

5: I-5 NB Ramps & Kuebler Blvd















Lane Group	EBT	WBT	NBT	NBR
Lane Group Flow (vph)	689	1386	92	174
v/c Ratio	0.23	0.49	0.70	0.67
Control Delay	3.7	3.0	88.6	21.2
Queue Delay	0.0	0.0	0.0	0.0
Total Delay	3.7	3.0	88.6	21.2
Queue Length 50th (ft)	97	107	83	0
Queue Length 95th (ft)	107	177	140	75
Internal Link Dist (ft)	678	887	904	
Turn Bay Length (ft)				150
Base Capacity (vph)	2995	2856	517	512
Starvation Cap Reductn	0	0	0	0
Spillback Cap Reductn	0	0	0	0
Storage Cap Reductn	0	0	0	0
Reduced v/c Ratio	0.23	0.49	0.18	0.34
Intersection Summary				

HCM Signalized Intersection Capacity Analysis

22051- Salem Costco Relocation

5: I-5 NB Ramps & Kuebler Blvd

Total Traffic 2021 - PM 140 sec cycle

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↑↑			↑↑			↑	↑			
Traffic Volume (vph)	0	641	0	0	994	295	85	1	162	0	0	0
Future Volume (vph)	0	641	0	0	994	295	85	1	162	0	0	0
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		-4%			4%			0%			0%	
Total Lost time (s)		5.0			5.0			4.0	4.0			
Lane Util. Factor		0.95			0.95			1.00	1.00			
Frpb, ped/bikes		1.00			1.00			1.00	1.00			
Flpb, ped/bikes		1.00			1.00			1.00	1.00			
Frt		1.00			0.97			1.00	0.85			
Flt Protected		1.00			1.00			0.95	1.00			
Satd. Flow (prot)		3474			3302			1810	1357			
Flt Permitted		1.00			1.00			0.95	1.00			
Satd. Flow (perm)		3474			3302			1810	1357			
Peak-hour factor, PHF	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93
Adj. Flow (vph)	0	689	0	0	1069	317	91	1	174	0	0	0
RTOR Reduction (vph)	0	0	0	0	8	0	0	0	161	0	0	0
Lane Group Flow (vph)	0	689	0	0	1378	0	0	92	13	0	0	0
Confl. Bikes (#/hr)			1									
Heavy Vehicles (%)	0%	6%	4%	0%	3%	5%	0%	0%	19%	0%	0%	0%
Turn Type		NA			NA		Split	NA	Perm			
Protected Phases		2			6		8	8				
Permitted Phases									8			
Actuated Green, G (s)		120.7			120.7			10.3	10.3			
Effective Green, g (s)		120.7			120.7			10.3	10.3			
Actuated g/C Ratio		0.86			0.86			0.07	0.07			
Clearance Time (s)		5.0			5.0			4.0	4.0			
Vehicle Extension (s)		0.5			0.5			0.5	0.5			
Lane Grp Cap (vph)		2995			2846			133	99			
v/s Ratio Prot		0.20			c0.42			c0.05				
v/s Ratio Perm									0.01			
v/c Ratio		0.23			0.48			0.69	0.13			
Uniform Delay, d1		1.7			2.3			63.3	60.7			
Progression Factor		1.99			1.00			1.00	1.00			
Incremental Delay, d2		0.1			0.6			11.8	0.2			
Delay (s)		3.4			2.9			75.1	60.9			
Level of Service		A			A			E	E			
Approach Delay (s)		3.4			2.9			65.8			0.0	
Approach LOS		A			A			E			A	
Intersection Summary												
HCM 2000 Control Delay			10.2				HCM 2000 Level of Service		B			
HCM 2000 Volume to Capacity ratio			0.50									
Actuated Cycle Length (s)			140.0				Sum of lost time (s)		9.0			
Intersection Capacity Utilization			49.4%				ICU Level of Service		A			
Analysis Period (min)			15									
c Critical Lane Group												

MOVEMENT SUMMARY

Site: 9 [Site Access East]

27th Ave and Site Drive East -PM Peak Hour
Site Category: (None)
Roundabout

Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back Vehicles veh	of Queue Distance ft	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed mph
South: 27th Ave												
3	L2	1	1.0	0.210	6.3	LOS A	0.9	23.5	0.54	0.48	0.54	27.6
8	T1	178	2.0	0.210	6.3	LOS A	0.9	23.5	0.54	0.48	0.54	27.4
18	R2	1	1.0	0.210	6.3	LOS A	0.9	23.5	0.54	0.48	0.54	26.8
Approach		181	2.0	0.210	6.3	LOS A	0.9	23.5	0.54	0.48	0.54	27.4
East: Zone Change Lot Drive												
1	L2	1	1.0	0.005	5.0	LOS A	0.0	0.5	0.55	0.37	0.55	27.4
6	T1	1	1.0	0.005	5.0	LOS A	0.0	0.5	0.55	0.37	0.55	27.2
16	R2	1	1.0	0.005	5.0	LOS A	0.0	0.5	0.55	0.37	0.55	26.5
Approach		4	1.0	0.005	5.0	LOS A	0.0	0.5	0.55	0.37	0.55	27.0
North: 27th Ave												
7	L2	1	1.0	0.133	3.6	LOS A	0.6	14.7	0.03	0.00	0.03	28.5
4	T1	184	2.0	0.133	3.7	LOS A	0.6	14.7	0.03	0.00	0.03	28.3
14	R2	444	1.0	0.317	5.3	LOS A	1.8	44.4	0.04	0.01	0.04	26.7
Approach		629	1.3	0.317	4.8	LOS A	1.8	44.4	0.04	0.01	0.04	27.2
West: Costco Site Access East												
5	L2	433	1.0	0.395	7.2	LOS A	2.4	59.2	0.46	0.32	0.46	25.7
2	T1	1	1.0	0.395	7.2	LOS A	2.4	59.2	0.46	0.32	0.46	25.6
12	R2	10	1.0	0.395	7.2	LOS A	2.4	59.2	0.46	0.32	0.46	25.0
Approach		444	1.0	0.395	7.2	LOS A	2.4	59.2	0.46	0.32	0.46	25.7
All Vehicles		1258	1.3	0.395	5.9	LOS A	2.4	59.2	0.26	0.18	0.26	26.7

Site Level of Service (LOS) Method: Delay & v/c (HCM 6). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Roundabout LOS Method: Same as Sign Control.

Vehicle movement LOS values are based on average delay and v/c ratio (degree of saturation) per movement.

LOS F will result if v/c > 1 irrespective of movement delay value (does not apply for approaches and intersection).

Intersection and Approach LOS values are based on average delay for all movements (v/c not used as specified in HCM 6).

Roundabout Capacity Model: US HCM 6.

HCM Delay Formula option is used. Control Delay does not include Geometric Delay since Exclude Geometric Delay option applies.


















Gap-Acceptance Capacity: Traditional M1.

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

HCM Unsignalized Intersection Capacity Analysis7: 27th Ave SE & Boone Rd SE

22051- Salem Costco Relocation

Total Traffic 2021 - PM

																		
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR						
Lane Configurations																		
Sign Control	Stop				Stop			Stop			Stop							
Traffic Volume (vph)	128	21	12	0	14	9	7	4	0	15	8	130						
Future Volume (vph)	128	21	12	0	14	9	7	4	0	15	8	130						
Peak Hour Factor	0.79	0.79	0.79	0.79	0.79	0.79	0.79	0.79	0.79	0.79	0.79	0.79						
Hourly flow rate (vph)	162	27	15	0	18	11	9	5	0	19	10	165						
Direction, Lane #	EB 1	EB 2	WB 1	NB 1	SB 1	SB 2												
Volume Total (vph)	162	42	29	14	19	175												
Volume Left (vph)	162	0	0	9	19	0												
Volume Right (vph)	0	15	11	0	0	165												
Hadj (s)	0.58	-0.25	-0.23	0.13	0.50	-0.64												
Departure Headway (s)	5.6	4.8	5.0	5.5	5.6	4.5												
Degree Utilization, x	0.25	0.06	0.04	0.02	0.03	0.22												
Capacity (veh/h)	615	721	673	620	607	764												
Control Delay (s)	9.3	6.9	8.2	8.6	7.6	7.6												
Approach Delay (s)	8.8		8.2	8.6	7.6													
Approach LOS	A		A	A	A													
Intersection Summary																		
Delay			8.2															
Level of Service			A															
Intersection Capacity Utilization			28.9%		ICU Level of Service		A											
Analysis Period (min)			15															






HCM Unsignalized Intersection Capacity Analysis

22051- Salem Costco Relocation

8: Boone Rd SE & Site Drive - South

Total Traffic 2021 - PM





















Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (veh/h)	73	112	151	0	47	66
Future Volume (Veh/h)	73	112	151	0	47	66
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Peak Hour Factor	0.79	0.79	0.79	0.79	0.79	0.79
Hourly flow rate (vph)	92	142	191	0	59	84
Pedestrians		1			1	
Lane Width (ft)		12.0			12.0	
Walking Speed (ft/s)		4.0			4.0	
Percent Blockage		0			0	
Right turn flare (veh)						
Median type		TWLT	LT			
Median storage veh		2	2			
Upstream signal (ft)		1222				
pX, platoon unblocked						
vC, conflicting volume	192				518	193
vC1, stage 1 conf vol					192	
vC2, stage 2 conf vol					326	
vCu, unblocked vol	192				518	193
tC, single (s)	4.1				6.4	6.2
tC, 2 stage (s)					5.4	
tF (s)	2.2				3.5	3.3
p0 queue free %	93				91	90
cM capacity (veh/h)	1392				638	852
Direction, Lane #	EB 1	EB 2	WB 1	SB 1	SB 2	
Volume Total	92	142	191	59	84	
Volume Left	92	0	0	59	0	
Volume Right	0	0	0	0	84	
cSH	1392	1700	1700	638	852	
Volume to Capacity	0.07	0.08	0.11	0.09	0.10	
Queue Length 95th (ft)	5	0	0	8	8	
Control Delay (s)	7.8	0.0	0.0	11.2	9.7	
Lane LOS	A			B	A	
Approach Delay (s)	3.1		0.0	10.3		
Approach LOS				B		
Intersection Summary						
Average Delay			3.9			
Intersection Capacity Utilization			25.8%	ICU Level of Service		A
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis

22051- Salem Costco Relocation

9: Clinic Driveway & Boone Rd SE

Total Traffic 2021 - PM

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	109	144	0	0	146	6	0	0	0	32	0	320
Future Volume (Veh/h)	109	144	0	0	146	6	0	0	0	32	0	320
Sign Control	Free				Free				Stop			
Grade	0%				0%				0%			
Peak Hour Factor	0.71	0.71	0.71	0.71	0.71	0.71	0.71	0.71	0.71	0.71	0.71	0.71
Hourly flow rate (vph)	154	203	0	0	206	8	0	0	0	45	0	451
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type	TWLTL			TWLTL								
Median storage veh)	2			2								
Upstream signal (ft)	462											
pX, platoon unblocked												
vC, conflicting volume	214			203			1172	725	203	721	721	210
vC1, stage 1 conf vol							511	511		210	210	
vC2, stage 2 conf vol							661	214		511	511	
vCu, unblocked vol	214			203			1172	725	203	721	721	210
tC, single (s)	4.1			4.1			7.1	6.5	6.2	7.2	6.5	6.2
tC, 2 stage (s)							6.1	5.5		6.2	5.5	
tF (s)	2.2			2.2			3.5	4.0	3.3	3.6	4.0	3.3
p0 queue free %	89			100			100	100	100	90	100	46
cM capacity (veh/h)	1368			1381			72	436	843	444	452	835
Direction, Lane #	EB 1	EB 2	WB 1	NB 1	SB 1	SB 2						
Volume Total	154	203	214	0	45	451						
Volume Left	154	0	0	0	45	0						
Volume Right	0	0	8	0	0	451						
cSH	1368	1700	1700	1700	444	835						
Volume to Capacity	0.11	0.12	0.13	0.00	0.10	0.54						
Queue Length 95th (ft)	9	0	0	0	8	82						
Control Delay (s)	8.0	0.0	0.0	0.0	14.0	14.2						
Lane LOS	A			A	B	B						
Approach Delay (s)	3.4		0.0	0.0	14.2							
Approach LOS				A	B							
Intersection Summary												
Average Delay				7.8								
Intersection Capacity Utilization				34.5%	ICU Level of Service					A		
Analysis Period (min)				15								

Queues

10: Battle Creek Rd SE & Boone Rd SE



Lane Group	EBL	EBT	WBL	WBT	WBR	NBL	NBT	SBL	SBT
Lane Group Flow (vph)	112	85	80	65	343	9	300	129	658
v/c Ratio	0.33	0.21	0.23	0.20	0.43	0.03	0.48	0.24	0.75
Control Delay	18.2	17.6	16.4	22.9	3.8	6.9	16.4	8.0	18.3
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	18.2	17.6	16.4	22.9	3.8	6.9	16.4	8.0	18.3
Queue Length 50th (ft)	25	16	17	18	0	1	69	19	127
Queue Length 95th (ft)	67	55	50	53	44	6	135	43	#393
Internal Link Dist (ft)		664		382			5454		385
Turn Bay Length (ft)	150		150		150	125		200	
Base Capacity (vph)	343	668	353	663	985	290	879	535	1005
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.33	0.13	0.23	0.10	0.35	0.03	0.34	0.24	0.65

Intersection Summary

95th percentile volume exceeds capacity, queue may be longer.






















Queue shown is maximum after two cycles.

HCM Signalized Intersection Capacity Analysis

22051- Salem Costco Relocation

10: Battle Creek Rd SE & Boone Rd SE













Total Traffic 2021 - PM

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	106	57	24	76	62	326	9	214	71	123	373	252
Future Volume (vph)	106	57	24	76	62	326	9	214	71	123	373	252
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.5	4.5		4.5	4.5	4.5	4.5	4.5		4.5	4.5	
Lane Util. Factor	1.00	1.00		1.00	1.00	1.00	1.00	1.00		1.00	1.00	
Frt	1.00	0.96		1.00	1.00	0.85	1.00	0.96		1.00	0.94	
Flt Protected	0.95	1.00		0.95	1.00	1.00	0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1703	1816		1805	1845	1615	1805	1717		1805	1761	
Flt Permitted	0.66	1.00		0.70	1.00	1.00	0.22	1.00		0.42	1.00	
Satd. Flow (perm)	1183	1816		1333	1845	1615	418	1717		801	1761	
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)	112	60	25	80	65	343	9	225	75	129	393	265
RTOR Reduction (vph)	0	20	0	0	0	218	0	16	0	0	32	0
Lane Group Flow (vph)	112	65	0	80	65	125	9	284	0	129	626	0
Heavy Vehicles (%)	6%	0%	0%	0%	3%	0%	0%	5%	11%	0%	1%	2%
Turn Type	pm+pt	NA		pm+pt	NA	custom	pm+pt	NA		pm+pt	NA	
Protected Phases	5	2		1	6		3	8		7	4	
Permitted Phases	2			6		8	8			4		
Actuated Green, G (s)	13.5	10.5		11.9	9.7	20.4	21.1	20.4		29.1	24.4	
Effective Green, g (s)	13.5	10.5		11.9	9.7	20.4	21.1	20.4		29.1	24.4	
Actuated g/C Ratio	0.24	0.19		0.21	0.17	0.37	0.38	0.37		0.52	0.44	
Clearance Time (s)	4.5	4.5		4.5	4.5	4.5	4.5	4.5		4.5	4.5	
Vehicle Extension (s)	3.0	3.0		3.0	3.0	3.0	3.0	3.0		3.0	3.0	
Lane Grp Cap (vph)	314	341		302	320	590	175	627		502	770	
v/s Ratio Prot	c0.02	0.04		0.01	0.04		0.00	0.17		c0.02	c0.36	
v/s Ratio Perm	c0.07			0.05		0.08	0.02			0.11		
v/c Ratio	0.36	0.19		0.26	0.20	0.21	0.05	0.45		0.26	0.81	
Uniform Delay, d1	17.2	19.1		18.1	19.7	12.2	11.7	13.5		7.3	13.7	
Progression Factor	1.00	1.00		1.00	1.00	1.00	1.00	1.00		1.00	1.00	
Incremental Delay, d2	0.7	0.3		0.5	0.3	0.2	0.1	0.5		0.3	6.6	
Delay (s)	17.9	19.3		18.5	20.1	12.4	11.8	14.0		7.6	20.3	
Level of Service	B	B		B	C	B	B	B		A	C	
Approach Delay (s)		18.5			14.4			13.9			18.2	
Approach LOS		B			B			B			B	
Intersection Summary												
HCM 2000 Control Delay			16.5			HCM 2000 Level of Service				B		
HCM 2000 Volume to Capacity ratio			0.67									
Actuated Cycle Length (s)			55.8			Sum of lost time (s)				18.0		
Intersection Capacity Utilization			62.1%			ICU Level of Service				B		
Analysis Period (min)			15									
c Critical Lane Group												

Attachment B: ITE Discount Club + Gasoline/Service Station + ITE
Shopping Center (21,000 S.F. Retail Pads) - Year 2019 Total Traffic
Weekday PM Peak Hour LOS Analysis Worksheets

Queues

1: Battle Creek Rd SE & Kuebler Blvd

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Group Flow (vph)	56	1182	133	256	1584	152	211	155	202	155	346	181
v/c Ratio	0.47	0.81	0.15	0.79	0.86	0.15	0.75	0.47	0.33	0.80	0.88	0.37
Control Delay	29.1	40.3	4.8	44.1	27.3	2.6	74.1	51.6	16.8	83.9	73.1	24.9
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	29.1	40.3	4.8	44.1	27.3	2.6	74.1	51.6	16.8	83.9	73.1	24.9
Queue Length 50th (ft)	18	472	9	143	662	22	91	118	61	129	285	80
Queue Length 95th (ft)	48	#643	42	#340	#937	m32	130	180	127	197	370	129
Internal Link Dist (ft)		1223			824			385			4570	
Turn Bay Length (ft)	420		215	250		250	200		150	275		275
Base Capacity (vph)	194	1456	895	326	1842	1103	366	407	612	276	513	565
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	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	0
Reduced v/c Ratio	0.29	0.81	0.15	0.79	0.86	0.14	0.58	0.38	0.33	0.56	0.67	0.32

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.

HCM Signalized Intersection Capacity Analysis

22051- Salem Costco Relocation

1: Battle Creek Rd SE & Kuebler Blvd

Total Traffic 2019 - PM Discount Club

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	54	1147	129	248	1536	147	205	150	196	150	336	176
Future Volume (vph)	54	1147	129	248	1536	147	205	150	196	150	336	176
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		0%			0%			0%			3%	
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	1.00
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)	1641	3505	1568	1787	3539	1524	3400	1827	1524	1710	1853	1575
Flt Permitted	0.07	1.00	1.00	0.08	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00
Satd. Flow (perm)	128	3505	1568	153	3539	1524	3400	1827	1524	1710	1853	1575
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)	56	1182	133	256	1584	152	211	155	202	155	346	181
RTOR Reduction (vph)	0	0	55	0	0	47	0	0	62	0	0	44
Lane Group Flow (vph)	56	1182	78	256	1584	105	211	155	140	155	346	137
Confl. Peds. (#/hr)	1		1	1		1						
Confl. Bikes (#/hr)			1									
Heavy Vehicles (%)	10%	3%	1%	1%	2%	4%	3%	4%	6%	4%	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)	58.9	53.9	64.8	76.6	67.6	82.3	10.9	23.7	42.4	14.7	27.5	32.5
Effective Green, g (s)	58.9	53.9	64.8	76.6	67.6	82.3	10.9	23.7	42.4	14.7	27.5	32.5
Actuated g/C Ratio	0.45	0.41	0.50	0.59	0.52	0.63	0.08	0.18	0.33	0.11	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)	116	1453	781	325	1840	964	285	333	497	193	391	393
v/s Ratio Prot	0.02	0.34	0.01	c0.11	c0.45	0.01	0.06	0.08	0.04	c0.09	c0.19	0.01
v/s Ratio Perm	0.20		0.04	0.35		0.06			0.05			0.07
v/c Ratio	0.48	0.81	0.10	0.79	0.86	0.11	0.74	0.47	0.28	0.80	0.88	0.35
Uniform Delay, d1	25.5	33.6	17.2	34.6	27.1	9.4	58.2	47.5	32.5	56.2	49.7	40.0
Progression Factor	1.00	1.00	1.00	1.03	0.77	1.04	1.00	1.00	1.00	1.00	1.00	1.00
Incremental Delay, d2	1.2	5.1	0.0	8.5	4.3	0.0	8.7	0.4	0.1	19.9	20.0	0.2
Delay (s)	26.6	38.7	17.2	44.3	25.1	9.8	66.9	47.9	32.6	76.1	69.7	40.2
Level of Service	C	D	B	D	C	A	E	D	C	E	E	D
Approach Delay (s)		36.1			26.4			49.5			63.4	
Approach LOS		D			C			D			E	
Intersection Summary												
HCM 2000 Control Delay			37.6				HCM 2000 Level of Service			D		
HCM 2000 Volume to Capacity ratio			0.88									
Actuated Cycle Length (s)			130.0				Sum of lost time (s)			19.0		
Intersection Capacity Utilization			85.2%				ICU Level of Service			E		
Analysis Period (min)			15									
c Critical Lane Group												

Queues

3: 27th Ave SE & Kuebler Blvd



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT
Lane Group Flow (vph)	9	1349	4	359	1888	14	103	7	287	100	63
v/c Ratio	0.21	0.61	0.00	0.82	0.68	0.01	0.68	0.04	0.65	0.62	0.35
Control Delay	90.7	36.2	0.0	65.4	10.1	0.0	75.1	52.9	35.9	70.3	30.3
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	90.7	36.2	0.0	65.4	10.1	0.0	75.1	52.9	35.9	70.3	30.3
Queue Length 50th (ft)	8	587	0	159	307	0	80	5	148	77	18
Queue Length 95th (ft)	m12	568	m0	196	650	m0	134	21	227	131	62
Internal Link Dist (ft)		872			1344			436			5233
Turn Bay Length (ft)	250		200	375			200		290	125	
Base Capacity (vph)	43	2207	1139	586	2768	1093	356	453	502	379	437
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	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	0.21	0.61	0.00	0.61	0.68	0.01	0.29	0.02	0.57	0.26	0.14

Intersection Summary

























m Volume for 95th percentile queue is metered by upstream signal.

HCM Signalized Intersection Capacity Analysis

22051- Salem Costco Relocation

3: 27th Ave SE & Kuebler Blvd

Total Traffic 2019 - PM Discount Club

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	9	1282	4	341	1794	13	98	7	273	95	22	38
Future Volume (vph)	9	1282	4	341	1794	13	98	7	273	95	22	38
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	5.0	4.0	4.0	5.0	5.0	4.0	4.0	4.0	4.0	4.0	
Lane Util. Factor	1.00	0.95	1.00	0.97	0.95	1.00	1.00	1.00	1.00	1.00	1.00	
Frpb, ped/bikes	1.00	1.00	1.00	1.00	1.00	0.98	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	
Frt	1.00	1.00	0.85	1.00	1.00	0.85	1.00	1.00	0.85	1.00	0.90	
Flt Protected	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	
Satd. Flow (prot)	1805	3471	1615	3467	3539	1376	1805	1900	1538	1787	1703	
Flt Permitted	0.95	1.00	1.00	0.95	1.00	1.00	0.69	1.00	1.00	0.75	1.00	
Satd. Flow (perm)	1805	3471	1615	3467	3539	1376	1320	1900	1538	1417	1703	
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)	9	1349	4	359	1888	14	103	7	287	100	23	40
RTOR Reduction (vph)	0	0	1	0	0	3	0	0	73	0	37	0
Lane Group Flow (vph)	9	1349	3	359	1888	11	103	7	214	100	26	0
Confl. Bikes (#/hr)						1						1
Heavy Vehicles (%)	0%	4%	0%	1%	2%	15%	0%	0%	5%	1%	0%	0%
Turn Type	Prot	NA	pm+ov	Prot	NA	Perm	pm+pt	NA	pm+ov	pm+pt	NA	
Protected Phases	5	2	3	1	6		3	8	1	7	4	
Permitted Phases			2			6	8		8	4		
Actuated Green, G (s)	0.6	82.7	85.7	16.4	98.5	98.5	13.9	10.9	27.3	13.9	10.9	
Effective Green, g (s)	0.6	82.7	85.7	16.4	98.5	98.5	13.9	10.9	27.3	13.9	10.9	
Actuated g/C Ratio	0.00	0.64	0.66	0.13	0.76	0.76	0.11	0.08	0.21	0.11	0.08	
Clearance Time (s)	4.0	5.0	4.0	4.0	5.0	5.0	4.0	4.0	4.0	4.0	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	
Lane Grp Cap (vph)	8	2208	1064	437	2681	1042	152	159	370	160	142	
v/s Ratio Prot	c0.00	0.39	0.00	c0.10	c0.53		c0.02	0.00	0.07	0.01	0.02	
v/s Ratio Perm			0.00			0.01	c0.06		0.07	0.05		
v/c Ratio	1.12	0.61	0.00	0.82	0.70	0.01	0.68	0.04	0.58	0.62	0.19	
Uniform Delay, d1	64.7	14.1	7.6	55.4	8.2	3.8	55.5	54.8	46.2	55.2	55.4	
Progression Factor	1.32	2.30	1.00	0.96	1.17	1.00	1.00	1.00	1.00	1.00	1.00	
Incremental Delay, d2	310.2	0.9	0.0	9.0	1.2	0.0	9.0	0.0	1.4	5.4	0.2	
Delay (s)	395.8	33.3	7.6	62.1	10.8	3.9	64.6	54.8	47.6	60.6	55.7	
Level of Service	F	C	A	E	B	A	E	D	D	E	E	
Approach Delay (s)		35.6			18.9			52.1			58.7	
Approach LOS		D			B			D			E	
Intersection Summary												
HCM 2000 Control Delay			29.1			HCM 2000 Level of Service			C			
HCM 2000 Volume to Capacity ratio			0.71									
Actuated Cycle Length (s)			130.0			Sum of lost time (s)			17.0			
Intersection Capacity Utilization			75.9%			ICU Level of Service			D			
Analysis Period (min)			15									
c Critical Lane Group												

Queues

4: I-5 SB Ramps & Kuebler Blvd



Lane Group	EBT	EBR	WBT	WBR	SBL	SBR
Lane Group Flow (vph)	1574	144	853	221	90	1386
v/c Ratio	0.74	0.09	0.49	0.15	0.68	0.85
Control Delay	25.5	0.1	26.5	0.2	83.2	20.8
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	25.5	0.1	26.5	0.2	83.2	20.8
Queue Length 50th (ft)	690	0	260	0	75	348
Queue Length 95th (ft)	667	0	407	0	#155	325
Internal Link Dist (ft)	1344		678			
Turn Bay Length (ft)		150		250		475
Base Capacity (vph)	2159	1599	1737	1493	132	1947
Starvation Cap Reductn	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0
Reduced v/c Ratio	0.73	0.09	0.49	0.15	0.68	0.71

Intersection Summary

95th percentile volume exceeds capacity, queue may be longer.













Queue shown is maximum after two cycles.

HCM Signalized Intersection Capacity Analysis

22051- Salem Costco Relocation

4: I-5 SB Ramps & Kuebler Blvd

Total Traffic 2019 - PM Discount Club

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↑↑	↗		↑↑	↗				↗		↗↗
Traffic Volume (vph)	0	1511	138	0	819	212	0	0	0	86	0	1331
Future Volume (vph)	0	1511	138	0	819	212	0	0	0	86	0	1331
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	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)		3471	1599		3539	1493				1570		2787
Flt Permitted		1.00	1.00		1.00	1.00				0.95		1.00
Satd. Flow (perm)		3471	1599		3539	1493				1570		2787
Peak-hour factor, PHF	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
Adj. Flow (vph)	0	1574	144	0	853	221	0	0	0	90	0	1386
RTOR Reduction (vph)	0	0	0	0	0	0	0	0	0	0	0	347
Lane Group Flow (vph)	0	1574	144	0	853	221	0	0	0	90	0	1039
Confl. Bikes (#/hr)						1						
Heavy Vehicles (%)	0%	4%	1%	0%	2%	6%	0%	0%	0%	15%	0%	2%
Turn Type		NA	Free		NA	Free				Perm		custom
Protected Phases		2			6							5 7 8
Permitted Phases			Free			Free				7		
Actuated Green, G (s)		79.4	130.0		63.9	130.0				11.0		57.1
Effective Green, g (s)		79.4	130.0		63.9	130.0				11.0		59.6
Actuated g/C Ratio		0.61	1.00		0.49	1.00				0.08		0.46
Clearance Time (s)		5.0			5.0					4.0		
Vehicle Extension (s)		0.5			0.5					0.5		
Lane Grp Cap (vph)		2119	1599		1739	1493				132		1277
v/s Ratio Prot		c0.45			0.24							c0.37
v/s Ratio Perm			0.09			0.15				0.06		
v/c Ratio		0.74	0.09		0.49	0.15				0.68		0.81
Uniform Delay, d1		18.0	0.0		22.1	0.0				57.8		30.4
Progression Factor		1.21	1.00		1.03	1.00				1.00		1.00
Incremental Delay, d2		2.0	0.1		0.9	0.2				11.0		3.9
Delay (s)		23.7	0.1		23.6	0.2				68.8		34.3
Level of Service		C	A		C	A				E		C
Approach Delay (s)		21.7			18.8			0.0			36.4	
Approach LOS		C			B			A			D	
Intersection Summary												
HCM 2000 Control Delay			26.1									
HCM 2000 Volume to Capacity ratio			0.80									
Actuated Cycle Length (s)			130.0							9.5		
Intersection Capacity Utilization			76.7%									
Analysis Period (min)			15									
c Critical Lane Group												

Queues
5: I-5 NB Ramps & Kuebler Blvd















Lane Group	EBT	WBT	NBT	NBR
Lane Group Flow (vph)	1717	1344	77	171
v/c Ratio	0.61	0.47	0.63	0.68
Control Delay	4.6	2.7	80.0	22.2
Queue Delay	0.0	0.0	0.0	0.0
Total Delay	4.7	2.7	80.0	22.2
Queue Length 50th (ft)	76	88	64	0
Queue Length 95th (ft)	31	149	115	72
Internal Link Dist (ft)	678	887	904	
Turn Bay Length (ft)				150
Base Capacity (vph)	2802	2854	529	517
Starvation Cap Reductn	22	0	0	0
Spillback Cap Reductn	0	0	0	0
Storage Cap Reductn	0	0	0	0
Reduced v/c Ratio	0.62	0.47	0.15	0.33
Intersection Summary				

HCM Signalized Intersection Capacity Analysis

22051- Salem Costco Relocation

5: I-5 NB Ramps & Kuebler Blvd

Total Traffic 2019 - PM Discount Club

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↑↑			↑↑			↑	↑			
Traffic Volume (vph)	0	617	980	0	960	290	71	1	159	0	0	0
Future Volume (vph)	0	617	980	0	960	290	71	1	159	0	0	0
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		-4%			4%			0%			0%	
Total Lost time (s)		5.0			5.0			4.0	4.0			
Lane Util. Factor		0.95			0.95			1.00	1.00			
Frpb, ped/bikes		0.99			1.00			1.00	1.00			
Flpb, ped/bikes		1.00			1.00			1.00	1.00			
Frt		0.91			0.97			1.00	0.85			
Flt Protected		1.00			1.00			0.95	1.00			
Satd. Flow (prot)		3151			3300			1811	1357			
Flt Permitted		1.00			1.00			0.95	1.00			
Satd. Flow (perm)		3151			3300			1811	1357			
Peak-hour factor, PHF	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93
Adj. Flow (vph)	0	663	1054	0	1032	312	76	1	171	0	0	0
RTOR Reduction (vph)	0	84	0	0	8	0	0	0	159	0	0	0
Lane Group Flow (vph)	0	1633	0	0	1336	0	0	77	12	0	0	0
Confl. Bikes (#/hr)			1									
Heavy Vehicles (%)	0%	6%	4%	0%	3%	5%	0%	0%	19%	0%	0%	0%
Turn Type		NA			NA		Split	NA	Perm			
Protected Phases		2			6		8	8				
Permitted Phases									8			
Actuated Green, G (s)		112.1			112.1			8.9	8.9			
Effective Green, g (s)		112.1			112.1			8.9	8.9			
Actuated g/C Ratio		0.86			0.86			0.07	0.07			
Clearance Time (s)		5.0			5.0			4.0	4.0			
Vehicle Extension (s)		0.5			0.5			0.5	0.5			
Lane Grp Cap (vph)		2717			2845			123	92			
v/s Ratio Prot		c0.52			0.40			c0.04				
v/s Ratio Perm									0.01			
v/c Ratio		0.60			0.47			0.63	0.13			
Uniform Delay, d1		2.6			2.1			58.9	56.9			
Progression Factor		2.44			1.00			1.00	1.00			
Incremental Delay, d2		0.7			0.6			7.0	0.2			
Delay (s)		6.9			2.6			65.9	57.1			
Level of Service		A			A			E	E			
Approach Delay (s)		6.9			2.6			59.8			0.0	
Approach LOS		A			A			E			A	
Intersection Summary												
HCM 2000 Control Delay			9.2				HCM 2000 Level of Service		A			
HCM 2000 Volume to Capacity ratio			0.60									
Actuated Cycle Length (s)			130.0				Sum of lost time (s)		9.0			
Intersection Capacity Utilization			66.0%				ICU Level of Service		C			
Analysis Period (min)			15									
c Critical Lane Group												

MOVEMENT SUMMARY

Site: 9 [Site Access East]

27th Ave and Site Drive East -PM Peak Hour
Site Category: (None)
Roundabout

Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back Vehicles veh	Queue Distance ft	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed mph
South: 27th Ave												
3	L2	1	1.0	0.157	5.2	LOS A	0.7	17.5	0.47	0.36	0.47	28.0
8	T1	148	2.0	0.157	5.2	LOS A	0.7	17.5	0.47	0.36	0.47	27.8
18	R2	1	1.0	0.157	5.2	LOS A	0.7	17.5	0.47	0.36	0.47	27.1
Approach		151	2.0	0.157	5.2	LOS A	0.7	17.5	0.47	0.36	0.47	27.8
East: Zone Change Lot Drive												
1	L2	1	1.0	0.005	4.4	LOS A	0.0	0.4	0.50	0.31	0.50	27.6
6	T1	1	1.0	0.005	4.4	LOS A	0.0	0.4	0.50	0.31	0.50	27.4
16	R2	1	1.0	0.005	4.4	LOS A	0.0	0.4	0.50	0.31	0.50	26.7
Approach		4	1.0	0.005	4.4	LOS A	0.0	0.4	0.50	0.31	0.50	27.2
North: 27th Ave												
7	L2	1	1.0	0.130	3.6	LOS A	0.6	14.3	0.03	0.00	0.03	28.5
4	T1	180	2.0	0.130	3.6	LOS A	0.6	14.3	0.03	0.00	0.03	28.3
14	R2	287	1.0	0.205	4.3	LOS A	1.0	24.7	0.04	0.01	0.04	27.1
Approach		468	1.4	0.205	4.0	LOS A	1.0	24.7	0.04	0.00	0.04	27.6
West: Costco Site Access East												
5	L2	330	1.0	0.298	6.0	LOS A	1.6	40.1	0.41	0.27	0.41	26.1
2	T1	1	1.0	0.298	6.0	LOS A	1.6	40.1	0.41	0.27	0.41	25.9
12	R2	5	1.0	0.298	6.0	LOS A	1.6	40.1	0.41	0.27	0.41	25.3
Approach		337	1.0	0.298	6.0	LOS A	1.6	40.1	0.41	0.27	0.41	26.1
All Vehicles		959	1.3	0.298	4.9	LOS A	1.6	40.1	0.24	0.16	0.24	27.0

Site Level of Service (LOS) Method: Delay & v/c (HCM 6). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Roundabout LOS Method: Same as Sign Control.

Vehicle movement LOS values are based on average delay and v/c ratio (degree of saturation) per movement.

LOS F will result if v/c > 1 irrespective of movement delay value (does not apply for approaches and intersection).

Intersection and Approach LOS values are based on average delay for all movements (v/c not used as specified in HCM 6).

Roundabout Capacity Model: US HCM 6.

HCM Delay Formula option is used. Control Delay does not include Geometric Delay since Exclude Geometric Delay option applies.

Gap-Acceptance Capacity: Traditional M1.






HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

HCM Unsignalized Intersection Capacity Analysis8: Boone Rd SE & Site Drive - South

22051- Salem Costco Relocation

Total Traffic 2019 - PM Discount Club





















Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (veh/h)	48	110	144	0	27	52
Future Volume (Veh/h)	48	110	144	0	27	52
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Peak Hour Factor	0.79	0.79	0.79	0.79	0.79	0.79
Hourly flow rate (vph)	61	139	182	0	34	66
Pedestrians		1			1	
Lane Width (ft)		12.0			12.0	
Walking Speed (ft/s)		4.0			4.0	
Percent Blockage		0			0	
Right turn flare (veh)						
Median type		TWLT	TWLT			
Median storage veh		2	2			
Upstream signal (ft)		1222				
pX, platoon unblocked						
vC, conflicting volume	183				444	184
vC1, stage 1 conf vol					183	
vC2, stage 2 conf vol					261	
vCu, unblocked vol	183				444	184
tC, single (s)	4.1				6.4	6.2
tC, 2 stage (s)					5.4	
tF (s)	2.2				3.5	3.3
p0 queue free %	96				95	92
cM capacity (veh/h)	1403				693	862
Direction, Lane #	EB 1	EB 2	WB 1	SB 1	SB 2	
Volume Total	61	139	182	34	66	
Volume Left	61	0	0	34	0	
Volume Right	0	0	0	0	66	
cSH	1403	1700	1700	693	862	
Volume to Capacity	0.04	0.08	0.11	0.05	0.08	
Queue Length 95th (ft)	3	0	0	4	6	
Control Delay (s)	7.7	0.0	0.0	10.5	9.5	
Lane LOS	A			B	A	
Approach Delay (s)	2.3		0.0	9.8		
Approach LOS				A		
Intersection Summary						
Average Delay			3.0			
Intersection Capacity Utilization			24.8%	ICU Level of Service	A	
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis

22051- Salem Costco Relocation

9: Clinic Driveway & Boone Rd SE

Total Traffic 2019 - PM Discount Club

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	80	117	0	0	127	6	0	0	0	30	0	220
Future Volume (Veh/h)	80	117	0	0	127	6	0	0	0	30	0	220
Sign Control	Free				Free				Stop			
Grade	0%				0%				0%			
Peak Hour Factor	0.71	0.71	0.71	0.71	0.71	0.71	0.71	0.71	0.71	0.71	0.71	0.71
Hourly flow rate (vph)	113	165	0	0	179	8	0	0	0	42	0	310
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type	TWLTL			TWLTL								
Median storage veh)	2			2								
Upstream signal (ft)	462											
pX, platoon unblocked												
vC, conflicting volume	187			165			884	578	165	574	574	183
vC1, stage 1 conf vol							391	391		183	183	
vC2, stage 2 conf vol							493	187		391	391	
vCu, unblocked vol	187			165			884	578	165	574	574	183
tC, single (s)	4.1			4.1			7.1	6.5	6.2	7.2	6.5	6.2
tC, 2 stage (s)							6.1	5.5		6.2	5.5	
tF (s)	2.2			2.2			3.5	4.0	3.3	3.6	4.0	3.3
p0 queue free %	92			100			100	100	100	92	100	64
cM capacity (veh/h)	1399			1426			239	512	885	533	527	865
Direction, Lane #	EB 1	EB 2	WB 1	NB 1	SB 1	SB 2						
Volume Total	113	165	187	0	42	310						
Volume Left	113	0	0	0	42	0						
Volume Right	0	0	8	0	0	310						
cSH	1399	1700	1700	1700	533	865						
Volume to Capacity	0.08	0.10	0.11	0.00	0.08	0.36						
Queue Length 95th (ft)	7	0	0	0	6	41						
Control Delay (s)	7.8	0.0	0.0	0.0	12.3	11.5						
Lane LOS	A			A	B	B						
Approach Delay (s)	3.2		0.0	0.0	11.6							
Approach LOS				A	B							
Intersection Summary												
Average Delay	6.1											
Intersection Capacity Utilization	27.3%			ICU Level of Service				A				
Analysis Period (min)	15											

Queues

10: Battle Creek Rd SE & Boone Rd SE



Lane Group	EBL	EBT	WBL	WBT	WBR	NBL	NBT	SBL	SBT
Lane Group Flow (vph)	109	70	65	52	248	9	280	104	646
v/c Ratio	0.31	0.18	0.18	0.16	0.35	0.03	0.47	0.19	0.75
Control Delay	17.7	16.4	15.6	22.2	3.8	6.8	16.4	7.6	18.1
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	17.7	16.4	15.6	22.2	3.8	6.8	16.4	7.6	18.1
Queue Length 50th (ft)	23	12	14	14	0	1	64	15	124
Queue Length 95th (ft)	66	47	43	45	38	6	124	35	#374
Internal Link Dist (ft)		664		382			5454		385
Turn Bay Length (ft)	150		150		150	125		200	
Base Capacity (vph)	350	679	360	681	957	293	908	540	1020
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.31	0.10	0.18	0.08	0.26	0.03	0.31	0.19	0.63

Intersection Summary

95th percentile volume exceeds capacity, queue may be longer.






















Queue shown is maximum after two cycles.

HCM Signalized Intersection Capacity Analysis

22051- Salem Costco Relocation

10: Battle Creek Rd SE & Boone Rd SE













Total Traffic 2019 - PM Discount Club

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	104	43	24	62	49	236	9	210	56	99	367	247
Future Volume (vph)	104	43	24	62	49	236	9	210	56	99	367	247
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.5	4.5		4.5	4.5	4.5	4.5	4.5		4.5	4.5	
Lane Util. Factor	1.00	1.00		1.00	1.00	1.00	1.00	1.00		1.00	1.00	
Frt	1.00	0.95		1.00	1.00	0.85	1.00	0.97		1.00	0.94	
Flt Protected	0.95	1.00		0.95	1.00	1.00	0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1703	1798		1805	1845	1615	1805	1731		1805	1761	
Flt Permitted	0.67	1.00		0.71	1.00	1.00	0.23	1.00		0.43	1.00	
Satd. Flow (perm)	1196	1798		1352	1845	1615	431	1731		825	1761	
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)	109	45	25	65	52	248	9	221	59	104	386	260
RTOR Reduction (vph)	0	20	0	0	0	160	0	14	0	0	32	0
Lane Group Flow (vph)	109	50	0	65	52	88	9	266	0	104	614	0
Heavy Vehicles (%)	6%	0%	0%	0%	3%	0%	0%	5%	11%	0%	1%	2%
Turn Type	pm+pt	NA		pm+pt	NA	custom	pm+pt	NA		pm+pt	NA	
Protected Phases	5	2		1	6		3	8		7	4	
Permitted Phases	2			6		8	8			4		
Actuated Green, G (s)	13.4	10.4		11.8	9.6	19.3	19.9	19.3		28.1	23.4	
Effective Green, g (s)	13.4	10.4		11.8	9.6	19.3	19.9	19.3		28.1	23.4	
Actuated g/C Ratio	0.25	0.19		0.22	0.18	0.35	0.36	0.35		0.51	0.43	
Clearance Time (s)	4.5	4.5		4.5	4.5	4.5	4.5	4.5		4.5	4.5	
Vehicle Extension (s)	3.0	3.0		3.0	3.0	3.0	3.0	3.0		3.0	3.0	
Lane Grp Cap (vph)	321	342		310	324	570	172	611		508	754	
v/s Ratio Prot	c0.02	0.03		0.01	0.03		0.00	0.15		c0.02	c0.35	
v/s Ratio Perm	c0.06			0.04		0.05	0.02			0.09		
v/c Ratio	0.34	0.15		0.21	0.16	0.15	0.05	0.44		0.20	0.81	
Uniform Delay, d1	16.6	18.4		17.4	19.1	12.1	11.8	13.5		7.2	13.7	
Progression Factor	1.00	1.00		1.00	1.00	1.00	1.00	1.00		1.00	1.00	
Incremental Delay, d2	0.6	0.2		0.3	0.2	0.1	0.1	0.5		0.2	6.7	
Delay (s)	17.2	18.6		17.7	19.3	12.2	11.9	14.0		7.4	20.4	
Level of Service	B	B		B	B	B	B	B		A	C	
Approach Delay (s)		17.8			14.2			13.9			18.6	
Approach LOS		B			B			B			B	
Intersection Summary												
HCM 2000 Control Delay		16.7			HCM 2000 Level of Service			B				
HCM 2000 Volume to Capacity ratio		0.66										
Actuated Cycle Length (s)		54.6			Sum of lost time (s)			18.0				
Intersection Capacity Utilization		61.4%			ICU Level of Service			B				
Analysis Period (min)		15										
c Critical Lane Group												

Attachment C: ITE Discount Club + Gasoline/Service Station + ITE
Shopping Center (21,000 S.F. Retail Pads) - Year 2021 Total Traffic
Weekday PM Peak Hour LOS Analysis Worksheets

Queues

1: Battle Creek Rd SE & Kuebler Blvd

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Group Flow (vph)	57	1204	135	261	1614	155	212	157	206	157	354	186
v/c Ratio	0.48	0.84	0.16	0.81	0.88	0.15	0.75	0.47	0.33	0.81	0.89	0.37
Control Delay	29.6	42.4	4.9	49.0	28.9	2.6	74.2	51.2	17.0	84.6	73.5	25.1
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	29.6	42.4	4.9	49.0	28.9	2.6	74.2	51.2	17.0	84.6	73.5	25.1
Queue Length 50th (ft)	19	494	10	147	702	22	91	119	63	131	291	83
Queue Length 95th (ft)	48	#663	43	#365	#965	m31	131	182	130	199	379	134
Internal Link Dist (ft)		1223			824			385			4570	
Turn Bay Length (ft)	420		215	250		250	200		150	275		275
Base Capacity (vph)	193	1429	884	323	1828	1097	366	407	622	276	513	571
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	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	0
Reduced v/c Ratio	0.30	0.84	0.15	0.81	0.88	0.14	0.58	0.39	0.33	0.57	0.69	0.33

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.

HCM Signalized Intersection Capacity Analysis

22051- Salem Costco Relocation

1: Battle Creek Rd SE & Kuebler Blvd

Total Traffic 2021 - PM Discount Club

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	55	1168	131	253	1566	150	206	152	200	152	343	180
Future Volume (vph)	55	1168	131	253	1566	150	206	152	200	152	343	180
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		0%			0%			0%			3%	
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	1.00
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)	1641	3505	1568	1787	3539	1524	3400	1827	1524	1710	1853	1575
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)	130	3505	1568	132	3539	1524	3400	1827	1524	1710	1853	1575
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)	57	1204	135	261	1614	155	212	157	206	157	354	186
RTOR Reduction (vph)	0	0	56	0	0	47	0	0	61	0	0	44
Lane Group Flow (vph)	57	1204	79	261	1614	108	212	157	145	157	354	142
Confl. Peds. (#/hr)	1		1	1		1						
Confl. Bikes (#/hr)			1									
Heavy Vehicles (%)	10%	3%	1%	1%	2%	4%	3%	4%	6%	4%	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)	58.0	53.0	63.9	76.2	67.2	82.0	10.9	24.0	43.2	14.8	27.9	32.9
Effective Green, g (s)	58.0	53.0	63.9	76.2	67.2	82.0	10.9	24.0	43.2	14.8	27.9	32.9
Actuated g/C Ratio	0.45	0.41	0.49	0.59	0.52	0.63	0.08	0.18	0.33	0.11	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)	116	1428	770	321	1829	961	285	337	506	194	397	398
v/s Ratio Prot	0.02	0.34	0.01	c0.12	c0.46	0.01	0.06	0.09	0.04	c0.09	c0.19	0.01
v/s Ratio Perm	0.20		0.04	0.35		0.06			0.05			0.08
v/c Ratio	0.49	0.84	0.10	0.81	0.88	0.11	0.74	0.47	0.29	0.81	0.89	0.36
Uniform Delay, d1	26.4	34.7	17.7	37.8	27.9	9.5	58.2	47.3	32.0	56.2	49.6	39.9
Progression Factor	1.00	1.00	1.00	1.02	0.77	0.97	1.00	1.00	1.00	1.00	1.00	1.00
Incremental Delay, d2	1.2	6.2	0.0	10.6	5.0	0.0	8.9	0.4	0.1	20.4	20.9	0.2
Delay (s)	27.6	41.0	17.7	49.1	26.6	9.2	67.0	47.7	32.1	76.6	70.5	40.1
Level of Service	C	D	B	D	C	A	E	D	C	E	E	D
Approach Delay (s)		38.2			28.1			49.2			63.8	
Approach LOS		D			C			D			E	
Intersection Summary												
HCM 2000 Control Delay			39.0				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			86.4%				ICU Level of Service			E		
Analysis Period (min)			15									
c Critical Lane Group												

Queues

3: 27th Ave SE & Kuebler Blvd



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT
Lane Group Flow (vph)	9	1377	4	359	1927	14	103	7	287	100	63
v/c Ratio	0.21	0.62	0.00	0.82	0.70	0.01	0.68	0.04	0.65	0.62	0.35
Control Delay	89.8	36.4	0.0	64.4	10.7	0.0	75.0	52.9	35.9	70.2	30.3
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	89.8	36.4	0.0	64.4	10.7	0.0	75.0	52.9	35.9	70.2	30.3
Queue Length 50th (ft)	7	599	0	159	364	0	80	5	147	77	18
Queue Length 95th (ft)	m12	578	m0	191	681	m0	134	21	227	131	62
Internal Link Dist (ft)		872			1344			436			5233
Turn Bay Length (ft)	250		200	375			200		290	125	
Base Capacity (vph)	43	2207	1138	586	2768	1093	356	453	502	379	437
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	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	0.21	0.62	0.00	0.61	0.70	0.01	0.29	0.02	0.57	0.26	0.14

Intersection Summary





























m Volume for 95th percentile queue is metered by upstream signal.

HCM Signalized Intersection Capacity Analysis

22051- Salem Costco Relocation

3: 27th Ave SE & Kuebler Blvd

Total Traffic 2021 - PM Discount Club

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		 		 	 						 	
Traffic Volume (vph)	9	1308	4	341	1831	13	98	7	273	95	22	38
Future Volume (vph)	9	1308	4	341	1831	13	98	7	273	95	22	38
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	5.0	4.0	4.0	5.0	5.0	4.0	4.0	4.0	4.0	4.0	
Lane Util. Factor	1.00	0.95	1.00	0.97	0.95	1.00	1.00	1.00	1.00	1.00	1.00	
Frpb, ped/bikes	1.00	1.00	1.00	1.00	1.00	0.98	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	
Frt	1.00	1.00	0.85	1.00	1.00	0.85	1.00	1.00	0.85	1.00	0.90	
Flt Protected	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	
Satd. Flow (prot)	1805	3471	1615	3467	3539	1376	1805	1900	1538	1787	1703	
Flt Permitted	0.95	1.00	1.00	0.95	1.00	1.00	0.69	1.00	1.00	0.75	1.00	
Satd. Flow (perm)	1805	3471	1615	3467	3539	1376	1320	1900	1538	1417	1703	
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)	9	1377	4	359	1927	14	103	7	287	100	23	40
RTOR Reduction (vph)	0	0	1	0	0	3	0	0	73	0	37	0
Lane Group Flow (vph)	9	1377	3	359	1927	11	103	7	214	100	26	0
Confl. Bikes (#/hr)						1						1
Heavy Vehicles (%)	0%	4%	0%	1%	2%	15%	0%	0%	5%	1%	0%	0%
Turn Type	Prot	NA	pm+ov	Prot	NA	Perm	pm+pt	NA	pm+ov	pm+pt	NA	
Protected Phases	5	2	3	1	6		3	8	1	7	4	
Permitted Phases			2			6	8		8	4		
Actuated Green, G (s)	0.6	82.7	85.7	16.4	98.5	98.5	13.9	10.9	27.3	13.9	10.9	
Effective Green, g (s)	0.6	82.7	85.7	16.4	98.5	98.5	13.9	10.9	27.3	13.9	10.9	
Actuated g/C Ratio	0.00	0.64	0.66	0.13	0.76	0.76	0.11	0.08	0.21	0.11	0.08	
Clearance Time (s)	4.0	5.0	4.0	4.0	5.0	5.0	4.0	4.0	4.0	4.0	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	
Lane Grp Cap (vph)	8	2208	1064	437	2681	1042	152	159	370	160	142	
v/s Ratio Prot	c0.00	0.40	0.00	c0.10	c0.54		c0.02	0.00	0.07	0.01	0.02	
v/s Ratio Perm			0.00			0.01	c0.06		0.07	0.05		
v/c Ratio	1.12	0.62	0.00	0.82	0.72	0.01	0.68	0.04	0.58	0.62	0.19	
Uniform Delay, d1	64.7	14.3	7.6	55.4	8.4	3.8	55.5	54.8	46.2	55.2	55.4	
Progression Factor	1.32	2.27	1.00	0.94	1.21	1.00	1.00	1.00	1.00	1.00	1.00	
Incremental Delay, d2	304.3	0.9	0.0	8.9	1.3	0.0	9.0	0.0	1.4	5.4	0.2	
Delay (s)	389.5	33.3	7.6	61.1	11.5	3.9	64.6	54.8	47.6	60.6	55.7	
Level of Service	F	C	A	E	B	A	E	D	D	E	E	
Approach Delay (s)		35.6			19.2			52.1			58.7	
Approach LOS		D			B			D			E	
Intersection Summary												
HCM 2000 Control Delay			29.1			HCM 2000 Level of Service			C			
HCM 2000 Volume to Capacity ratio			0.72									
Actuated Cycle Length (s)			130.0			Sum of lost time (s)			17.0			
Intersection Capacity Utilization			76.9%			ICU Level of Service			D			
Analysis Period (min)			15									

c Critical Lane Group

Queues

4: I-5 SB Ramps & Kuebler Blvd



Lane Group	EBT	EBR	WBT	WBR	SBL	SBR
Lane Group Flow (vph)	1602	147	869	225	91	1411
v/c Ratio	0.76	0.09	0.51	0.15	0.69	0.86
Control Delay	25.6	0.1	29.2	0.2	83.9	21.1
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	25.6	0.1	29.2	0.2	83.9	21.1
Queue Length 50th (ft)	705	0	277	0	76	353
Queue Length 95th (ft)	680	0	426	0	#159	331
Internal Link Dist (ft)	1344		678			
Turn Bay Length (ft)		150		250		475
Base Capacity (vph)	2143	1599	1707	1493	132	1952
Starvation Cap Reductn	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0
Reduced v/c Ratio	0.75	0.09	0.51	0.15	0.69	0.72

Intersection Summary

95th percentile volume exceeds capacity, queue may be longer.













Queue shown is maximum after two cycles.

HCM Signalized Intersection Capacity Analysis

22051- Salem Costco Relocation

4: I-5 SB Ramps & Kuebler Blvd

Total Traffic 2021 - PM Discount Club

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↑↑	↗		↑↑	↗				↗		↗↗
Traffic Volume (vph)	0	1538	141	0	834	216	0	0	0	87	0	1355
Future Volume (vph)	0	1538	141	0	834	216	0	0	0	87	0	1355
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	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)		3471	1599		3539	1493				1570		2787
Flt Permitted		1.00	1.00		1.00	1.00				0.95		1.00
Satd. Flow (perm)		3471	1599		3539	1493				1570		2787
Peak-hour factor, PHF	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
Adj. Flow (vph)	0	1602	147	0	869	225	0	0	0	91	0	1411
RTOR Reduction (vph)	0	0	0	0	0	0	0	0	0	0	0	341
Lane Group Flow (vph)	0	1602	147	0	869	225	0	0	0	91	0	1070
Confl. Bikes (#/hr)						1						
Heavy Vehicles (%)	0%	4%	1%	0%	2%	6%	0%	0%	0%	15%	0%	2%
Turn Type		NA	Free		NA	Free				Perm		custom
Protected Phases		2			6							5 7 8
Permitted Phases			Free			Free				7		
Actuated Green, G (s)		79.0	130.0		62.7	130.0				11.0		58.3
Effective Green, g (s)		79.0	130.0		62.7	130.0				11.0		60.8
Actuated g/C Ratio		0.61	1.00		0.48	1.00				0.08		0.47
Clearance Time (s)		5.0			5.0					4.0		
Vehicle Extension (s)		0.5			0.5					0.5		
Lane Grp Cap (vph)		2109	1599		1706	1493				132		1303
v/s Ratio Prot		c0.46			0.25							c0.38
v/s Ratio Perm			0.09			0.15				0.06		
v/c Ratio		0.76	0.09		0.51	0.15				0.69		0.82
Uniform Delay, d1		18.6	0.0		23.1	0.0				57.8		29.9
Progression Factor		1.19	1.00		1.10	1.00				1.00		1.00
Incremental Delay, d2		2.1	0.1		1.0	0.2				11.3		4.1
Delay (s)		24.2	0.1		26.3	0.2				69.2		34.0
Level of Service		C	A		C	A				E		C
Approach Delay (s)		22.1			21.0			0.0			36.1	
Approach LOS		C			C			A			D	
Intersection Summary												
HCM 2000 Control Delay			26.7									
HCM 2000 Volume to Capacity ratio			0.82									
Actuated Cycle Length (s)			130.0							9.5		
Intersection Capacity Utilization			78.0%									
Analysis Period (min)			15									
c Critical Lane Group												

Queues
5: I-5 NB Ramps & Kuebler Blvd













	→	←	↑	↗
Lane Group	EBT	WBT	NBT	NBR
Lane Group Flow (vph)	675	1370	78	174
v/c Ratio	0.23	0.48	0.63	0.68
Control Delay	2.4	2.8	80.1	22.0
Queue Delay	0.0	0.0	0.0	0.0
Total Delay	2.4	2.8	80.1	22.0
Queue Length 50th (ft)	42	93	65	0
Queue Length 95th (ft)	84	156	116	72
Internal Link Dist (ft)	678	1854	904	
Turn Bay Length (ft)				150
Base Capacity (vph)	2994	2852	529	519
Starvation Cap Reductn	0	0	0	0
Spillback Cap Reductn	0	0	0	0
Storage Cap Reductn	0	0	0	0
Reduced v/c Ratio	0.23	0.48	0.15	0.34
Intersection Summary				

HCM Signalized Intersection Capacity Analysis

22051- Salem Costco Relocation

5: I-5 NB Ramps & Kuebler Blvd

Total Traffic 2021 - PM Discount Club

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↑↑			↑↑			↑	↑			
Traffic Volume (vph)	0	628	0	0	979	295	72	1	162	0	0	0
Future Volume (vph)	0	628	0	0	979	295	72	1	162	0	0	0
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		-4%			4%			0%			0%	
Total Lost time (s)		5.0			5.0			4.0	4.0			
Lane Util. Factor		0.95			0.95			1.00	1.00			
Frpb, ped/bikes		1.00			1.00			1.00	1.00			
Flpb, ped/bikes		1.00			1.00			1.00	1.00			
Frt		1.00			0.97			1.00	0.85			
Flt Protected		1.00			1.00			0.95	1.00			
Satd. Flow (prot)		3474			3301			1811	1357			
Flt Permitted		1.00			1.00			0.95	1.00			
Satd. Flow (perm)		3474			3301			1811	1357			
Peak-hour factor, PHF	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93
Adj. Flow (vph)	0	675	0	0	1053	317	77	1	174	0	0	0
RTOR Reduction (vph)	0	0	0	0	8	0	0	0	162	0	0	0
Lane Group Flow (vph)	0	675	0	0	1362	0	0	78	12	0	0	0
Confl. Bikes (#/hr)			1									
Heavy Vehicles (%)	0%	6%	4%	0%	3%	5%	0%	0%	19%	0%	0%	0%
Turn Type		NA			NA		Split	NA	Perm			
Protected Phases		2			6		8	8				
Permitted Phases									8			
Actuated Green, G (s)		112.1			112.1			8.9	8.9			
Effective Green, g (s)		112.1			112.1			8.9	8.9			
Actuated g/C Ratio		0.86			0.86			0.07	0.07			
Clearance Time (s)		5.0			5.0			4.0	4.0			
Vehicle Extension (s)		0.5			0.5			0.5	0.5			
Lane Grp Cap (vph)		2995			2846			123	92			
v/s Ratio Prot		0.19			c0.41			c0.04				
v/s Ratio Perm									0.01			
v/c Ratio		0.23			0.48			0.63	0.13			
Uniform Delay, d1		1.5			2.1			59.0	56.9			
Progression Factor		1.39			1.00			1.00	1.00			
Incremental Delay, d2		0.1			0.6			7.6	0.2			
Delay (s)		2.2			2.7			66.6	57.1			
Level of Service		A			A			E	E			
Approach Delay (s)		2.2			2.7			60.1			0.0	
Approach LOS		A			A			E			A	
Intersection Summary												
HCM 2000 Control Delay			8.8			HCM 2000 Level of Service			A			
HCM 2000 Volume to Capacity ratio			0.49									
Actuated Cycle Length (s)			130.0			Sum of lost time (s)			9.0			
Intersection Capacity Utilization			49.0%			ICU Level of Service			A			
Analysis Period (min)			15									
c Critical Lane Group												

MOVEMENT SUMMARY

Site: 9 [Site Access East]

27th Ave and Site Drive East -PM Peak Hour
Site Category: (None)
Roundabout

Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back Vehicles veh	of Queue Distance ft	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed mph
South: 27th Ave												
3	L2	1	1.0	0.159	5.2	LOS A	0.7	17.8	0.47	0.36	0.47	28.0
8	T1	151	2.0	0.159	5.3	LOS A	0.7	17.8	0.47	0.36	0.47	27.8
18	R2	1	1.0	0.159	5.2	LOS A	0.7	17.8	0.47	0.36	0.47	27.1
Approach		153	2.0	0.159	5.3	LOS A	0.7	17.8	0.47	0.36	0.47	27.8
East: Zone Change Lot Drive												
1	L2	1	1.0	0.005	4.4	LOS A	0.0	0.4	0.50	0.31	0.50	27.6
6	T1	1	1.0	0.005	4.4	LOS A	0.0	0.4	0.50	0.31	0.50	27.4
16	R2	1	1.0	0.005	4.4	LOS A	0.0	0.4	0.50	0.31	0.50	26.7
Approach		4	1.0	0.005	4.4	LOS A	0.0	0.4	0.50	0.31	0.50	27.2
North: 27th Ave												
7	L2	1	1.0	0.133	3.6	LOS A	0.6	14.7	0.03	0.00	0.03	28.5
4	T1	184	2.0	0.133	3.7	LOS A	0.6	14.7	0.03	0.00	0.03	28.3
14	R2	287	1.0	0.205	4.3	LOS A	1.0	24.7	0.04	0.01	0.04	27.1
Approach		472	1.4	0.205	4.0	LOS A	1.0	24.7	0.04	0.00	0.04	27.6
West: Costco Site Access East												
5	L2	330	1.0	0.299	6.1	LOS A	1.6	40.3	0.41	0.28	0.41	26.1
2	T1	1	1.0	0.299	6.1	LOS A	1.6	40.3	0.41	0.28	0.41	25.9
12	R2	5	1.0	0.299	6.1	LOS A	1.6	40.3	0.41	0.28	0.41	25.3
Approach		337	1.0	0.299	6.1	LOS A	1.6	40.3	0.41	0.28	0.41	26.0
All Vehicles		966	1.3	0.299	4.9	LOS A	1.6	40.3	0.24	0.16	0.24	27.0

Site Level of Service (LOS) Method: Delay & v/c (HCM 6). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Roundabout LOS Method: Same as Sign Control.

Vehicle movement LOS values are based on average delay and v/c ratio (degree of saturation) per movement.

LOS F will result if v/c > 1 irrespective of movement delay value (does not apply for approaches and intersection).

Intersection and Approach LOS values are based on average delay for all movements (v/c not used as specified in HCM 6).

Roundabout Capacity Model: US HCM 6.

HCM Delay Formula option is used. Control Delay does not include Geometric Delay since Exclude Geometric Delay option applies.



















Gap-Acceptance Capacity: Traditional M1.

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

HCM Unsignalized Intersection Capacity Analysis7: 27th Ave SE & Boone Rd SE

22051- Salem Costco Relocation

Total Traffic 2021 - PM Discount Club






																		
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR						
Lane Configurations																		
Sign Control	Stop				Stop			Stop			Stop							
Traffic Volume (vph)	106	21	12	0	14	9	7	4	0	15	8	126						
Future Volume (vph)	106	21	12	0	14	9	7	4	0	15	8	126						
Peak Hour Factor	0.79	0.79	0.79	0.79	0.79	0.79	0.79	0.79	0.79	0.79	0.79	0.79						
Hourly flow rate (vph)	134	27	15	0	18	11	9	5	0	19	10	159						
Direction, Lane #	EB 1	EB 2	WB 1	NB 1	SB 1	SB 2												
Volume Total (vph)	134	42	29	14	19	169												
Volume Left (vph)	134	0	0	9	19	0												
Volume Right (vph)	0	15	11	0	0	159												
Hadj (s)	0.58	-0.25	-0.23	0.13	0.50	-0.64												
Departure Headway (s)	5.6	4.8	5.0	5.4	5.6	4.4												
Degree Utilization, x	0.21	0.06	0.04	0.02	0.03	0.21												
Capacity (veh/h)	617	724	682	634	617	780												
Control Delay (s)	8.8	6.8	8.2	8.5	7.5	7.4												
Approach Delay (s)	8.4		8.2	8.5	7.4													
Approach LOS	A		A	A	A													
Intersection Summary																		
Delay			7.9															
Level of Service			A															
Intersection Capacity Utilization			27.4%		ICU Level of Service		A											
Analysis Period (min)			15															

HCM Unsignalized Intersection Capacity Analysis8: Boone Rd SE & Site Drive - South

22051- Salem Costco Relocation

Total Traffic 2021 - PM Discount Club





















Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (veh/h)	48	112	147	0	27	52
Future Volume (Veh/h)	48	112	147	0	27	52
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Peak Hour Factor	0.79	0.79	0.79	0.79	0.79	0.79
Hourly flow rate (vph)	61	142	186	0	34	66
Pedestrians		1			1	
Lane Width (ft)		12.0			12.0	
Walking Speed (ft/s)		4.0			4.0	
Percent Blockage		0			0	
Right turn flare (veh)						
Median type		TWLT	TWLT			
Median storage veh		2	2			
Upstream signal (ft)		1222				
pX, platoon unblocked						
vC, conflicting volume	187				451	188
vC1, stage 1 conf vol					187	
vC2, stage 2 conf vol					264	
vCu, unblocked vol	187				451	188
tC, single (s)	4.1				6.4	6.2
tC, 2 stage (s)					5.4	
tF (s)	2.2				3.5	3.3
p0 queue free %	96				95	92
cM capacity (veh/h)	1398				690	858
Direction, Lane #	EB 1	EB 2	WB 1	SB 1	SB 2	
Volume Total	61	142	186	34	66	
Volume Left	61	0	0	34	0	
Volume Right	0	0	0	0	66	
cSH	1398	1700	1700	690	858	
Volume to Capacity	0.04	0.08	0.11	0.05	0.08	
Queue Length 95th (ft)	3	0	0	4	6	
Control Delay (s)	7.7	0.0	0.0	10.5	9.5	
Lane LOS	A			B	A	
Approach Delay (s)	2.3		0.0	9.9		
Approach LOS				A		
Intersection Summary						
Average Delay			3.0			
Intersection Capacity Utilization			24.9%	ICU Level of Service		A
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis9: Clinic Driveway & Boone Rd SE

22051- Salem Costco Relocation

Total Traffic 2021 - PM Discount Club

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	81	119	0	0	128	6	0	0	0	30	0	220
Future Volume (Veh/h)	81	119	0	0	128	6	0	0	0	30	0	220
Sign Control	Free				Free				Stop		Stop	
Grade	0%				0%				0%		0%	
Peak Hour Factor	0.71	0.71	0.71	0.71	0.71	0.71	0.71	0.71	0.71	0.71	0.71	0.71
Hourly flow rate (vph)	114	168	0	0	180	8	0	0	0	42	0	310
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type	TWLTL				TWLTL							
Median storage veh)	2				2							
Upstream signal (ft)	462											
pX, platoon unblocked												
vC, conflicting volume	188			168			890	584	168	580	580	184
vC1, stage 1 conf vol							396	396		184	184	
vC2, stage 2 conf vol							494	188		396	396	
vCu, unblocked vol	188			168			890	584	168	580	580	184
tC, single (s)	4.1			4.1			7.1	6.5	6.2	7.2	6.5	6.2
tC, 2 stage (s)							6.1	5.5		6.2	5.5	
tF (s)	2.2			2.2			3.5	4.0	3.3	3.6	4.0	3.3
p0 queue free %	92			100			100	100	100	92	100	64
cM capacity (veh/h)	1398			1422			237	509	881	529	524	864
Direction, Lane #	EB 1	EB 2	WB 1	NB 1	SB 1	SB 2						
Volume Total	114	168	188	0	42	310						
Volume Left	114	0	0	0	42	0						
Volume Right	0	0	8	0	0	310						
cSH	1398	1700	1700	1700	529	864						
Volume to Capacity	0.08	0.10	0.11	0.00	0.08	0.36						
Queue Length 95th (ft)	7	0	0	0	6	41						
Control Delay (s)	7.8	0.0	0.0	0.0	12.4	11.5						
Lane LOS	A			A	B	B						
Approach Delay (s)	3.2		0.0	0.0	11.6							
Approach LOS				A	B							
Intersection Summary												
Average Delay				6.0								
Intersection Capacity Utilization				27.4%	ICU Level of Service				A			
Analysis Period (min)				15								

Queues

10: Battle Creek Rd SE & Boone Rd SE



Lane Group	EBL	EBT	WBL	WBT	WBR	NBL	NBT	SBL	SBT
Lane Group Flow (vph)	112	70	65	52	248	9	284	104	659
v/c Ratio	0.33	0.18	0.18	0.16	0.34	0.03	0.46	0.19	0.75
Control Delay	18.1	16.5	15.7	22.4	3.7	6.8	16.1	7.5	18.2
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	18.1	16.5	15.7	22.4	3.7	6.8	16.1	7.5	18.2
Queue Length 50th (ft)	25	12	14	14	0	1	66	15	128
Queue Length 95th (ft)	67	47	43	45	38	6	126	35	#386
Internal Link Dist (ft)		664		382			5454		385
Turn Bay Length (ft)	150		150		150	125		200	
Base Capacity (vph)	343	666	354	667	942	290	891	547	1001
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.33	0.11	0.18	0.08	0.26	0.03	0.32	0.19	0.66

Intersection Summary

95th percentile volume exceeds capacity, queue may be longer.






















Queue shown is maximum after two cycles.

HCM Signalized Intersection Capacity Analysis

22051- Salem Costco Relocation

10: Battle Creek Rd SE & Boone Rd SE

Total Traffic 2021 - PM Discount Club

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	106	43	24	62	49	236	9	214	56	99	374	252
Future Volume (vph)	106	43	24	62	49	236	9	214	56	99	374	252
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.5	4.5		4.5	4.5	4.5	4.5	4.5		4.5	4.5	
Lane Util. Factor	1.00	1.00		1.00	1.00	1.00	1.00	1.00		1.00	1.00	
Frt	1.00	0.95		1.00	1.00	0.85	1.00	0.97		1.00	0.94	
Flt Protected	0.95	1.00		0.95	1.00	1.00	0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1703	1798		1805	1845	1615	1805	1733		1805	1761	
Flt Permitted	0.67	1.00		0.71	1.00	1.00	0.22	1.00		0.44	1.00	
Satd. Flow (perm)	1195	1798		1352	1845	1615	416	1733		832	1761	
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)	112	45	25	65	52	248	9	225	59	104	394	265
RTOR Reduction (vph)	0	20	0	0	0	158	0	13	0	0	32	0
Lane Group Flow (vph)	112	50	0	65	52	90	9	271	0	104	627	0
Heavy Vehicles (%)	6%	0%	0%	0%	3%	0%	0%	5%	11%	0%	1%	2%
Turn Type	pm+pt	NA		pm+pt	NA	custom	pm+pt	NA		pm+pt	NA	
Protected Phases	5	2		1	6		3	8		7	4	
Permitted Phases	2			6		8	8			4		
Actuated Green, G (s)	13.3	10.3		11.7	9.5	20.2	20.9	20.2		28.9	24.2	
Effective Green, g (s)	13.3	10.3		11.7	9.5	20.2	20.9	20.2		28.9	24.2	
Actuated g/C Ratio	0.24	0.19		0.21	0.17	0.36	0.38	0.36		0.52	0.44	
Clearance Time (s)	4.5	4.5		4.5	4.5	4.5	4.5	4.5		4.5	4.5	
Vehicle Extension (s)	3.0	3.0		3.0	3.0	3.0	3.0	3.0		3.0	3.0	
Lane Grp Cap (vph)	314	334		303	316	588	174	631		516	769	
v/s Ratio Prot	c0.02	0.03		0.01	0.03		0.00	0.16		c0.02	c0.36	
v/s Ratio Perm	c0.07			0.04		0.06	0.02			0.09		
v/c Ratio	0.36	0.15		0.21	0.16	0.15	0.05	0.43		0.20	0.82	
Uniform Delay, d1	17.1	18.9		17.9	19.6	11.8	11.6	13.3		7.1	13.7	
Progression Factor	1.00	1.00		1.00	1.00	1.00	1.00	1.00		1.00	1.00	
Incremental Delay, d2	0.7	0.2		0.4	0.2	0.1	0.1	0.5		0.2	6.7	
Delay (s)	17.8	19.1		18.2	19.8	12.0	11.7	13.7		7.3	20.3	
Level of Service	B	B		B	B	B	B	B		A	C	
Approach Delay (s)		18.3			14.2			13.7			18.6	
Approach LOS		B			B			B			B	
Intersection Summary												
HCM 2000 Control Delay			16.6			HCM 2000 Level of Service				B		
HCM 2000 Volume to Capacity ratio			0.67									
Actuated Cycle Length (s)			55.4			Sum of lost time (s)			18.0			
Intersection Capacity Utilization			62.2%			ICU Level of Service			B			
Analysis Period (min)			15									
c Critical Lane Group												

MARION COUNTY

BILL BURGESS, COUNTY CLERK

02-26-2016

04:34 pm.

Control Number 404224 \$ 76.00

Instrument 2016 00011029

CERTIFICATE OF PARTIAL SATISFACTION OF CONDITIONS OF APPROVAL AND DEFERRAL AGREEMENT

Know all persons by these presents that the City of Salem, an Oregon municipal corporation, declares that the conditions and obligations set forth in that certain deferral agreement recorded in Reel 3471, Page 126, Deed Records of Marion County, and those certain conditions of approval in the following land use or limited land use decisions; Site Plan Review/Design Review, Case No. SPR-UGA 12-11, Comprehensive Plan Change/Zone Change, Case No. CPC/ZC 06-6, and Zone Change, Case No. ZC 09-3, have been satisfied and discharged as set forth in Exhibit 1, attached hereto.

Dated this 30 day of November, 2015.

By: Steven Powers
City Manager, City of Salem, Oregon

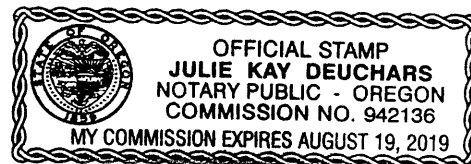
STATE OF OREGON)
County of Marion) ss.

This instrument was acknowledged before me on November 30, 2015, by ~~Kacey Duncan as the Interim~~ City Manager of the City of Salem, Oregon.
Steve Powers as

Julie Kay Deuchars
Notary Public—State of Oregon
My commission expires: August 19, 2019

Public Works Information Only

Project Number: 713513



After recording, return to:

City Recorder
555 Liberty Street SE, Room 205
Salem OR 97301-3513

Checked by: JW

Prepared by: _____

EXHIBIT 1

Item	Condition of Approval # and description	Decision #	Status	Detail
1	1) Construct a minimum 15' wide half-street improvement along the entire frontage on the development side of Boone Road SE. The Street and ROW width shall also accommodate a westbound right-turn lane and a westbound left-turn lane at Battle Creek Road SE (Battle Creek)	SPR-UGA 12-11	Fully Satisfied	
2	2) As a condition of building permit issuance for UGA Phase 1, construct a minimum 23-foot-wide half-street improvement on the development side of Battle Creek from Boone Road to Kuebler Boulevard SE (Kuebler). The street and ROW width shall accommodate a northbound left-turn lane at Kuebler with a minimum of 300 feet of storage and a southbound left-turn lane at Boone with a minimum of 300 feet of storage	SPR-UGA 12-11	Fully Satisfied	
3	3) As a condition of building permit issuance for UGA Phase 1, construct and exclusive eastbound right-turn lane on Kuebler at Battle Creek	SPR-UGA 12-11	Fully Satisfied	
4	4) As a condition of building permit issuance for the first building in UGA Phase 2 or UGA Future Phase, along the entire frontage of the development side of Kuebler, construct a minimum 40-foot-wide half-street improvement. This project meets the criteria for fee-in-lieu of improvement per SRC 66.595	SPR-UGA 12-11	Fully Satisfied	Will be completed by City Improvements.
5	5) As a condition of building permit issuance for UGA Phase 1, construct a 12-inch water main in Battle Creek from Boone to Kuebler as shown in the Water System Master Plan. The main shall connect to the existing 30-inch system in Boone and terminate at the northerly extent of the Battle Creek improvement	SPR-UGA 12-11	Fully Satisfied	
6	6) As a condition of building permit issuance for the first building in UGA phase 2 or UGA Future Phase complete the 12-inch water system in Battle Creek from Boone to Kuebler by connecting the 12 inch main in Battle Creek to the 10-inch main in the north side of Kuebler	SPR-UGA 12-11	Fully Satisfied	Will be completed by City Improvements.

7	7) Prior to the issuance of the building permit for the first building in UGA Phase 1, the applicant shall provide separate legal descriptions for the property zoned CR (Commercial Retail) and CO (Commercial Office)	SPR-UGA 12-11	Fully Satisfied	
8	8) Prior to the issuance of the building permit for the first building in UGA Phase 1, the applicant shall record Property Line Adjustment No. 12-03 and Property Line Adjustment No. 12-04	SPR-UGA 12-11	Fully Satisfied	
9	9) As a condition of building permit issuance for the first building in UGA Phase 2 or UGA Future Phase complete all remaining mitigating street improvements required as a condition of approval for zone change 09-03 and specified in the final approval of comprehensive Plan Change/Zone change 06-06	SPR-UGA 12-11	Partially Satisfied	The following conditions are not fully satisfied, and must be completed by developer: Items 12, 13, 15, 16, 17, 20-24, 27, and 28.
10	10) Prior to the issuance of the building permit for the first building in UGA Phase 1, the applicant shall sign an improvement deferral agreement which specifies the terms of the deferral as outlined in conditions 1,2, 3, 4 and 9. Said agreement shall be in a form approved by the city attorney and shall be filed in the deed records of Marion County	SPR-UGA 12-11	Fully Satisfied	
11	11) Prior to the issuance fo the building permit for the first building in UGA Phase 1, the applicant shall provide a copy of the recorded access easement across the abutting property (Marion County Assessor Map and TL 083W12C 01800), including a legal description that specifies the location of the easement and its dimensions in conformance with the approved site plan	SPR-UGA 12-11	Fully Satisfied	
12	1) The intersection of Battle Creek and Boone Roads SE shall be improved to include a traffic signal with dedicated westbound left-turn lane, westbound right turn lane and an eastbound left turn lane. The southbound left-turn lane shall be lengthened to provide a minimum of 300 feet of storage.	CPC/ZC 06-6	Not Satisfied	

13	2) The Intersection of Battle Creek Road SE and Kuebler Boulevard shall be improved to provide exclusive eastbound right-turn lane and northbound left-turn lane with a minimum of 300 feet of storage. To provide the necessary north bound left-turn storage at this intersection with the southbound left-turn lane storage at Battle Creek and Boone Roads, side-by-side left-turn lanes shall be constructed as approved by the Public Works Director.	CPC/ZC 06-6	Partially Satisfied	The following conditions are not satisfied and must be completed by developer: Owners are required to restripe Battlecreek Road between Kuebler and Boone, and also the "shadow" lane reconfiguration a certain distance South of Boone Road and a certain distance North of Kuebler.
14	3) The south side of Kuebler Boulevard shall be widened to meet City of Salem Standards with curb, sidewalk and bike lanes. The widening shall extend from 1500 feet west of Battle Creek Road SE to the Interstate 5 ramps to provide an additional lane for a total of two eastbound lanes	CPC/ZC 06-6	Fully Satisfied	Will be completed by City Improvements.
15	4) Dual left turn lanes shall be constructed on eastbound and westbound Kuebler Boulevard at 27th Ave Se. Only one eastbound left-turn lane will be striped as there is only one receiving lane. <u>For the westbound left turn lanes, an additional receiving lane shall be constructed which will drop immediately south of the subject property's driveway on 27th Avenue.</u> The intersection of Kuebler Blvd at 27th Ave Se shall also be improved to provide an exclusive eastbound right-turn lane.	CPC/ZC 06-6	Partially Satisfied	The following conditions are not satisfied and must be completed by developer: For the westbound left turn lanes, an additional receiving lane shall be constructed which will drop immediately south of the subject property's driveway on 27th Avenue.
16	5) In addition to boundary street improvements required by SRC 77.150, the developer shall coordinate with the city and use best practices for design and location of site access and shall construct left-turn lanes and pedestrian refuge islands where appropriate.	CPC/ZC 06-6	Partially Satisfied.	The following conditions are not satisfied and must be completed by developer: Coordinate with City re: design & location of site access
17	6) The developer shall commit up to \$5,000 for traffic calming devices (such as speed humps or other traffic calming measures) to be used in the residential neighborhood south of the proposed development if a need is identified. The Neighborhood Traffic Management Program is the process used to identify traffic calming needs.	CPC/ZC 06-6	Not Satisfied	

18	7) The developer shall provide right-in access from Kuebler Boulevard with a design that minimizes impact to through vehicles and provides a safe driveway crossing for bicycle and pedestrian traffic the final design of which to be approved by the Salem Public Works Director. In addition, the developer shall complete the widening of the eastbound lanes of Kuebler Boulevard west to Commercial Street. This additional widening of approximately 1300 feet of Kuebler Boulevard is considered as payment for a grant of access on Kuebler Boulevard to allow a right-in driveway on the subject property.	CPC/ZC 06-6	Fully Satisfied	Will be completed by City Improvements.
19	8) The developer shall offset their access driveway along Boone Road SE from Cultus Avenue at a location approved by the Salem Public Works Director.	CPC/ZC 06-6	Fully Satisfied	
20	9) The applicant shall establish a landscaped setback along the street frontages of the project area to provide buffering and screening from the street frontage. Along Kuebler Blvd, the setback shall be a minimum of 5 feet in depth from the property line as required in the CR zone, ARC 152.080. Along Boone Road SE and 27th AVE SE the setback shall be a minimum of fifteen (15) feet in depth where the project area lies opposite residential uses.	CPC/ZC 06-6	Not Satisfied	
21	10) The developer shall provide sidewalks along all street frontages. The sidewalks may be located inside the setback area as part of a landscape plan	CPC/ZC 06-6	Partially Satisfied.	Developer must provide sidewalks along all street frontages, except for Kuebler Blvd. which will be provided by City as part of City Improvements.
22	11) The developer shall provide landscaping within the street frontage setbacks as required in SRC 132	CPC/ZC 06-6	Not Satisfied	
23	12) The developer shall provide a brick or masonry wall with a minimum height of six (6) feet along the interior line of the landscaped setback along Boone road SE and 27th Avenue SE, opposite residential uses. The applicant/developer may provide a landscaped berm within the setback in lieu of a wall	CPC/ZC 06-6	Not Satisfied	

24	13) The developer shall provide sidewalks at all driveway entrances to the development. The internal pedestrian accessway shall be distinct from the vehicular travel lanes by means such as striping, distinctive pavement, elevation, or other method that clearly distinguishes the area for pedestrian travel from vehicle travel.	CPC/ZC 06-6	Not Satisfied	
25	14) The subject 18.4 acre property shall be developed with a retail shopping center. The maximum amount of gross leasable area (GLA) for the retail shopping center on the subject property shall be 240,000 FLA. If the subject property is developed in conjunction with the abutting 10.08 acre property (for simplicity referred to as a 10.0 acre property) currently owned by the Salem Clinic (083W12C tax lot 702 5.5 acres and 083W11D tax lot 600 4.58 acres) the total amount of retail GLA and medical/dental offices on the two properties shall not to exceed 299,000 FLA. As such, the total GLA for a shopping center and offices on the combined properties if developed together, shall not exceed 299,000 GLA. The City shall have the right to enforce this condition through the enforcement procedures in its code or through a post acknowledgement plan amendment using required city and state procedures restoring the Residential plan designation and RA zone to the property.	CPC/ZC 06-6	Not Applicable, this condition is a continuing obligation that constitutes a development standard for the Subject Property.	
26	15) All improvements shall be built as outlined and as set forth in the November 21, 2006 staff report to City Council, including the widening of Kuebler Blvd. from I-5 Interchange to Commercial Street and the right-in access from Kuebler to the property (except as modified by this order)	CPC/ZC 06-6	Fully Satisfied	The improvements outlined in the referenced staff report are set forth as conditions of approval therein. Those conditions of approval are addressed separately in Items 13-31.

27	16) Prior to issuance of a certificate of occupancy for any building on the subject property the following traffic improvements shall be completed; 1) The funded City CIP project to construct improvements on Kuebler Boulevard as identified in the applicant's September 2006 TIA; 2) all traffic mitigation improvements required to be constructed by the Developer as conditions of approval in this decision, and 3) In addition to other traffic mitigation improvements required as conditions of approval, the Developer shall construct an exclusive right-turn lane at the westbound Kuebler Boulevard intersection with 27th Avenue. The traffic improvements that the Developer is responsible for, in addition to the right-turn lane at westbound Kuebler and 27th Ave, are as specified in conditions of approval 1 through 7 of this decision.	CPC/ZC 06-6	Partially Satisfied	The following conditions are not satisfied and must be completed by developer:
28	17) The applicant at the time of development application, shall coordinate with the Salem Area Transit District to enhance transportation and bus facilities on the site.	CPC/ZC 06-6	Not Satisfied	
29	1) Prior to development obtain a new UGA permit for the subject property	ZC09-3	Fully Satisfied	
30	2) Construct the mitigating street improvements specified in the final approval of CPC/ZC 06-6	ZC09-3	Partially Satisfied	The following conditions are not fully satisfied, and must be completed by developer: Items 12, 13, 15, 16, 17, 20-24, 27, and 28.
31	3) At the time of building permit, the applicant shall provide separate legal descriptions for the property zoned CR and CO, respectively.	ZC09-3	Fully Satisfied	

REEL: 3794

PAGE: 111

February 26, 2016, 04:34 pm.

CONTROL #: 404224

State of Oregon
County of Marion

I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:

FEE: \$ 76.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.

PROMISSORY NOTE

\$3,000,000.00

Effective Date: JANUARY 2, 2015

This Promissory Note ("Note") is made by Pacific Realty Associates, LP, a Delaware limited partnership ("Maker") in favor of the City of Salem, an Oregon municipal corporation ("Holder").

1. Payment. Subject to Paragraph 3 of the Improvement Agreement dated JANUARY 2, 2015 executed between Maker and Holder which is incorporated by reference as if fully set forth in this Note (Improvement Agreement), maker promises to pay Holder the amount of \$3,000,000 within 21 days of Holder's written request, provided however that the payment will be adjusted as provided in paragraph 8(c) of the Improvement Agreement.

2. Place of Payments. The payment under this Note will be made payable to the City of Salem, Administrative Services Department, at 550 Liberty Street SE, Room 230, Salem OR 97301 or any other address that Holder may designate by notice to Maker.

3. Events of Default. Each of the following is an event of default under this Note:

- (a) Maker fails to make the payment as require under this Note.
- (b) Maker voluntarily dissolves or ceases to exist, or any final and nonappealeable order or judgment is entered against Maker ordering its dissolution; and
- (c) A proceeding with respect to Maker is commenced under any applicable law for the benefit of creditors, including but not limited to any bankruptcy or insolvency law, or an order for the appointment of a receive, liquidator, trustee, custodian, or other officer having similar powers over Maker is entered.

4. Remedies. On and after an event of default under this Note, Holder may exercise the following remedies, which are cumulative and which may be exercised singularly or concurrently:

- (a) Upon notice to Maker, Holder may accelerate the due date under this Note so that the amount is immediately due in its entirety; and
- (b) Holder may exercise any other remedy available to Holder at law or in equity.

5. Time of Essence. Time is of the essence with respect to all dates and time periods in this Note.

6. Amendment. This Note may be amended only by a written document signed by the party against whom enforcement is sought.

7. Waiver.

(a) Maker waives demand, presentment for payment, notice of dishonor or nonpayment, protest, notice of protest, lack of diligence in collection, and any defense to any action brought by Holder relating to this Note other than the payment, and agree that Holder may extend or postpone the due date of any payment required by this Note without affecting Maker's liability.

(b) No waiver will be binding on Holder unless it is in writing and signed by Holder. Holder's waiver of a breach of this provision of this Note will not be a waiver of any other provision or a waiver of a subsequent breach of the same provision.

8. Severability. If a provision of this Note is determined to be unenforceable in any respect, the enforceability of the provision in any other respect and of the remaining provisions of this Note will not be impaired.

9. Governing Law. This Note is governed by the laws of the State of Oregon, without giving effect to any conflict-of-law principle that would result in the laws of any other jurisdiction covering this Note.

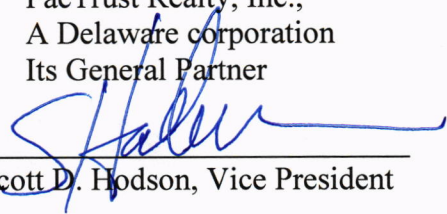
10. Venue. Any action, suit or proceeding arising out of the subject matter of this Note will be litigated in courts located in Marion County, Oregon. Maker consents and submits to the exclusive jurisdiction of any local, state or federal court located in Marion County, Oregon.

11. Attorney's Fees. If any arbitration, action, suit or proceeding is instituted to interpret, enforce, or rescind this Note, or otherwise in connection with the subject matter of this Note, including but not limited to any proceeding brought under the United States Bankruptcy Code, the prevailing party on a claim will be entitled to recover with respect to the claim, in addition to any other relief awarded, the prevailing party's reasonable attorney's fees and other fees, costs, and expenses of every kind, incurred in connection with the arbitration, action, suit, or proceeding, any appeal or petition for review, the collection of any award, or the enforcement of any order, as determined by the arbitrator or court.

Maker:

Pacific Realty Associates, L.P.,
A Delaware limited partnership

By: PacTrust Realty, Inc.,
A Delaware corporation
Its General Partner

By: 
Scott D. Hodson, Vice President

IMPROVEMENT AGREEMENT

This improvement agreement (Improvement Agreement) is by and between the City of Salem, an Oregon municipal corporation ("City") and Pacific Realty Associates, LP, an Delaware limited partnership ("PacTrust"), and M & T Partners, Inc., an Delaware corporation, a wholly owned subsidiary of PacTrust ("M & T"), all of whom are collectively referred to as the "Parties". Unless the context indicates otherwise, PacTrust and M & T are collectively referred to as "Owners."

RECITALS

- A. M & T owns real property located at the 2500 block of Boone Rd SE, Salem Or., which is more particularly described and depicted on Exhibit 1. PacTrust owns real property located at the 2500 block of Boone Rd. SE, Salem Or., which is more particularly described and depicted on Exhibit 2. Together both of these properties are collectively referred to in this Improvement Agreement as "Subject Property".
- B. The Subject Property is burdened by conditions of approval imposed by the following described City of Salem land use approval decisions: SPR-UGA 12-11 (dated September 7, 2012); Order No.2007-16-CPC/ZC Comprehensive Plan Change/Zone Change No 06-6-CPC/ZC dated (December 10, 2007); and ZC 09-03 (dated October 28, 2009) (hereinafter collectively referred to as "Decisions"). The Decisions' conditions of approval require, among other things, the construction of public improvements, some of which are Qualified Public Improvements as defined in SRC 41.100(h), and some of which are not Qualified Public Improvements, but are otherwise required by the Salem Revised Code, or necessary mitigation for the effects of the Decisions ("Owner Improvements"). Qualified Public Improvements are eligible for City Systems Development Charge (SDC) Credits per SRC 41.100(b). The conditions of approval required by the Decisions are listed in Exhibit 3 – Table of Conditions.
- C. M & T and City have executed an Improvement Deferral Agreement, which allows the deferral of the construction of some of the Owner Improvements that are required by the Decisions, until the occurrence of specified events. The deferred public improvements are identified on Exhibit 3.
- D. The Decisions' conditions of approval requiring construction of public improvements and Qualified Public Improvements that are within the scope of this Improvement Agreement, are identified on Exhibit 3.
- E. City has approved the use of City funds for the construction of improvements to Kuebler Boulevard ("Blvd."), and related improvements (the "City Improvements") to be substantially complete on or before January 2, 2017 (the "Completion Date"). The City

Improvements are listed in Exhibit 3. The City Improvements include the Qualified Public Improvements and certain of the public improvements Owners are required to complete by the Decisions' conditions of approval; those improvements are referred to herein as the "Required Improvements," and are identified in Exhibit 3.

- F. In order to fully fund the City Improvements, and to more efficiently and timely complete the City Improvements and Required Improvements; City has requested, and the Owners have agreed, that Owners will pay to the City a total of Three Million Dollars (\$3,000,000.00), which is an amount reasonably estimated to be Owners' cost of the Required Improvements that will be constructed by City as part of the City Improvements (the "Owners' Payment"), the payment of which is intended to satisfy Owners' obligations with respect to the Required Improvements that are included within the scope of the City Improvements as identified in Exhibit 3.

Agreement

Now therefore, the parties agree as follows:

1. The Parties agree that Owners' Payment shall satisfy Owners' obligations with respect to Items 4, 6, 14, 18 of Exhibit 3, and those portions of Items 9, 13, 15, 16, 21, 26, 27, and 30 of Exhibit 3 that are within the scope of the City Improvements. The Parties further agree that Owners' Payment shall satisfy those conditions of approval, and portions of conditions of approval of the Decisions as identified in Exhibit 3.
2. The Parties agree that Owners have satisfied Condition 1 through Condition 3 of the Improvement Deferral Agreement, and that Owners' Payment shall satisfy Condition 4 and those portions of Conditions 9 of the Improvement Deferral Agreement as identified in Exhibit 3.
3. The Owners agree that upon execution of this Improvement Agreement, one or both of the Owners will deliver a promissory note to the City in substantially the form attached as Exhibit 4, acknowledging the limitations of Paragraph 4 of this Improvement Agreement and specifying that the executor of the promissory note will pay the Owners' Payment to the City, payable to the City of Salem, Administrative Services Department, at 550 Liberty Street SE, Room 230, Salem, OR 97301, within 21 days of the City's written request for the same, provided however the amount of the Owners' Payment shall be adjusted as provided in Paragraph 9(c) below. The total amount of the Owners Payment shall be \$3 million dollars. Subject to Paragraph 4 of this Improvement Agreement, the City agrees that it shall request payment of the Owners' Payment no later than November 1, 2015. City agrees that upon receipt of Owners' Payment that it shall concurrently deliver to Owners a certification of partial satisfaction of the Improvement Deferral Agreement, substantially in the form attached as Exhibit 5, certifying that conditions of

are Owners' sole obligation, no SDC credits or reimbursement is available for Owners' construction of these improvements. The Parties agree to cooperate to develop in advance of the construction of the Right-In and Related Improvements a mutually agreed upon schematic of the composition of the Right-In and Related Improvements that are not eligible for SDC credits.

9. The Parties agree that Owners' right to construct Right In and Related Improvements shall be exercised, if at all, as follows:
 - a. Owners, individually or collectively, may make an election to construct the Right In and Related Improvements, in writing addressed to the City at the Notice address listed in Paragraph 13.
 - b. Owners shall coordinate the design of the Right In and Related Improvements with the City. The City agrees to use commercially reasonable efforts to review and to approve Owners proposed design of the Right-In and Related Improvements as submitted or with any reasonable changes, within 30 days after Owners submittal of a proposed design for the Right In and Related Improvements.
 - c. The Parties agree that if one or both of Owners invoke the option to construct the Right-In and Related Improvements, then the City shall deduct from the Owners' Payment (if it has not yet been paid by Owner to the City), or shall pay to Owner (if it has been paid), the reasonable cost of Owners' construction costs of such Right-In and Related Improvements, as such cost have been reviewed and accepted by City. "Reasonable cost" does not include design cost and permit fees Owners may incur in the construction of the Right In and Related Improvements. The deduction or return of payment, as the case may be, shall occur upon City's approval of the reasonable cost and City's acceptance of the constructed Right-In and Related Improvements, which approval and acceptance shall not be unreasonably withheld or delayed.
10. The Parties agree that Owners' Payment reflects the Owners' reasonable estimated cost of construction of the Owner Improvements to be constructed by City as part of the City Improvements, before any SDC credits. The Owners' Payment is based on Owners' estimated costs of construction, after adjusting for the time value of money and risk of cost variability over the likely time period that Owners would have otherwise been required to perform the conditions of approval in the event that Owners had not agreed to accelerate the payment as set forth herein, to accommodate earlier development of the City Improvements.
11. The Parties agree that Owners' construction of the Qualified Improvements that are part of the Owner Improvements through payment of the Owners' Payment, as provided in this Improvement Agreement, is eligible for SDC credits. The City represents, and Owners acknowledge and agree not to contest, that Owners' SDC credit amount is \$2.0 Million. The Parties agree that Owners' eligibility for \$2.0 Million in SDC credits under this Paragraph is a material term to this Improvement Agreement.

- a. The term “Adjacent Property” refers to property, any portion of which is within 1/3 mile of the Subject Property as measured from the closest point of the Subject Property to the Adjacent Property.
- b. For a period of ten (10) years after the City Commitment, Owners may apply the SDC Credits against SDC fees required for development projects located on the Subject Property or Adjacent property owned by Owners or in which Owners have an interest at the time the SDC’s fees become due for a development project on the Subject Property or the Adjacent Property.
- c. Reimbursement in excess of credits. Subject to budgetary appropriation, any unused credits remaining at the expiration of the 10 year period, shall reimbursed to Owners as a reimbursement in excess of credits pursuant to SRC 41.310(b).

12. Alternatively, the parties agree that the Owners’ Payment constitutes a “Fee in Lieu of Construction” as provided in SRC 200.405(a)(3) and that:

- a. The City has determined, and Owners rely on City determinations that SRC 200.405(a)(3) is met, because:
 - i. The Required Improvements are only a portion of the public improvements required under SPR-UGA 12-11;
 - ii. The City Improvements are required to be constructed for Kuebler Blvd. to be an operational, fully functioning transportation facility;
 - iii. The construction of the other public improvements in the conditions required by SPR-UGA 12-11 will not otherwise occur simultaneously with the City Improvements, because funding for other portions of the Kuebler Blvd. project will not necessarily be available when the developer would construct the Owner Improvements, and
 - iv. The construction of the other public improvements in SPR-UGA 12-11 would impede construction of the City Improvements or otherwise affect the physical integrity of the City Improvements at a future date.
- b. The Parties agree that the Owners’ Payment reflects the Owners’ reasonable estimated pro rata share of the cost of Owners’ Improvements, before any SDC credits, after adjusting for time value of money and risk of cost variability over the likely time period Owners would have otherwise been required to perform the conditions of approval in the event that Owners had not agreed to accelerate the payment agreed upon herein, to accommodate earlier development of the City Improvements.
- c. While the Owners’ Payment does not include an upfront offset to reflect Owners’ proportional share of the public improvement and does not deduct up front SDC Credits, the City finds it is not required to apply up front off-sets to meet this provision. Rather, the City finds, and Owners agree, that Owners’ right to pay only its estimated cost of the Owner Improvements, and to have amounts of SDC credits deducted from the Owners’ Payment of a Fee-in Lieu, is reflected in:

- i. The SDC credits contemplated by this Improvement Agreement to be deducted from SDC charges applicable to development of the Subject Property or Adjacent Property; and
 - ii. Reimbursement in excess of credits after the 10 year period after the City Commitment subject to budgetary appropriation pursuant to SRC 41.310(b).
13. Whenever notice is required or permitted to be given under this Improvement Agreement, such notice shall be given in writing to the other party by personal delivery, by sending via a reputable commercial overnight courier, by mailing using United States mail, postage prepaid to the following:

City:
City of Salem, Public Works Department
Attn: City Engineer
550 Liberty St. SE, Room 325
Salem, OR 97301
Fax:

Owners:
Pacific Realty Associates
Attn: Scott Hodson
15350 SW Sequoia Pkwy, Ste 300,
Portland OR 97224
FAX: 503-624-7755
14. **Indemnity for Construction.** City agrees to hold harmless, indemnify, and defend Owners, and its officers and employees from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from, arising out of, or related to any claim or action, legal or equitable, brought against Owners, their agents, or employees, to the extent caused by or based upon City's construction of the City Improvements constructed by the City as contemplated by this Improvement Agreement.
15. **Nonseverable.** Should any part of this Agreement be rendered or declared invalid by a court or board of competent jurisdiction, such invalidation of such part or portion of this Agreement shall invalidate this Agreement in total.
16. This Agreement binds, and inures to the benefit of, the parties and their successors or assigns. Where this Improvement Agreement references M & T or Pac Trust or Owners, such reference shall be deemed to include not only M & T, Pac Trust or Owners, but also the successors or assigns of each.

This Agreement is effective on the date last signed by all Parties below.

Pacific Realty Associates, L.P,
a Delaware limited partnership

By: PacTrust Realty, Inc.
a Delaware corporation,
its General Partner

Date: 1/2/15

By: [Signature]
Scott D. Hodson, Vice President

City of Salem, an Oregon municipal corporation

[Signature]

By: Linda Norris, City Manager

M&T Partners, Inc., a Delaware
corporation

By: [Signature]
Scott D. Hodson,
its Vice President

Date: 1/2/15

Date: 12/29/2014

EXHIBITS:

- Exhibit 1: M&T Property – Legal Description
- Exhibit 2: PacTrust Property – Legal Description
- Exhibit 3: Table of Conditions
- Exhibit 4: Promissory Note
- Exhibit 5: Certificate of Partial Satisfaction of Improvement Deferral Agreement and Conditions of Approval
- Exhibit 6. Map of Potential Right of Way



EXHIBIT 1

FEBRUARY 25, 2014

M&T PARTNERS PROPERTY
LEGAL DESCRIPTION

PROJECT NO. 034829

A TRACT OF LAND BEING A PORTION OF THAT PROPERTY DESCRIBED IN REEL 3436 PAGE 176 OF THE MARION COUNTY DEED RECORDS AND ALSO BEING A PORTION OF BOTH PARCELS "A" AND "B" OF SAID DEED, LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 11 AND THE SOUTHWEST ONE-QUARTER OF SECTION 12, TOWNSHIP 8 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, CITY OF SALEM, MARION COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE CORNER COMMON TO SECTIONS 11, 12, 13 AND 14 OF SAID TOWNSHIP AND RANGE; THENCE NORTH 02°17'48" EAST, 34.88 FEET TO THE POINT OF BEGINNING AND BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BOONE ROAD S.E.; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING FIVE COURSES: NORTH 87°52'46" WEST, 58.35 FEET TO THE BEGINNING OF A 43.50 FOOT RADIUS CURVE CONCAVE NORTHERLY; THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 10°20'48" (THE CHORD OF WHICH BEARS NORTH 82°42'22" WEST, 7.84 FEET) AN ARC DISTANCE OF 7.86 FEET TO THE END THEREOF; THENCE NORTH 77°31'58" WEST, 57.24 FEET TO THE BEGINNING OF A 56.50 FOOT RADIUS CURVE CONCAVE SOUTHERLY; THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 10°39'25" (THE CHORD OF WHICH BEARS NORTH 82°51'40" WEST, 10.49 FEET) AN ARC DISTANCE OF 10.51 FEET TO THE END THEREOF; THENCE NORTH 88°11'23" WEST, 132.83 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF BATTLE CREEK ROAD S.E.; THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE NORTH 50°53'52" WEST, 44.80 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING FOUR COURSES; NORTH 20°55'46" WEST, 180.98 FEET; THENCE NORTH 10°43'42" WEST, 63.18 FEET; THENCE NORTH 20°53'28" WEST, 109.43 FEET; THENCE NORTH 13°52'59" EAST, 21.35 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF KUEBLER BLVD. S.E.; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE NORTH 56°48'50" EAST 87.50 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO COURSES: NORTH 65°25'13" EAST, 456.38 FEET; THENCE NORTH 68°47'27" EAST, 66.40 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, SOUTH 25°32'11" EAST 207.56 FEET; THENCE SOUTH 2°12'14" WEST, 486.02 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF BOONE ROAD S.E.; THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 87°52'46" WEST, 210.84 FEET TO THE POINT OF BEGINNING.

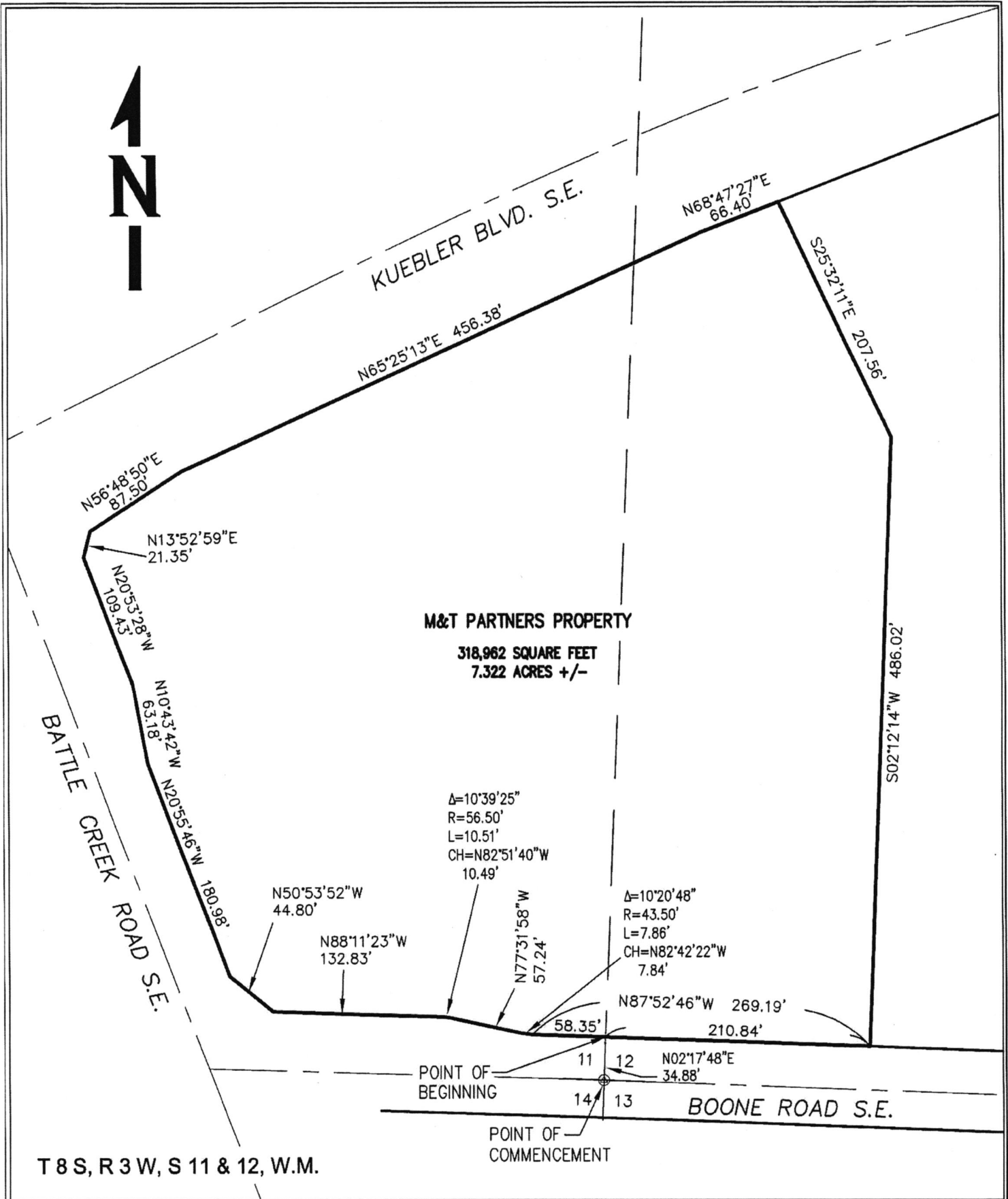
WHPacific

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE NAD83/CORS, OREGON NORTH
STATE PLANE COORDINATE SYSTEM.

CONTAINING 318,962 SQUARE FEET OR 7.322 ACRES MORE OR LESS.



P:\PacTrust\037058\Survey\Documents\M&T EX 01.doc



SHEET NUMBER

1 of 1

EXHIBIT 1

M&T PARTNERS PROPERTY

M & T PARTNERS INC.

KUEBLER DEVELOPMENT - MARION COUNTY, OREGON

DRAWING INFO

034829

34829-V-EXPH1A

1" 100'

SHEET INFO

DRAWN

SMG

CHECKED

BA

LAST EDIT

2/25/2014

PLOT DATE

2/25/2014

WHPacific

EXHIBIT 2

FEBRUARY 25, 2014

PAC TRUST PROPERTY
LEGAL DESCRIPTION

PROJECT NO. 034829

A TRACT OF LAND BEING A PORTION OF THAT PROPERTY DESCRIBED IN THE FOLLOWING: REEL 2420 PAGE 177, REEL 2556 PAGE 136, REEL 2579 PAGE 173 OF THE MARION COUNTY DEED RECORDS, LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 12, TOWNSHIP 8 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, CITY OF SALEM, MARION COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

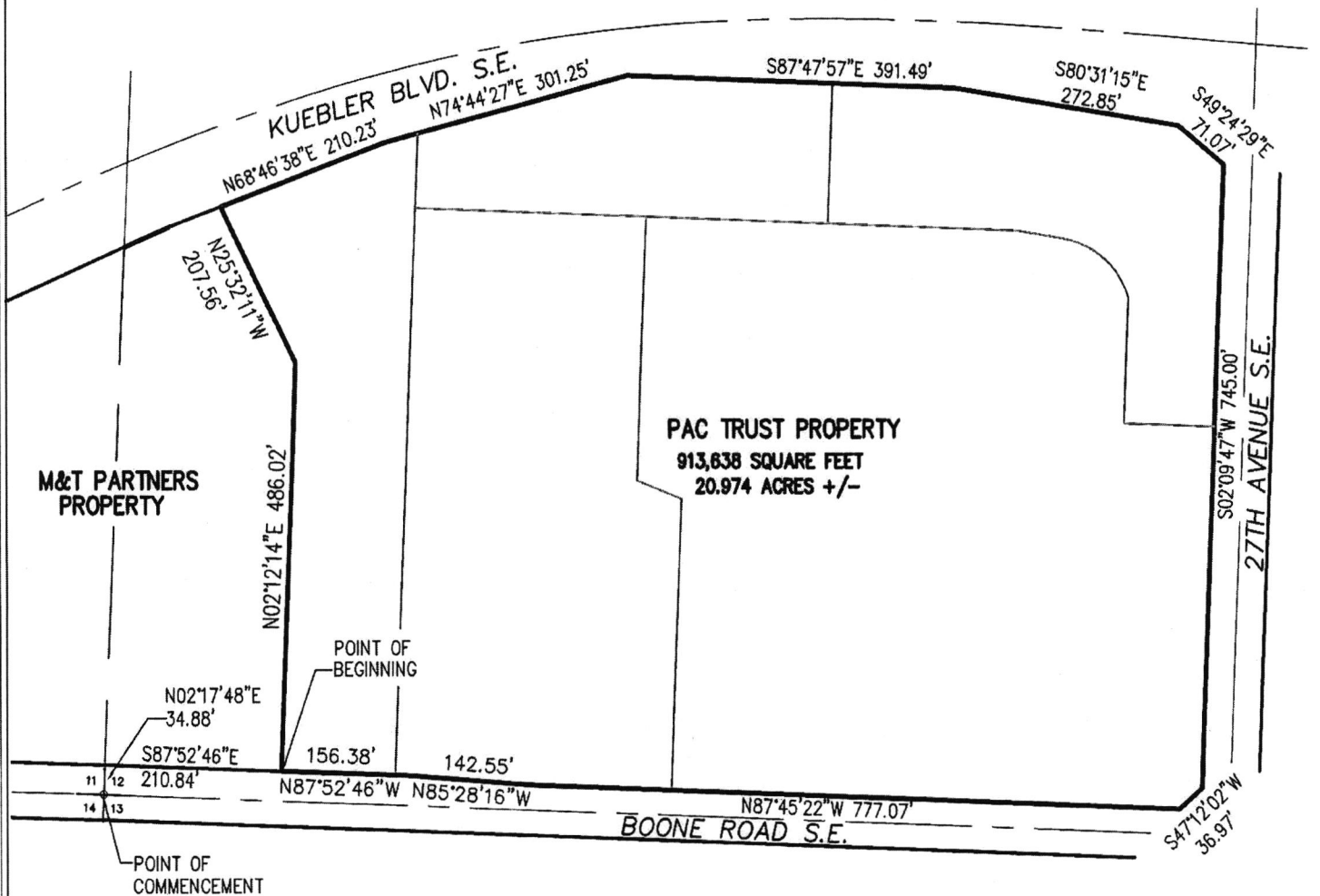
COMMENCING AT THE CORNER COMMON TO SECTIONS 11, 12, 13 AND 14 OF SAID TOWNSHIP AND RANGE; THENCE NORTH 02°17'48" EAST, 34.88 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BOONE ROAD S.E.; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE, SOUTH 87°52'46" EAST, 210.84 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE, NORTH 02°12'14" EAST, 486.02 FEET; THENCE NORTH 25°32'11" WEST, 207.56 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF KUEBLER BLVD S.E.; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE NORTH 68°46'38" EAST, 210.23 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING FOUR COURSES: NORTH 74°44'27" EAST, 301.25 FEET; THENCE SOUTH 87°47'57" EAST, 391.49 FEET; THENCE SOUTH 80°31'15" EAST, 272.85 FEET; THENCE SOUTH 49°24'29" EAST, 71.07 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF 27TH AVENUE S.E.; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 02°09'47" WEST, 745.00 FEET; THENCE CONTINUING ON SAID RIGHT-OF-WAY LINE, SOUTH 47°12'02" WEST, 36.97 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID BOONE ROAD S.E.; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSE, NORTH 87°45'22" WEST, 777.07 FEET; THENCE NORTH 85°28'16" WEST, 142.55 FEET; THENCE NORTH 87°52'46" WEST, 156.38 FEET TO THE POINT OF BEGINNING.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE NAD83/CORS, OREGON NORTH STATE PLANE COORDINATE SYSTEM.

CONTAINING 913,638 SQUARE FEET OR 20.974 ACRES MORE OR LESS.



P:\PacTrust\037058\Survey\Documents\PAC TRUST PROP EX2 .doc



T 8 S, R 3 W, S 11 & 12, W.M.

SHEET NUMBER

1 of 1

EXHIBIT 2

PAC TRUST PROPERTY

M & T PARTNERS INC.

KUEBLER DEVELOPMENT - MARION COUNTY, OREGON

DRAWING INFO

034829

34829-V-EXPH2A

1" 200'

SHEET INFO

DRAWN BMG

CHECKED BA

LAST EDIT 2/25/2014

PLOT DATE 2/25/2014

WHPacific

EXHIBIT 3

TABLE 1 *of CONDITIONS*

SN

Item	Condition of Approval # and description	Decision #	Within Scope of City Improvements	Has Developer Completed Improvement	Detail
1	1) Construct a minimum 15' wide half-street improvement along the entire frontage on the development side of Boone Road SE. The Street and ROW width shall also accommodate a westbound right-turn lane and a westbound left-turn lane at Battle Creek Road SE (Battle Creek)	SPR-UGA 12-11	No.	Completed	
2	2) As a condition of building permit issuance for UGA Phase 1, construct a minimum 23-foot-wide half-street improvement on the development side of Battle Creek from Boone Road to Kuebler Boulevard SE (Kuebler). The street and ROW width shall accommodate a northbound left-turn lane at Kuebler with a minimum of 300 feet of storage and a southbound left-turn lane at Boone with a minimum of 300 feet of storage	SPR-UGA 12-11	No.	Completed	
3	3) As a condition of building permit issuance for UGA Phase 1, construct and exclusive eastbound right-turn lane on Kuebler at Battle Creek	SPR-UGA 12-11	No.	Completed	
4	4) As a condition of building permit issuance for the first building in UGA Phase 2 or UGA Future Phase, along the entire frontage of the development side of Kuebler, construct a minimum 40-foot-wide half-street improvement. This project meets the criteria for fee-in-lieu of improvement per SRC 66.595	SPR-UGA 12-11	Yes.		Will be completed by City Improvements.
5	5) As a condition of building permit issuance for UGA Phase 1, construct a 12-inch water main in Battle Creek from Boone to Kuebler as shown in the Water System Master Plan. The main shall connect to the existing 30-inch system in Boone and terminate at the northerly extent of the Battle Creek improvement	SPR-UGA 12-11	No.	Completed	
6	6) As a condition of building permit issuance for the first building in UGA phase 2 or UGA Future Phase complete the 12-inch water system in Battle Creek from Boone to Kuebler by connecting the 12 inch main in Battle Creek to the 10-inch main in the north side of Kuebler	SPR-UGA 12-11	Yes.		Will be completed by City Improvements.
7	7) Prior to the issuance of the building permit for the first building in UGA Phase 1, the applicant shall provide separate legal descriptions for the property zoned CR (Commercial Retail) and CO (Commercial Office)	SPR-UGA 12-11	No.	Completed	

Item	Condition of Approval # and description	Decision #	Within Scope of City Improvements	Has Developer Completed Improvement	Detail
8	8) Prior to the issuance of the building permit for the first building in UGA Phase 1, the applicant shall record Property Line Adjustment No. 12-03 and Property Line Adjustment No. 12-04	SPR-UGA 12-11	No.	Completed	
9	9) As a condition of building permit issuance for the first building in UGA Phase 2 or UGA Future Phase complete all remaining mitigating street improvements required as a condition of approval for zone change 09-03 and specified in the final approval of comprehensive Plan Change/Zone change 06-06	SPR-UGA 12-11	Partially.		The conditions of approval in CPC/ZC 06-6 and ZC 09-03 are addressed in Items 13-31.
10	10) Prior to the issuance of the building permit for the first building in UGA Phase 1, the applicant shall sign an improvement deferral agreement which specifies the terms of the deferral as outlined in conditions 1,2, 3, 4 and 9. Said agreement shall be in a form approved by the city attorney and shall be filed in the deed records of Marion County	SPR-UGA 12-11	N/A	Completed	
11	11) Prior to the issuance fo the building permit for the first building in UGA Phase 1, the applicant shall provide a copy of the recorded access easement across the abutting property (Marion County Assessor Map and TL 083W12C 01800), including a legal description that specifies the location of the easement and its dimensions in conformance with the approved site plan	SPR-UGA 12-11	N/A	Completed	
12	1) The intersection of Battle Creek and Boone Roads SE shall be improved to include a traffic signal with dedicated westbound left-turn lane, westbound right turn lane and an eastbound left turn lane. The southbound left-turn lane shall be lengthened to provide a minimum of 300 feet of storage.	CPC/ZC 06-6	No.		

Item	Condition of Approval # and description	Decision #	Within Scope of City Improvements	Has Developer Completed Improvement	Detail
13	2) The Intersection of Battle Creek Road SE and Kuebler Boulevard shall be improved to provide exclusive eastbound right-turn lane and northbound left-turn lane with a minimum of 300 feet of storage. To provide the necessary north bound left-turn storage at this intersection with the southbound left-turn lane storage at Battle Creek and Boone Roads, side-by-side left-turn lanes shall be constructed as approved by the Public Works Director.	CPC/ZC 06-6	Partially		City Improvements will include the exclusive eastbound right-turn lane on Kuebler and also pavement widening on East side of Battlecreek, North of Kuebler, for a sufficient distance to line up future traffic lanes to the South of the intersection. Owners are required to restripe Battlecreek Road between Kuebler and Boone, and also the "shadow" lane reconfiguration a certain distance South of Boone Road and a certain distance North of Kuebler.
14	3) The south side of Kuebler Boulevard shall be widened to meet City of Salem Standards with curb, sidewalk and bike lanes. The widening shall extend from 1500 feet west of Battle Creek Road SE to the Interstate 5 ramps to provide an additional lane for a total of two eastbound lanes	CPC/ZC 06-6	Yes.		Will be completed by City Improvements.
15	4) Dual left turn lanes shall be constructed on eastbound and westbound Kuebler Boulevard at 27th Ave Se. Only one eastbound left-turn lane will be striped as there is only one receiving lane. <u>For the westbound left turn lanes, an additional receiving lane shall be constructed which will drop immediately south of the subject property's driveway on 27th Avenue.</u> The intersection of Kuebler Blvd at 27th Ave Se shall also be improved to provide an exclusive eastbound right-turn lane.	CPC/ZC 06-6	Partially.		Will be completed by City Improvements except for: <u>For the westbound left turn lanes, an additional receiving lane shall be constructed which will drop immediately south of the subject property's driveway on 27th Avenue .</u>
16	5) In addition to boundary street improvements required by SRC 77.150, the developer shall coordinate with the city and use best practices for design and location of site access and shall construct left-turn lanes and pedestrian refuge islands where appropriate.	CPC/ZC 06-6	Partially.		Kuebler boundary street will be completed by the City Improvements.

Item	Condition of Approval # and description	Decision #	Within Scope of City Improvements	Has Developer Completed Improvement	Detail
17	6) The developer shall commit up to \$5,000 for traffic calming devices (such as speed humps or other traffic calming measures) to be used in the residential neighborhood south of the proposed development if a need is identified. The Neighborhood Traffic Management Program is the process used to identify traffic calming needs.	CPC/ZC 06-6	N/A		
18	7) The developer shall provide right-in access from Kuebler Boulevard with a design that minimizes impact to through vehicles and provides a safe driveway crossing for bicycle and pedestrian traffic the final design of which to be approved by the Salem Public Works Director. In addition, the developer shall complete the widening of the eastbound lanes of Kuebler Boulevard west to Commercial Street. This additional widening of approximately 1300 feet of Kuebler Boulevard is considered as payment for a grant of access on Kuebler Boulevard to allow a right-in driveway on the subject property.	CPC/ZC 06-6	Yes.		Will be completed by City Improvements.
19	8) The developer shall offset their access driveway along Boone Road SE from Cultus Avenue at a location approved by the Salem Public Works Director.	CPC/ZC 06-6	No.	Completed	
20	9) The applicant shall establish a landscaped setback along the street frontages of the project area to provide buffering and screening from the street frontage. Along Kuebler Blvd, the setback shall be a minimum of 5 feet in depth from the property line as required in the CR zone, ARC 152.080. Along Boone Road SE and 27th AVE SE the setback shall be a minimum of fifteen (15) feet in depth where the project area lies opposite residential uses.	CPC/ZC 06-6	No.	No.	
21	10) The developer shall provide sidewalks along all street frontages. The sidewalks may be located inside the setback area as part of a landscape plan	CPC/ZC 06-6	Partially.	No.	Only those sidewalks on Kuebler Blvd will be completed by City Improvements.
22	11) The developer shall provide landscaping within the street frontage setbacks as required in SRC 132	CPC/ZC 06-6	No.	No.	
23	12) The developer shall provide a brick or masonry wall with a minimum height of six (6) feet along the interior line of the landscaped setback along Boone road SE and 27th Avenue SE, opposite residential uses. The applicant/developer may provide a landscaped berm within the setback in lieu of a wall	CPC/ZC 06-6	No.	No.	

Item	Condition of Approval # and description	Decision #	Within Scope of City Improvements	Has Developer Completed Improvement	Detail
24	13) The developer shall provide sidewalks at all driveway entrances to the development. The internal pedestrian accessway shall be distinct from the vehicular travel lanes by means such as striping, distinctive pavement, elevation, or other method that clearly distinguishes the area for pedestrian travel from vehicle travel.	CPC/ZC 06-6	No.	No.	
25	14) The subject 18.4 acre property shall be developed with a retail shopping center. The maximum amount of gross leasable area (GLA) for the retail shopping center on the subject property shall be 240,000 FLA. If the subject property is developed in conjunction with the abutting 10.08 acre property (for simplicity referred to as a 10.0 acre property) currently owned by the Salem Clinic (083W12C tax lot 702 5.5 acres and 083W11D tax lot 600 4.58 acres) the total amount of retail GLA and medical/dental offices on the two properties shall not to exceed 299,000 FLA. As such, the total GLA for a shopping center and offices on the combined properties if developed together, shall not exceed 299,000 GLA. The City shall have the right to enforce this condition through the enforcement procedures in its code or through a post acknowledgement plan amendment using required city and state procedures restoring the Residential plan designation and RA zone to the property.	CPC/ZC 06-6	N/A		
26	15) All improvements shall be built as outlined and as set forth in the November 21, 2006 staff report to City Council, including the widening of Kuebler Blvd. from I-5 Interchange to Commercial Street and the right-in access from Kuebler to the property (except as modified by this order)	CPC/ZC 06-6	N/A	N/A	The improvements outlined in the Staff Report are set forth in the conditions of approval in CPC/ZC 06-6, and are addressed separately in Items 13-31.

Item	Condition of Approval # and description	Decision #	Within Scope of City Improvements	Has Developer Completed Improvement	Detail
27	16) Prior to issuance of a certificate of occupancy for any building on the subject property the following traffic improvements shall be completed; 1) The funded City CIP project to construct improvements on Kuebler Boulevard as identified in the applicant's September 2006 TIA; 2) all traffic mitigation improvements required to be constructed by the Developer as conditions of approval in this decision, and 3) In addition to other traffic mitigation improvements required as conditions of approval, the Developer shall construct an exclusive right-turn lane at the westbound Kuebler Boulevard intersection with 27th Avenue. The traffic improvements that the Developer is responsible for, in addition to the right-turn lane at westbound Kuebler and 27th Ave, are as specified in conditions of approval 1 through 7 of this decision.	CPC/ZC 06-6	Partially.		1) City has completed West bound lane of Kuebler; 2) City Improvements includes all improvements to Kuebler and as identified in this table. Conditions 1-7 of CPC/ZC 06-6 are addressed in Items 13-31 of this table.
28	17) The applicant at the time of development application, shall coordinate with the Salem Area Transit District to enhance transportation and bus facilities on the site.	CPC/ZC 06-6	N/A	N/A	
29	1) Prior to development obtain a new UGA permit for the subject property	ZC09-3	N/A	Completed	
30	2) Construct the mitigating street improvements specified in the final approval of CPC/ZC 06-6	ZC09-3	Partially.		The conditions of approval in CPC/ZC 06-6 are addressed in Items 13-31 of this table.
31	3) At the time of building permit, the applicant shall provide separate legal descriptions for the property zoned CR and CO, respectively.	ZC09-3	No.	Completed	

EXHIBIT 4

PROMISSORY NOTE

\$3,000,000.00

Effective Date: _____

This Promissory Note ("Note") is made by Pacific Realty Associates, LP, an ~~Oregon~~ ^{DELAWARE LLC} limited partnership ("Maker") in favor of the City of Salem, an Oregon municipal corporation ("Holder").

1. Payment. Subject to Paragraph 3 of the Improvement Agreement dated _____ executed between Maker and Holder which is incorporated by reference as if fully set forth in this Note (Improvement Agreement), maker promises to pay Holder the amount of \$3,000,000 within 21 days of Holder's written request, provided however that the payment will be adjusted as provided in paragraph 8(c) of the Improvement Agreement.

2. Place of Payments. The payment under this Note will be made payable to the City of Salem, Administrative Services Department, at 550 Liberty Street SE, Room 230, Salem OR 97301 or any other address that Holder may designate by notice to Maker.

3. Events of Default. Each of the following is an event of default under this Note:

- (a) Maker fails to make the payment as require under this Note.
- (b) Maker voluntarily dissolves or ceases to exist, or any final and nonappealeable order or judgment is entered against Maker ordering its dissolution; and
- (c) A proceeding with respect to Maker is commenced under any applicable law for the benefit of creditors, including but not limited to any bankruptcy or insolvency law, or an order for the appointment of a receive, liquidator, trustee, custodian, or other officer having similar powers over Maker is entered.

4. Remedies. On and after an event of default under this Note, Holder may exercise the following remedies, which are cumulative and which may be exercised singularly or concurrently:

- (a) Upon notice to Maker, Holder may accelerate the due date under this Note so that the amount is immediately due in its entirety; and
- (b) Holder may exercise any other remedy available to Holder at law or in equity.

5. Time of Essence. Time is of the essence with respect to all dates and time periods in this Note.

6. Amendment. This Note may be amended only by a written document signed by the party against ~~whom~~ enforcement is sought.

7. Waiver.

(a) Maker waives demand, presentment for payment, notice of dishonor or nonpayment, protest, notice of protest, lack of diligence in collection, and any defense to any action brought by Holder relating to this Note other than the payment, and agree that Holder may extend or postpone the due date of any payment required by this Note without affecting Maker's liability.

(b) No waiver will be binding on Holder unless it is in writing and signed by Holder. Holder's waiver of a breach of this provision of this Note will not be a waiver of any other provision or a waiver of a subsequent breach of the same provision.

8. Severability. If a provision of this Note is determined to be unenforceable in any respect, the enforceability of the provision in any other respect and of the remaining provisions of this Note will not be impaired.

9. Governing Law. This Note is governed by the laws of the State of Oregon, without giving effect to any conflict-of-law principle that would result in the laws of any other jurisdiction covering this Note.

10. Venue. Any action, suit or proceeding arising out of the subject matter of this Note will be litigated in courts located in Marion County, Oregon. Maker consents and submits to the exclusive jurisdiction of any local, state or federal court located in Marion County, Oregon.

11. Attorney's Fees. If any arbitration, action, suit or proceeding is instituted to interpret, enforce, or rescind this Note, or otherwise in connection with the subject matter of this Note, including but not limited to any proceeding brought under the United States Bankruptcy Code, the prevailing party on a claim will be entitled to recover with respect to the claim, in addition to any other relief awarded, the prevailing party's reasonable attorney's fees and other fees, costs, and expenses of every kind, incurred in connection with the arbitration, action, suit, or proceeding, any appeal or petition for review, the collection of any award, or the enforcement of any order, as determined by the arbitrator or court.

Maker:

PACIFIC REALTY ASSOCIATES, L.P.,
a Delaware limited partnership

By: PacTrust Realty, Inc.,
a Delaware corporation,
its General Partner

By: _____
Scott D. Hodson, Vice President

EXHIBIT 5

**CERTIFICATE OF PARTIAL SATISFACTION OF CONDITIONS
OF APPROVAL AND DEFERRAL AGREEMENT**

Know all persons by these presents that the City of Salem, an Oregon municipal corporation, declares that the conditions and obligations set forth in that certain deferral agreement recorded in Reel 3471, Page 126, Deed Records of Marion County, and those certain conditions of approval in the following land use or limited land use decisions; Site Plan Review/Design Review, Case No. SPR-UGA 12-11, Comprehensive Plan Change/Zone Change, Case No. CPC/ZC 06-6, and Zone Change, Case No. ZC 09-3, have been satisfied and discharged as set forth in Exhibit 1, attached hereto.

Dated this _____ day of _____, 20____.

By: _____
City Manager, City of Salem, Oregon

STATE OF OREGON)
) ss.
County of _____)

This instrument was acknowledged before me on _____, 20____, by
Linda Norris as the City Manager of the City of Salem, Oregon.

Notary Public—State of Oregon
My commission expires: _____

Public Works Information Only

Project Number:

Checked by: _____

Prepared by: _____

After recording, return to:

City Recorder
555 Liberty Street SE, Room 205
Salem OR 97301-3513

EXHIBIT 1

Item	Condition of Approval # and description	Decision #	Status	Detail
1	1) Construct a minimum 15' wide half-street improvement along the entire frontage on the development side of Boone Road SE. The Street and ROW width shall also accommodate a westbound right-turn lane and a westbound left-turn lane at Battle Creek Road SE (Battle Creek)	SPR-UGA 12-11	Fully Satisfied	
2	2) As a condition of building permit issuance for UGA Phase 1, construct a minimum 23-foot-wide half-street improvement on the development side of Battle Creek from Boone Road to Kuebler Boulevard SE (Kuebler). The street and ROW width shall accommodate a northbound left-turn lane at Kuebler with a minimum of 300 feet of storage and a southbound left-turn lane at Boone with a minimum of 300 feet of storage	SPR-UGA 12-11	Fully Satisfied	
3	3) As a condition of building permit issuance for UGA Phase 1, construct and exclusive eastbound right-turn lane on Kuebler at Battle Creek	SPR-UGA 12-11	Fully Satisfied	
4	4) As a condition of building permit issuance for the first building in UGA Phase 2 or UGA Future Phase, along the entire frontage of the development side of Kuebler, construct a minimum 40-foot-wide half-street improvement. This project meets the criteria for fee-in-lieu of improvement per SRC 66.595	SPR-UGA 12-11	Fully Satisfied	Will be completed by City Improvements.
5	5) As a condition of building permit issuance for UGA Phase 1, construct a 12-inch water main in Battle Creek from Boone to Kuebler as shown in the Water System Master Plan. The main shall connect to the existing 30-inch system in Boone and terminate at the northerly extent of the Battle Creek improvement	SPR-UGA 12-11	Fully Satisfied	
6	6) As a condition of building permit issuance for the first building in UGA phase 2 or UGA Future Phase complete the 12-inch water system in Battle Creek from Boone to Kuebler by connecting the 12 inch main in Battle Creek to the 10-inch main in the north side of Kuebler	SPR-UGA 12-11	Fully Satisfied	Will be completed by City Improvements.

7	7) Prior to the issuance of the building permit for the first building in UGA Phase 1, the applicant shall provide separate legal descriptions for the property zoned CR (Commercial Retail) and CO (Commercial Office)	SPR-UGA 12-11	Fully Satisfied	
8	8) Prior to the issuance of the building permit for the first building in UGA Phase 1, the applicant shall record Property Line Adjustment No. 12-03 and Property Line Adjustment No. 12-04	SPR-UGA 12-11	Fully Satisfied	
9	9) As a condition of building permit issuance for the first building in UGA Phase 2 or UGA Future Phase complete all remaining mitigating street improvements required as a condition of approval for zone change 09-03 and specified in the final approval of comprehensive Plan Change/Zone change 06-06	SPR-UGA 12-11	Partially Satisfied	The following conditions are not fully satisfied, and must be completed by developer: Items 12, 13, 15, 16, 17, 20-24, 27, and 28.
10	10) Prior to the issuance of the building permit for the first building in UGA Phase 1, the applicant shall sign an improvement deferral agreement which specifies the terms of the deferral as outlined in conditions 1,2, 3, 4 and 9. Said agreement shall be in a form approved by the city attorney and shall be filed in the deed records of Marion County	SPR-UGA 12-11	Fully Satisfied	
11	11) Prior to the issuance fo the building permit for the first building in UGA Phase 1, the applicant shall provide a copy of the recorded access easement across the abutting property (Marion County Assessor Map and TL 083W12C 01800), including a legal description that specifies the location of the easement and its dimensions in conformance with the approved site plan	SPR-UGA 12-11	Fully Satisfied	
12	1) The intersection of Battle Creek and Boone Roads SE shall be improved to include a traffic signal with dedicated westbound left-turn lane, westbound right turn lane and an eastbound left turn lane. The southbound left-turn lane shall be lengthened to provide a minimum of 300 feet of storage.	CPC/ZC 06-6	Not Satisfied	

13	2) The Intersection of Battle Creek Road SE and Kuebler Boulevard shall be improved to provide exclusive eastbound right-turn lane and northbound left-turn lane with a minimum of 300 feet of storage. To provide the necessary north bound left-turn storage at this intersection with the southbound left-turn lane storage at Battle Creek and Boone Roads, side-by-side left-turn lanes shall be constructed as approved by the Public Works Director.	CPC/ZC 06-6	Partially Satisfied	The following conditions are not satisfied and must be completed by developer: Owners are required to restripe Battlecreek Road between Kuebler and Boone, and also the "shadow" lane reconfiguration a certain distance South of Boone Road and a certain distance North of Kuebler.
14	3) The south side of Kuebler Boulevard shall be widened to meet City of Salem Standards with curb, sidewalk and bike lanes. The widening shall extend from 1500 feet west of Battle Creek Road SE to the Interstate 5 ramps to provide an additional lane for a total of two eastbound lanes	CPC/ZC 06-6	Fully Satisfied	Will be completed by City Improvements.
15	4) Dual left turn lanes shall be constructed on eastbound and westbound Kuebler Boulevard at 27th Ave Se. Only one eastbound left-turn lane will be striped as there is only one receiving lane. <u>For the westbound left turn lanes, an additional receiving lane shall be constructed which will drop immediately south of the subject property's driveway on 27th Avenue.</u> The intersection of Kuebler Blvd at 27th Ave Se shall also be improved to provide an exclusive eastbound right-turn lane.	CPC/ZC 06-6	Partially Satisfied	The following conditions are not satisfied and must be completed by developer: For the westbound left turn lanes, an additional receiving lane shall be constructed which will drop immediately south of the subject property's driveway on 27th Avenue.
16	5) In addition to boundary street improvements required by SRC 77.150, the developer shall coordinate with the city and use best practices for design and location of site access and shall construct left-turn lanes and pedestrian refuge islands where appropriate.	CPC/ZC 06-6	Partially Satisfied.	The following conditions are not satisfied and must be completed by developer: Coordinate with City re: design & location of site access
17	6) The developer shall commit up to \$5,000 for traffic calming devices (such as speed humps or other traffic calming measures) to be used in the residential neighborhood south of the proposed development if a need is identified. The Neighborhood Traffic Management Program is the process used to identify traffic calming needs.	CPC/ZC 06-6	Not Satisfied	

18	7) The developer shall provide right-in access from Kuebler Boulevard with a design that minimizes impact to through vehicles and provides a safe driveway crossing for bicycle and pedestrian traffic the final design of which to be approved by the Salem Public Works Director. In addition, the developer shall complete the widening of the eastbound lanes of Kuebler Boulevard west to Commercial Street. This additional widening of approximately 1300 feet of Kuebler Boulevard is considered as payment for a grant of access on Kuebler Boulevard to allow a right-in driveway on the subject property.	CPC/ZC 06-6	Fully Satisfied	Will be completed by City Improvements.
19	8) The developer shall offset their access driveway along Boone Road SE from Cultus Avenue at a location approved by the Salem Public Works Director.	CPC/ZC 06-6	Fully Satisfied	
20	9) The applicant shall establish a landscaped setback along the street frontages of the project area to provide buffering and screening from the street frontage. Along Kuebler Blvd, the setback shall be a minimum of 5 feet in depth from the property line as required in the CR zone, ARC 152.080. Along Boone Road SE and 27th AVE SE the setback shall be a minimum of fifteen (15) feet in depth where the project area lies opposite residential uses.	CPC/ZC 06-6	Not Satisfied	
21	10) The developer shall provide sidewalks along all street frontages. The sidewalks may be located inside the setback area as part of a landscape plan	CPC/ZC 06-6	Partially Satisfied.	Developer must provide sidewalks along all street frontages, except for Kuebler Blvd. which will be provided by City as part of City Improvements.
22	11) The developer shall provide landscaping within the street frontage setbacks as required in SRC 132	CPC/ZC 06-6	Not Satisfied	
23	12) The developer shall provide a brick or masonry wall with a minimum height of six (6) feet along the interior line of the landscaped setback along Boone road SE and 27th Avenue SE, opposite residential uses. The applicant/developer may provide a landscaped berm within the setback in lieu of a wall	CPC/ZC 06-6	Not Satisfied	

24	13) The developer shall provide sidewalks at all driveway entrances to the development. The internal pedestrian accessway shall be distinct from the vehicular travel lanes by means such as striping, distinctive pavement, elevation, or other method that clearly distinguishes the area for pedestrian travel from vehicle travel.	CPC/ZC 06-6	Not Satisfied	
25	14) The subject 18.4 acre property shall be developed with a retail shopping center. The maximum amount of gross leasable area (GLA) for the retail shopping center on the subject property shall be 240,000 FLA. If the subject property is developed in conjunction with the abutting 10.08 acre property (for simplicity referred to as a 10.0 acre property) currently owned by the Salem Clinic (083W12C tax lot 702 5.5 acres and 083W11D tax lot 600 4.58 acres) the total amount of retail GLA and medical/dental offices on the two properties shall not to exceed 299,000 FLA. As such, the total GLA for a shopping center and offices on the combined properties if developed together, shall not exceed 299,000 GLA. The City shall have the right to enforce this condition through the enforcement procedures in its code or through a post acknowledgement plan amendment using required city and state procedures restoring the Residential plan designation and RA zone to the property.	CPC/ZC 06-6	Not Applicable, this condition is a continuing obligation that constitutes a development standard for the Subject Property.	
26	15) All improvements shall be built as outlined and as set forth in the November 21, 2006 staff report to City Council, including the widening of Kuebler Blvd. from I-5 Interchange to Commercial Street and the right-in access from Kuebler to the property (except as modified by this order)	CPC/ZC 06-6	Fully Satisfied	The improvements outlined in the referenced staff report are set forth as conditions of approval therein. Those conditions of approval are addressed separately in Items 13-31.

27	16) Prior to issuance of a certificate of occupancy for any building on the subject property the following traffic improvements shall be completed; 1) The funded City CIP project to construct improvements on Kuebler Boulevard as identified in the applicant's September 2006 TIA; 2) all traffic mitigation improvements required to be constructed by the Developer as conditions of approval in this decision, and 3) In addition to other traffic mitigation improvements required as conditions of approval, the Developer shall construct an exclusive right-turn lane at the westbound Kuebler Boulevard intersection with 27th Avenue. The traffic improvements that the Developer is responsible for, in addition to the right-turn lane at westbound Kuebler and 27th Ave, are as specified in conditions of approval 1 through 7 of this decision.	CPC/ZC 06-6	Partially Satisfied	The following conditions are not satisfied and must be completed by developer:
28	17) The applicant at the time of development application, shall coordinate with the Salem Area Transit District to enhance transportation and bus facilities on the site.	CPC/ZC 06-6	Not Satisfied	
29	1) Prior to development obtain a new UGA permit for the subject property	ZC09-3	Fully Satisfied	
30	2) Construct the mitigating street improvements specified in the final approval of CPC/ZC 06-6	ZC09-3	Partially Satisfied	The following conditions are not fully satisfied, and must be completed by developer: Items 12, 13, 15, 16, 17, 20-24, 27, and 28.
31	3) At the time of building permit, the applicant shall provide separate legal descriptions for the property zoned CR and CO, respectively.	ZC09-3	Fully Satisfied	

KUEBLER BLVD.





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July 27, 2020

Via Electronic Mail

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

Re: SPR-DAP18-15; Remand

Dear City Council Members:

In a July 10, 2020 letter certain opponents to the application request that as part of its remand proceedings in this matter Council reopen issues related to transportation impacts and required mitigation. The applicant will respond in detail to those arguments during the rebuttal period. However, this letter is necessary to explain the limited scope of the analysis that the Council is required to perform. In their letter, those opponents included a report from a traffic engineer that purports to include recent trip counts for various intersections. As noted, we will respond to this report in detail in the upcoming rebuttal period that opens July 29 and extends to August 12, 2020. However, this letter is designed to explain that there is no need for Council to revisit transportation issues it has already evaluated, twice.

Initially, it is worth noting as we have before, that Council is not required to consider any issues related to transportation impacts in its remand processes. Nothing in LUBA's decision suggests that it believed the City needed to do anything further with transportation. LUBA correctly noted that in its December 2018 decision, the Council did not deny PacTrust's application based upon any transportation issue, much less those the opponents raise. While LUBA said the City may choose to address Petitioners' transportation issues, LUBA also was clear that the City need not do so. If Petitioners felt that LUBA was wrong and that the city must revisit transportation, it would seem that it was incumbent upon them to appeal LUBA's ruling to the contrary to the court of appeals. They did not do so.

PacTrust submits that based upon the record, the most plausible conclusion one can reach is that Council did not address transportation issues in its December 2018 decision because it accepted PacTrust's transportation impact analysis in 2018 and determined that PacTrust satisfied any applicable transportation related criteria. In its decision, Council included what it believed to be two alternative bases for denial. If Council believed that there was another alternative basis for denial related to transportation, it would have included that basis in its decision.

The City has properly evaluated the transportation impacts associated with the proposed development. In 2006, when PacTrust applied for the Comprehensive Plan and Zone Change to allow for the development of a retail shopping center on the site, it was required to complete a comprehensive transportation impact study addressing the impacts on the broader transportation system that the City expected from the development. There are two important points about the 2006 TIS.

First, the study addressed the impacts of a proposed retail shopping center with up to 314,000 square feet of Gross Leasable Area (“GLA”). The City Council decided to limit the size of the shopping center to a total of 299,000 sq. ft. GLA, but the 2006 Kittelson TIA fully analyzed and recommended mitigation for a much larger shopping center than the City Council ultimately approved and that was the mitigation that the City Council required PacTrust to establish in its 2007 approval decision. Although specific tenants were not identifiable at that time, the 2006 TIA examined the worst-case transportation system impacts from the largest (and thus, most impactful) retail shopping center that Council approved in Condition 14 of the 2007 Decision; and indeed a shopping center that was significantly larger than the City Council approved.

Second, in 2006, the City did not have a separate site plan review process. See the applicant’s legislative history submittal, also submitted on this date. In 2006/2007, the Comprehensive Plan Amendment and Zone Change review was the only process at that time in which transportation impacts of a proposed development could be reviewed. The City had no site review process at all until 2009. Thus, the City had every reason to carefully review the transportation impacts under the City’s code at that time, because that was the City’s one opportunity to require all the mitigation it needed to address impacts of the 299,000 square foot retail shopping center that the City expressly approved. The only subsequent processes involved ministerial permits like grading permits and building permits. In the 2007 Decision, the City evaluated the public transportation improvements it decided were required to effectively mitigate the transportation impacts from the 299,000 square foot retail shopping center that it approved.

Once PacTrust’s right to develop the shopping center approved in 2007 had vested, three important premises were fixed regarding that development:

1. The applicant had the right to develop a shopping center of up to 299,000 sq. ft. on the subject property, and
2. The traffic consequences of such a shopping center had been fully evaluated and approved, and
3. All traffic consequences of a shopping center of that size were determined to be fully mitigated by the applicant’s implementation of the conditions of approval in the 2007 Decision.

As PacTrust detailed in its remand submission, after the 2007 Decision and extending through 2016, it expended \$3,765,000 on the transportation facility improvements the City determined were necessary to completely mitigate the transportation impacts from a 299,000

square foot retail shopping center/medical clinic and office development. After and on the basis of the 2007 Decision, the City requested that PacTrust pay the City \$3 million to enable the City to make improvements it could not otherwise afford to make to Kuebler Blvd, even though that money could not be exacted from PacTrust at that time because construction of the retail shopping center had not started. However, there was no question that the shopping center had been fully approved and its transportation impacts mitigated under the terms of the 2007 Decision. Therefore, PacTrust cooperated in the City's request because PacTrust was entitled to construct its shopping center under the 2007 Decision and satisfaction of the 2007 Decision's conditions – whether early or timely – was the precondition to doing so.

In 2018, when PacTrust applied for site plan review for the retail shopping center component of the approved development, the City required a new traffic analysis. However, the scoping was not the same as that required in 2006 and for good reason. 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. By this time Costco had been identified as the anchor tenant for the shopping center and the City agreed that, for trip generation, PacTrust should use data from other Costco stores because that data would provide a more accurate estimate of the numbers of trips to and from the development. An excerpt from PacTrust's site plan review application, which was submitted after consultation with staff, demonstrates that the City's emphasis in 2018, was not on the larger transportation system, because those impacts had already been mitigated for, but rather was on how the proposal assured safe, efficient access to and from the development, and addressed any impacts on the facilities in the immediate area.

Criteria for Site Plan Review approval, SRC 200.05(f)(3) states: 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.

The potential traffic impact of the original 2006 shopping center proposal was evaluated in a Traffic Impact Analysis (TIA) for CPC/ZC 06-6. That study recommended a variety of improvements to the transportation system that were required to mitigate the potential impacts of the projected traffic volume. The TIA that was approved and adopted as part of CPC/ZC 06-6 considered the total planned commercial retail and medical office use of the contiguous 28.4 acres site, of which this proposed shopping center development is a part.

Improvements to the transportation system required for development of the contiguous 28-acre site were specified in CPC/ZC 06-6 and adopted in the city's approval decision. Since that decision, major improvements have been completed to comply with that approval, and which include the following: 1) Kuebler Boulevard Widening from commercial Street to I-5 on-ramp that provided an additional eastbound thru lane. Applicant and the City of Salem entered into an agreement whereby Applicant agreed to fund \$3 Million for this project. This

work was completed by the city Public Works Department in 2016. 2) Kuebler Boulevard & 27th Avenue Intersection: Eastbound right turn lane, dual westbound left turn lanes. This work was completed concurrently with the Kuebler Boulevard Road widening work in 2016. 3) Kuebler & Battle Creek Road Intersection: Eastbound right turn lane, north bound left turn lane, south bound left turn lane, westbound right turn lane. This work was completed by Applicant with the Salem clinic and medical/office building development in 2013 and the Kuebler Boulevard Road widening work in 2016. 4) Battle Creek & Boone Road Intersection: South bound left turn lane, west bound left and right turn lanes, and north bound left turn lanes. This work was completed by Applicant with the Salem Clinic and medical/office building development in 2013. Remaining transportation system improvements to be completed with the proposed shopping center development include the following: 1) Signal at Boone Road and Battle Creek including the addition of an eastbound left turn lane; 2) Boone Road street frontage improvements; 3) 27th Avenue street frontage improvements; and 4) Signal modifications at Battle Creek Road and Kuebler Boulevard., and Kuebler Boulevard and 27th Avenue.

The Applicant has provided an updated TIA as part of this SPR Application to review the proposed shopping center development and analyze the effect of the projected traffic on the transportation system including intersection level of service standards - Kittelson & Associates, Transportation Impact Analysis for the Proposed Kuebler Gateway Shopping Center, May 1, 2018. This TIA is included as a part of this SPR Application. The updated TIA found that a new roundabout located at the main shopping center access on 27th Avenue (as shown on the site plan) will meet city intersection level of service standards. Improvements to the transportation system that were identified in the TIA for both the 2006 comp Plan/Zone change, and the SPR Application, will be completed as part of the proposed shopping center development. The improvements to the transportation system are proportionate to the impacts of the proposed shopping center development. By making improvements that are required to maintain the capacity of the transportations system and meet level of service standards, in proportion to the impacts of the proposed shopping center development, the safe, orderly, and efficient circulation of traffic into and out of the property will be provided, and negative impacts to the transportation system will be mitigated. The 2006 TIA analyzed the potential traffic impact of a shopping center and medical/office development totaling 299,000 sf, of which 240,000 sf would be retail space. The combined development in this SPR Application includes less building square footage than the 2006 TIA. The specific trip-generation characteristics of the combined development have been considered in the updated TIA.

In summary, the updated TIA has estimated that the traffic generated by the existing medical office buildings and proposed shopping center development will be less than the volume estimated in the original 2006 development proposal. The difference in the two proposed developments is 1,102 fewer daily trips (Table 1).

The traffic volume will also be less during the calculated weekday p.m. peak hour and the Saturday peak hour time periods. With the transportation system improvements that have already been completed, in-process improvements, and additional recommended improvements, all of the study intersections will continue to operate at an acceptable level of service, including the expected increases in background traffic. Full details and analysis is provided in the updated TIA attached as Appendix.

The property is served by Kuebler Boulevard, a Parkway; Battle creek Road, a Minor Arterial, Boone Road, a collector; and 27th Avenue, a collector; as shown on the Salem Transportation System Plan (STSP) Street Plan (Map 3-1). With the existing, in-process, and recommended improvements the transportation system will provide for the safe, orderly, and efficient circulation of traffic into and out of the property at full build-out, and negative impacts to the system will be adequately mitigated. Based on the analysis, findings and recommendations of the updated TIA, this criterion is satisfied.

The above excerpt not only demonstrates the coordination between PacTrust and staff on the transportation impacts the City wanted PacTrust to evaluate in 2018, it also explains why Council did not address transportation issues in its December 2018 Decision, much less base its denial on them. PacTrust evaluated the transportation issues the City expected and demonstrated that with the prior mitigation, it had met its burden under all applicable transportation related criteria. The City expressed a desire that PacTrust make additional improvements adjacent to the site including a roundabout on 27th Avenue near the main entrance to the proposed shopping center and PacTrust agreed to make those improvements in addition to all of its prior mitigation. Whether the City could strictly require that improvement, is another matter. PacTrust wishes to be clear that it does not waive that its compliance with the 2007 Decision fully mitigates for the impacts of an approved 299,000 square foot shopping center (which includes the proposed smaller shopping center) and the City was not at liberty to demand PacTrust build a roundabout. PacTrust as it always has, cooperated with the City in its effort to develop its property.

The City has carefully and completely evaluated the transportation impacts it expects from PacTrust's proposed development. Transportation issues were not cited in the December 2018 Decision because there was no need to discuss them; PacTrust has demonstrated all criteria were met. There is no reason for Council to now revisit aspects of the proposal it previously accepted as satisfying the code.

If the City Council decides that it should revisit transportation issues, it must do so as part of its evaluation of PacTrust's vested right. As PacTrust explained in its initial remand submission, it has a vested development right under the 2007 Decision to complete the shopping center approved in that decision. In good faith reliance on that decision and subsequent City actions, PacTrust expended over \$13 million towards completing the only development that was approved for the site. A significant portion of those expenditures, over \$3.75 million were on public transportation facilities the City determined were needed to mitigate for the transportation

impacts that would be generated by the approved development.¹ In other words, the City identified impacts it expected and approved from the proposed development and, as part of its actions to vest in that approval, PacTrust incurred expenditures in advance of completing its shopping center to mitigate for the approved impacts. PacTrust has vested its right to develop its shopping center and has vested the determination of the impacts from its proposed development and the required mitigation for those impacts.

Moreover, while opponents attempt to criticize PacTrust's 2018 TIS claiming it was not based on ITE trip generation estimates, a point that loses all importance when one notes that the City specifically approved PacTrust's scoping/method, opponents cannot show that the development proposed in the 2018 Site Plan Review will generate more impacts than what the city approved in its 2007 Decision and the development that PacTrust has a vested right to under the 2007 Decision. The impacts the City identified in 2006/2007 were based upon the approval of 299,000 square foot development that had both the medical clinic/office component and the larger 240,000 square foot retail shopping center. The development that is being proposed in 2018 is far smaller. The size of the shopping center currently under review is 189,550 square feet. Combined with the existing Salem Clinic/medical offices, the total development is 228,062 square feet. Without doubt, the transportation impacts from the significantly smaller development will be less. Thus, PacTrust mitigated for greater impacts than its final proposal will generate.

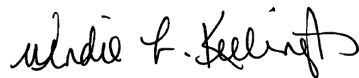
Even the opponents' consultant appears to acknowledge that the increased impacts they identified resulting from increased vehicle trips is attributed to new development the City approved after PacTrust completed the mitigation associated with its proposed development. Greenlight Report, p. 6. Thus, to the extent any facilities fall short of required operations standards (in fact they do not), it is not due to PacTrust's impacts but rather impacts the City approved after PacTrust mitigated for its impacts. PacTrust cannot be denied based upon those later impacts attributable to others that it did not create because PacTrust has vested its right to complete its approved 299,000 square foot shopping center based upon impacts and mitigation approved in the 2007 Decision. There is no justification to require PacTrust to complete any additional mitigation in order to complete its development, the right to complete which is vested. Relatedly, requiring PacTrust to mitigate for traffic impacts from other developments violates the *Nollan* and *Dolan* principles prohibiting unconstitutional conditions that have neither an essential

¹ In 2012, after the impacts of the real estate crisis that began in 2008 ameliorated, PacTrust began to develop the shopping center approved in 2007. The City required PacTrust to complete some of the mitigation required in the 2007 Decision. Then, later, even though the larger Kuebler Road improvements were not then required, the City requested that PacTrust advance money for the larger transportation improvement required in the conditions to the 2007 Decision. PacTrust paid \$3.0 million to the City for improvements to Kuebler Road. Those improvements were specifically designed to address the impacts from the 299,000 square foot development approved in 2007.

nexus to an approval standard nor rough proportionality to the impacts of the proposed development.

Indeed, the basic concept behind vested development rights is that when an applicant/owner, in good faith, makes substantial improvements toward completing an approved development, they vest in the right to complete the development that is *approved* – which here is a shopping center. The local government is not allowed to use new regulations, or interpretations of existing regulations to deny the right to complete the development and is not allowed to deny a vested right because the vested right holder has not mitigated for the impacts of development that it has nothing to do with. A critical part of any vested rights examination is to identify the expenditures an applicant/owner made in furtherance of completing the development. In this case, a significant part of PacTrust's expenditures went toward the public transportation improvements the City required it to mitigate for - all of the impacts that the City decided would flow from the approved development. The City cannot ignore those expenditures and the fact that they were made to fully mitigate the impacts from the approved development and consider denial or further conditions to mitigate for development impacts not of PacTrust's making.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wendie L. Kellington". The signature is fluid and cursive, with the first name "Wendie" being more prominent.

Wendie L. Kellington

WLK:wlk
CC: Shari Reed



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Costco Remand

Case No. SPR-DAP18-15

Applicant 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: Wendie Kellington <wk@klgpc.com>
Sent: Wednesday, August 12, 2020 3:49 PM
To: Aaron Panko; Planning Comments
Cc: Shari Reed (sharir@pactrust.com); Sarah Mitchell
Subject: SPR-DAP18-15; Remand (PacTrust/Costco) Part 1 of several
Attachments: City Council transmittal_Rebuttal Transmittl.pdf; ATTACHMENT 1 22051_Kuebler Gateway Shopping Center_response to Greenlight 7-2-2020 comments.pdf

Hi Aaron,

Attached please find for the record of the above matter, the first of several of the Applicants' submittals for the rebuttal evidentiary period. Please confirm your receipt. Thank you for your courtesies. Best, Wendie



Wendie L. Kellington | Attorney at Law.

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MEMORANDUM

Date:	August 12, 2020	Project #: 22051
To:	Tony Martin, City of Salem	
Cc:	Shari Reed & Matt Oyen, Pacific Realty Associates, L.P. (PacTrust) Peter Kahn, AVP, Costco Wholesale Corporation	
From:	Andy Daleiden, PE, Claire Dougherty, and Anthony Yi, PE, Kittelson & Associates, Inc.	
Project:	Kuebler Gateway Shopping Center	
Subject:	Response to July 2, 2020 Greenlight Engineering Comments	

This memorandum responds to the July 2, 2020 Greenlight Engineering Comments related to the Kittelson & Associates, Inc. (KAI) May 31, 2018 Traffic Study for the Kuebler Gateway Shopping Center.

The July 2, 2020 Greenlight Engineering comments and analysis are wrong and, in some cases, misleading.

March 3, 2020 Counts

The March 3, 2020 counts at the Kuebler Boulevard/I-5 Southbound Ramp is indeed higher than KAI's pre-pandemic counts. However, as is clear from the attached Costco Memorandum (Attachment A), March 3, 2020 was a particularly, and unusually busy day as reflected in Salem Costco's foot traffic, parking lot traffic, and sales on that day. It can be expected that this level of panic buying was not limited to Costco. Recall, many grocery, drug and general merchandise stores and even online retailers ran out of essential goods during this time period. On March 3, 2020, Costco's COVID-related panic buying, which had started in February, was at an extremely high level and that morning before the store opened Costco's corporate office directed the store put limits on key items - "water, bath tissue, rice, beans, sugar, flour and dog food." In fact, on March 3, 2020, foot traffic at Costco was up by 28% over the same time period last year. As a result, customers would "run through the store to get to those items first, forcing us to manage the flow into the building." Costco had to hire an additional 40 employees to help manage the sudden increase in traffic into the building and parking lot. It is assumed other similar retail stores experienced comparable pandemic panic buying. March 3, 2020 is by no means a representative date, in the heart of the pandemic, on which to conduct a non-pandemic traffic analysis. Greenlight relies upon the fact that the Oregon "statewide emergency declaration" occurred a few days later – on March 8, 2020, to assert that the counts presented in its July 2, 2020 report are valid. They are incorrect. It is wholly inconsistent with best practices in fact to only rely upon traffic counts taken in the pandemic conditions that existed in

Oregon beginning at least on February 24, 2020 and that continue to this day. Specifically, on February 24, 2020, the Oregon Health Authority reported that it began monitoring 254 people in Oregon for COVID-19 and this was widely reported on February 25, 2020. Attachment B. Oregon's first COVID-19 case at a Lake Oswego elementary school was confirmed and widely reported on February 28, 2020. *Id.* It is now well-established per the ODOT APM Update Appendix 3E that, *"caution should be exercised in taking new traffic counts during disruptive events. New traffic counts should only be taken during disruptive events when it is determined that the data already available is not sufficient for decision making."* Pre-disruption counts that have been approved by the City traffic engineers are available in the KAI May 2018 Traffic Study and therefore must be used. See ODOT APM Update – COVID-19: Guidance on Traffic Counts and Volume Development During Disruptive Conditions (APM Appendix 3E and 2020 Change Sheets) (Attachment C). There is no dispute in professional circles that a "Disruptive Condition" was present in Oregon at least beginning on February 24, 2020. There are adequate and reliable counts taken during non-disruptive conditions that it is not possible to credibly claim that counts taken in non-disruptive conditions are undermined by traffic counts taken during disruptive conditions. Also, we note that Table 1 of the July 2, 2020 Greenlight memorandum identifies both February and March 2020 as traffic count dates for the Kuebler Boulevard/I-5 Southbound Ramp intersection, when the only count used in the Greenlight analysis for this location was the March 3, 2020 traffic count taken during the pandemic. Greenlight attempts to mislead by grouping the February and March counts together in its report under a single heading to assert that they both show volume increases, when that is clearly not the case.

February 27, 2020 Counts

Greenlight collected counts on February 27, 2020 at the Kuebler Boulevard/Battle Creek Road intersection. As explained above, those counts were also collected during the pandemic's "Disruptive Conditions". Costco reported panic buying on February 27, 2020 (Attachment D). While Greenlight's February 27, 2020 counts are actually ***lower*** than KAI's May 2018 Traffic Study traffic volume counts at the same intersection (Greenlight's 2/27/2020 traffic count reports 3,959 peak hour trips and the traffic count used in the KAI May 2018 Traffic Study reported 3,995 trips at this intersection), this demonstrates an important point. The February 27, 2020 counts collected by Greenlight reinforce that traffic behavior during the "Disruptive Conditions", evident on February 27, 2020, is variable, unpredictable, and unrepresentative of normal traffic behavior upon which normative trip generation or transportation improvements should be based. This is explained in ODOT's publication, which is Attachment C. As previously stated, pre-disruption counts are available and should be used per guidelines presented in APM Appendix 3E.

Other Invalid Assumptions Used by Greenlight

- The analysis used an extreme and inappropriate seasonal adjustment factor to inflate the traffic volumes, which is inconsistent with the traffic analysis procedures for the City of Salem and Oregon Department of Transportation (ODOT) within the Salem metropolitan area,

including the intersections on Kuebler Boulevard, Battle Creek Road, 27th Street, and Interstate 5, and best practices.

- Other assumptions, such as saturation flow rate and right-turn-on-red that were included in the KAI May 2018 Traffic Study and validated with actual field data and acceptance by the City of Salem were not carried forward in the Greenlight Engineering analysis, which results in an inaccurate analysis and findings. We explain this in our *Response to Appeal Comments* (dated November 29, 2018) and *Response to Greenlight Engineering Comments* (dated June 6, 2020) reports.

Based on the flawed assumptions, the City of Salem should disregard any findings from Greenlight Engineering as the analysis is inconsistent with sound traffic engineering principles and the City of Salem and ODOT traffic analysis procedures.

Additionally, it noted that we have addressed many of these issues in previous memoranda and the KAI May 31, 2018 Traffic Study and supplemental documents (including the most recent supplemental analysis memorandum dated July 21, 2020) prepared by KAI, for which the data collection, analysis assumptions and conclusions have been reviewed and approved by traffic professionals at the City of Salem. This fact has been most recently memorialized in the City produced memorandum *PacTrust Traffic Impact Analysis Discussion*, dated March 27, 2020.

KAI addresses the flawed data collection, analysis assumptions and findings included in the July 2, 2020 Greenlight Engineering comments in greater detail in the remainder of this memorandum.

INVALID DATA AND ASSUMPTIONS USED IN THE JULY 2, 2020 GREENLIGHT ENGINEERING COMMENTS

- **March 2020 Traffic Counts** – As noted, the late-February and early-March 2020 traffic counts conducted by Greenlight Engineering were collected during pandemic conditions and only a few days prior to the March 8, 2020 statewide emergency declaration and the Stay Home, Save Lives executive order associated with the on-going COVID-19 pandemic. The traffic counts alone are not a reliable data set as they may not be representative of typical traffic volumes or travel patterns and therefore, should not be used in a traffic analysis. **However, even if the Greenlight provided March 2020 traffic count at the Kuebler Boulevard/I-5 Southbound Ramp intersection is used for the traffic analysis, the Kuebler Boulevard/I-5 Southbound Ramp intersection can still meet the ODOT 0.85 v/c operating standard under year 2021 total traffic conditions.** The traffic operations worksheets are provided in Attachment E.
- **Use of a Seasonal Adjustment Factor** – Greenlight Engineering utilizes a significant seasonal adjustment factor (1.11, or an 11% increase) on the I-5 Southbound/Kuebler Boulevard intersection counts, based on sites located in the Portland area along recreational routes near

the cities of Cornelius and Gresham, **not Salem**, to inflate the traffic volumes used in the Greenlight limited “forecast year” of 2022. For example, the site near Gresham is on US26 (Mt. Hood Highway between Gresham and Sandy) and is a very popular seasonal route to access Mount Hood. Seasonal adjustment factors are intended for roadways with significant seasonal changes in traffic volumes, such as rural highways leading to destination locations (e.g. highways to Mount Hood or highways to the Oregon Coast). The ODOT Analysis Procedures Manual (APM) Version 2, Chapter 5 specifically states the following –

*“The peak hour from a manual count is converted to the 30HV by applying a seasonal factor. The 30HV is then used for design and analysis purposes. Experience has shown that the 30HV in large urban areas usually occurs on an afternoon on a weekday during the peak month of the year. **The Metropolitan Planning Organization’s (MPO) of Metro, Salem and Eugene are large enough that the average weekday peak hour approximates the 30HV.**”*

As the proposed development is within Salem and within the Mid-Willamette Valley Council of Governments (MWVCOG) MPO area, the use of a seasonal adjustment factor is **not appropriate**, per APM guidance. As previously stated, the City of Salem and ODOT have supported prior analyses that, appropriately, did not apply a seasonal adjustment. Therefore, the analysis findings presented by Greenlight Engineering are invalid.

- **Greenlight Use of a Year 2022 “Buildout” Analysis** – Greenlight Engineering provides a limited year 2022 buildout analysis. This analysis is flawed and based on using artificially inflated traffic volumes due to inaccurate traffic counts and an incorrectly applied seasonal adjustment factor as discussed above. Therefore, the analysis findings presented by Greenlight Engineering are invalid. **Please note that the project development team provided a year 2021 build-out analyses within the most recent *Supplemental Analysis Memorandum* dated July 21, 2020, which concluded that City and ODOT operating standards can be met under forecast year 2021 conditions.**
- Additional observations on the year 2022 buildout analyses provided by Greenlight Engineering include the following:
 - **Inclusion of the Commercial Street/Kuebler Boulevard Intersection** – **This is not an immediately abutting street to the proposed shopping center and is irrelevant to the City site review standards.** Moreover, as specified in the response to the prior (2018) Greenlight Engineering memorandum, the analysis area selected for this Class 3 site review was established by traffic professionals at the City of Salem as recorded in the 2007 Decision. **This fact has been most recently memorialized in the City produced memorandum *PacTrust Traffic Impact Analysis Discussion*, dated March 27, 2020.**

*“The City and the applicant’s traffic engineer scoped the same intersections that were evaluated in the 2007 CPC/ZC to ensure a fair comparison using the same peak traffic hours (PM PEAK). The intersection of Commercial Street SE and Kuebler Boulevard SE was not included in the 2018 analysis because the City had a Capitol 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.**”*

Therefore, Greenlight Engineering’s inclusion of the Commercial Street/Kuebler Boulevard intersection is irrelevant for the scoping required for Site Plan Review.

- **Use of a 1.8 percent growth rate** – Greenlight Engineering utilizes a 1.8 percent growth rate, citing the MWVCOG’s model data for years 2010 and 2035, to develop future year 2022 traffic volumes. First, there is no 1.8% growth rate in MWVCOG’s traffic model data generally or for this area, and second, using a 1.8 percent growth rate is not appropriate for this study. The MWVCOG model considers the Traffic Analysis Zone (TAZ) for the area within which **the subject property exists as built out per MWVCOG staff**. The model presumes that the subject property will develop as Commercial Retail zoned land. The MWVCOG 2035 model presumes the build-out of other properties in the TAZ based on the existing zoning when the model was created. **Therefore, applying a 1.8 percent growth rate to existing baseline traffic volumes as Greenlight requests and adding the estimated trip generation of in-process developments and the Kuebler Gateway Shopping Center is inappropriate because it is essentially double-counting vehicle trips.** Based on a review of the model plots used by Greenlight Engineering (Attachment F), it appears the 1.8 percent growth rate was calculated solely on the link volumes on Kuebler Boulevard between 27th Avenue and the I-5 Southbound ramp terminal, and no other roadway segments along Kuebler. Using the same model data set and appropriately accounting for the Kuebler Gateway Shopping Center and in-process traffic used in the KAI May 2018 Traffic Study (so as to not “double-count” vehicle trips), and using even one additional roadway segment on Kuebler (Battle Creek Road to Commercial), the estimated **annual growth rate is 1.06 percent**. Attachment F provides the summary sheets of how both growth rates are calculated. **Therefore, the City of Salem appropriately set the use of a 1 percent growth rate for the KAI May 2018 Traffic Study, and the numerous counts KAI conducted over the past few years support the use of a 1 percent growth rate.** Additionally, though the Greenlight March 2020 count at the I-5 Southbound/Kuebler Boulevard intersection was higher than the count conducted by KAI in December 2017 by approximately 3 percent (**matching the annual 1 percent growth rate used in the KAI March 2018 Traffic Study**), prior weekday counts conducted at the I-5 Southbound/Kuebler Boulevard intersection in July 2018 by KAI

showed a lower volume than the December 2017 count used as the basis of the May 2018 Traffic Study.

- **Use of a saturation flow rate of 1,800** – Greenlight Engineering uses 1,800 vehicles per hour per lane (vphpl) except for certain higher volume movements which is an inaccurate analysis. KAI conducted a saturated flow study in 2018 that was scoped and approved by the City traffic engineers. The study found that the saturation flow rates collected in the field are greater than the rates used in the May 2018 Traffic Study based on 1,900 vphpl and therefore, use of a higher saturation flow rate of 1,900 is appropriate.

Table 1 provides a comparison of the saturation flow rates collected in the field at several high volume locations to the rates used in the KAI May 2018 Traffic Study that are based on a saturation flow rate of 1,900.

Table 1. Saturation Flow Rate

Movement	Saturation Flow Study	KAI May 2018 Traffic Study Saturation Flow ¹	Difference ²
Battle Creek at Kuebler			
Westbound Through	3,540	3,539	+1
Eastbound Through	3,519	3,505	+14
I-5 Southbound Ramp at Kuebler			
Southbound Right	3,255	2,787	+468

¹ Saturation flow rate used in the KAI May 2018 Traffic Study is based on a baseline ideal flow of 1,900 vehicle per hour per lane (vphpl).

² Difference = Saturation Flow Study – TIA Saturation Flow

As shown in Table 1, because the saturation flow rates collected in the field are greater than the rates used in the KAI May 2018 Traffic Study that are based on a 1,900 flow rate, using a 1,900 vphpl baseline flow rate meets the City of Salem TIA Standards per Division 6, Section 6.33.

The following two graphics are Synchro analysis worksheets taken directly from the KAI May 2018 Traffic Study and highlight the use of the a 1,900 vphpl baseline flow rate and the Synchro calculated saturated flow rates used the analysis (these also match the values in Table 1 above).

HCM Signalized Intersection Capacity Analysis
1: Battle Creek Rd SE & Kuebler Blvd

22051 - Salem Costco Relocation
Existing Year Traffic Conditions - PM

	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↰	↰↰	↰	↰	↰↰	↰	↰	↰	↰	↰	↰	↰
Traffic Volume (vph)	53	1024	90	243	1497	139	75	126	164	131	318	173
Future Volume (vph)	53	1024	90	243	1497	139	75	126	164	131	318	173
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		0%			0%			0%			3%	
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	1.00	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	1.00
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)	1641	3505	1566	1787	3539	1524	1752	1827	1524	1710	1853	1575
Flt Permitted	0.07	1.00	1.00	0.16	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00
Satd. Flow (perm)	125	3505	1566	299	3539	1524	1752	1827	1524	1710	1853	1575

HCM Signalized Intersection Capacity Analysis
4: I-5 SB Ramps & Kuebler Blvd

22051 - Salem Costco Relocation
Existing Year Traffic Conditions - PM

	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↰↰	↰		↰↰	↰				↰		↰↰
Traffic Volume (vph)	0	1346	117	0	758	208	0	0	0	84	0	1189
Future Volume (vph)	0	1346	117	0	758	208	0	0	0	84	0	1189
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	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)		3471	1599		3539	1493				1570		2787
Flt Permitted		1.00	1.00		1.00	1.00				0.95		1.00
Satd. Flow (perm)		3471	1599		3539	1493				1570		2787

- **Right-turn on red percentage at the I-5 Southbound/Kuebler Boulevard intersection**
– The KAI May 2018 Traffic Study utilized a higher right-turn on red (RTOR) percentage than the Greenlight study, which is based on actual field observations and traffic data

that supports this higher RTOR percentage. Greenlight Engineering appears to have utilized Synchro default right-turn on red percentages, which is not consistent with observed actual traffic conditions. When actual data is available, it is best practices to use actual versus software default values. As previously specified, the RTOR adjustment used in the traffic analysis is based on actual traffic count data and video observations taken in December 2017, which showed approximately 42 percent of RTOR vehicles during the PM peak hour and closer to 56 percent of RTOR vehicles during the Saturday midday peak hour, as summarized in Table 2. For a conservative analysis, the lower right-turn on red percentage was utilized for both the PM and Saturday analysis periods. Attachment G includes the video data summary workbook documentation.

Table 2. I-5 Southbound Off-ramp / Kuebler Blvd RTOR Data

Time Period	RTOR Count	Right Turn Count	RTOR Percentage of Right Turns
PM Peak Hour			
5:05-5:10	33	86	38.4%
5:10-5:15	62	99	62.6%
5:15-5:20	31	113	27.4%
Average =			42.8%
Saturday Midday Peak Hour			
1:00-1:05	37	56	66.1%
1:05-1:10	37	60	61.7%
1:10-1:15	23	59	39.0%
Average =			55.6%

ADDITIONAL ITEMS OF NOTE IN THE JULY 2, 2020 GREENLIGHT ENGINEERING COMMENTS

In the July 2, 2020 Greenlight Engineering Comments, a list of “issues of the TIA not addressed in this analysis” is provided. KAI ***has*** addressed all listed issues in the May 2018 Traffic Study and supplemental documents (including the most recent supplemental analysis memorandum dated July 21, 2020), listed below for reference.

- May 2018 Traffic Study
- Response to City and ODOT Comments (August 9, 2018)
- Response to ODOT Additional Comments (September 17, 2018)
- Response to Appeal Comments (November 29, 2018)
- Response to Greenlight Engineering Comments (June 6, 2020)
- Supplemental Traffic Analyses in Response to Greenlight Engineering December 2018 Comments (July 21, 2020)
- Response July 2, 2020 Greenlight Engineering Comments (this memorandum)

CONCLUSION

As documented in this memorandum, the analysis and findings included in the July 2, 2020 Greenlight Engineering Comments are invalid and inconsistent with best practice traffic engineering principles and the City of Salem and ODOT traffic analysis procedures due to the following:

- 1) the traffic counts used by Greenlight Engineering were collected during the COVID-19 disruptive conditions and did not adhere to ODOT guidelines provided in the APM Appendix 3E – *Traffic Volume Development During Disruptive Events*;
- 2) the Greenlight analysis used an extreme seasonal adjustment factor based on sites located in the Portland area along recreational routes near the cities of Cornelius and Gresham, **not Salem**, to inflate the traffic volumes, which is inconsistent with the traffic analysis procedures for the City of Salem and ODOT within the Salem metropolitan area; and,
- 3) key traffic analysis inputs (saturation flow rate and right-turn-on-red) that were field collected within the project study area and acceptance by the City of Salem and ODOT were not carried forward in the Greenlight Engineering analysis, which results in an inaccurate analysis and findings.

As documented in the KAI May 31, 2018 Traffic Study, numerous supplemental memoranda, and this memoranda to the July 2, 2020 Greenlight Engineering comments, support that the proposed Kuebler Gateway Shopping Center can be developed while maintaining acceptable traffic operations on-site and on the adjacent transportation network and demonstrates compliance with SRC 220.005(f)(3)(B) and (C).



Attachment A: Costco letter (operations on March 3rd)



Costco Wholesale
Salem #68
1010 Hawthorne Ave SE.
Salem, OR 97304
July 28, 2020

To: Peter Kahn

RE: Salem Costco COVID Spikes/Limits

On March 3rd, 2020 the Salem Costco Warehouse #68, experienced an unprecedented increase in both Foot Traffic, Parking Lot Traffic and Sales. This was due to the panic purchasing influenced by the outbreak of COVID19 and the recommended Shelter in Place plan from the State of Oregon.

On this date, year to date member foot traffic was running up only 2% over last year. In comparison on March 3rd, 2020 member foot traffic ran 28% up over last year. This was reflected in long lines in the building and long lines back to the freeway entrance trying to enter the parking lot.

Food sales year to date were up 4.5% over last year. In comparison on March 3rd, 2020, foods sales were up 23% over last year, resulting in key departments such as cooler, freezer and sundries being out of stock.

Because of the increase in out of stocks, limits were imposed on select items prior to opening on March 3rd, at the direction of our corporate office. These items included water, bath tissue, rice, beans, sugar, flour and dog food.

The above mentioned spikes in sales created an environment where members would run through the store to get to those items first, forcing us to manage the flow into the building. Due to the member foot traffic and increased parking lot traffic, we hired an additional 40 employees to help manage the sudden increase in traffic into the building.

Larry Kelley
General Manager
Salem Costco #68

Attachment B: News Samples

2020-02-24T17:24:20.000-08:00 KATU Staff

76 people being monitored for coronavirus, Oregon Health Authority says

PORTLAND, Ore. – The Oregon Health Authority is monitoring 76 people for the [novel coronavirus COVID-19](#), officials said Monday afternoon.

At this point there are no confirmed cases of the virus in Oregon, and authorities said the state's risk is low.

OHA officials say the people being monitored don't have symptoms of the virus, however, they may have been exposed by traveling to mainland China or through close contact with a confirmed case.

Currently 76 people are being monitored for [symptoms of the virus](#). They have already cleared 178 others.

RELATED: [Oregon comedian quarantined amid cruise ship virus sneaks flight to Seattle](#)

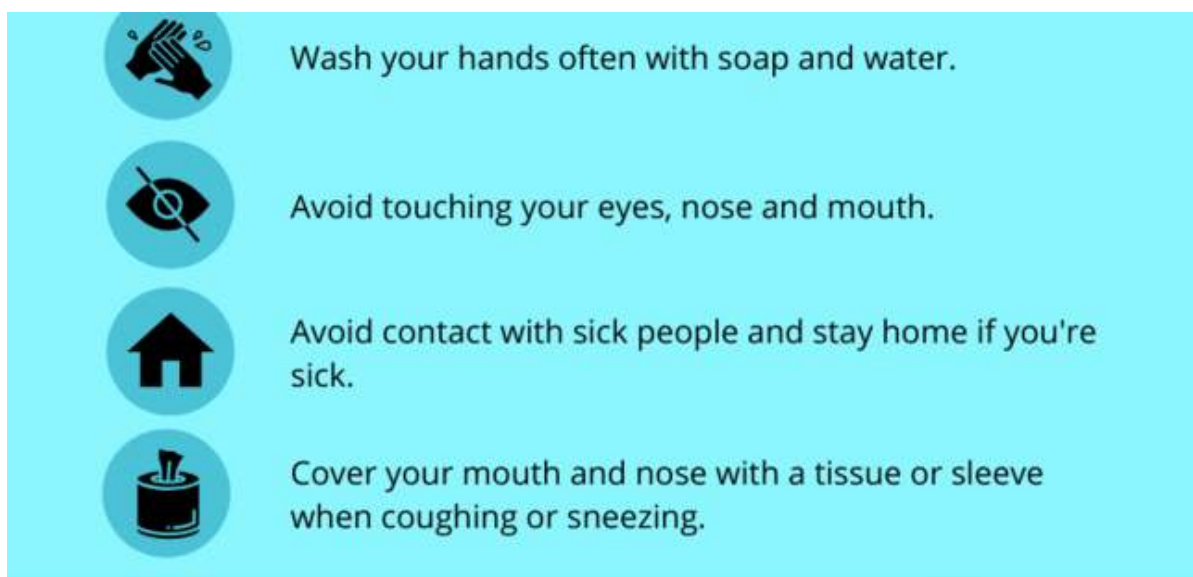
So far, the OHA investigated two people with symptoms of the virus, however neither one developed COVID-19.

"We recognize people are very worried about COVID-19, particularly given that we don't know everything we wish we could know about how it's transmitted," said Lillian Shirley, director of the OHA Public Health Division. "People need to understand their real risks and feel confident the state and their local health departments are working hard to protect their health. We hope sharing these PUM (person under monitoring) and PUI (person under investigation) data will help do that."

The [Oregon Health Authority](#) will release updates on the numbers each Tuesday starting on March 3.

OHA officials say there are several ways people can prevent the spread of many respiratory illnesses, including COVID-19 and influenza:

- Cover your coughs and sneezes with a tissue and then throw the tissue in the trash.
- Wash your hands often with soap and water for 20 seconds. If soap and water are not readily available, use an alcohol-based hand sanitizer that contains at least 60 percent alcohol.
- Avoid close contact with people who are sick.
- Avoid touching your eyes, nose and mouth with unwashed hands.
- Clean and disinfect surfaces that are often touched.
- Consult Centers for Disease Control and Prevention (CDC) travel website for any travel advisories and steps to protect yourself if you plan to travel outside of the U.S.A.
- Take care of your overall health. Staying current on your vaccinations, including flu vaccine, eating well and exercising all help your body stay resilient.



For more information visit
healthoregon.org/coronavirus



Coronavirus prevention – Oregon Health Authority graphic

Viewed using [Just Read](#)

HEALTH

Days after refusing to share data, OHA will now share number of people monitored for coronavirus

The Oregon Health Authority will post the number of “persons under monitoring” and “persons under investigation” for coronavirus on its website.

OHA to release coronavirus monitoring data

Author: KGW Staff

Published: 4:08 PM PST February 24, 2020

Updated: 3:32 PM PST February 25, 2020



PORTLAND, Ore. — Days after [refusing to reveal](#) how many people in Oregon are being monitored for the coronavirus, the Oregon Health Authority had a change of heart on Monday.

The agency says starting now, and continuing every Tuesday beginning March 3, OHA will post the number of “persons under monitoring” and “persons under investigation” for coronavirus on its website.

[View the data here](#)

A person under monitoring is someone who does not have symptoms, but who may have been exposed to coronavirus, now called COVID-19, by close contact with a confirmed case or by travel to China. There are currently 76 people under monitoring in Oregon.

A person under investigation is someone with coronavirus symptoms - such as fever, cough or trouble breathing - but not necessarily the virus. There are no people under investigation in Oregon.

To date, there are no cases of coronavirus, now called COVID-19, in Oregon, according to the OHA.

"We recognize people are very worried about COVID-19, particularly given that we don't know everything we wish we could know about how it's transmitted," said Lillian Shirley, director of the OHA Public Health Division. "People need to understand their real risks and feel confident the state and their local health departments are working hard to protect their health. We hope sharing these PUM and PUI data will help do that."

If a person under investigation tests positive for coronavirus, the OHA will notify the public and share the person's county of residence.

RELATED: [Global markets plunge as virus cases spread beyond Asia](#)

How to protect yourself

The OHA shared these everyday actions people can take to prevent the spread of respiratory illnesses, including COVID-19 and influenza:

- Cover your coughs and sneezes with a tissue and then throw the tissue in the trash.
- Wash your hands often with soap and water for 20 seconds. If soap and water are not readily available, use an alcohol-based hand sanitizer that contains at least 60 percent alcohol.
- Avoid close contact with people who are sick.
- Avoid touching your eyes, nose and mouth with unwashed hands.
- Clean and disinfect surfaces that are often touched.
- Consult Centers for Disease Control and Prevention (CDC) travel website for any travel advisories and steps to protect yourself if you plan to travel outside of the U.S.A.
- Take care of your overall health. Staying current on your vaccinations, including flu vaccine, eating well and exercising all help your body stay resilient.

RELATED: [Number of people in Washington under supervision for coronavirus drops by nearly 200](#)

How many people are being monitored for coronavirus in ...



https://www.eastoregonian.com/news/state/oregon-health-authority-monitoring-76-for-novel-coronavirus/article_2f84bba2-57eb-11ea-8452-cb03ef714ef9.html

FEATURED

Oregon Health Authority monitoring 76 for novel coronavirus

By Kristian Foden-Vencil Oregon Public Broadcasting

Feb 25, 2020



Air China cabin crew wearing face masks walk out of the international terminal at the San Francisco International Airport in Millbrae, California, United States on January 31.

AP Photo/Yichuan Cao, File

SALEM — The Oregon Health Authority is starting weekly updates on the novel coronavirus.

No cases have been reported in Oregon yet, but the state is monitoring 76 people.

Those people have either traveled to China or have close ties to someone else who traveled to China.

Now the state just wants to let the public know how it's keeping tabs on things.

“We have been monitoring people here in Oregon. We'll continue to monitor. We want to post those results on our website and just be as transparent as we can,” said Oregon Health Authority spokesman, Jonathan Modie.

At this point, monitoring is restricted to people visiting China. The Centers for Disease Control and Prevention are not including countries with outbreaks like Japan, South Korea and Iran.

The 76 Oregonians being monitored for the new virus have been asked to stay at home and avoid crowds for 14 days. At this point, it's a request — not a requirement.

Modie said people appear to be complying.

2020-02-24T18:53:09.000-08:00

Stephanie Rothman and NBC16.com Staff

Oregon Health Authority monitoring hundreds of people possibly connected to Coronavirus

Oregon Health Authority monitoring hundreds of people possibly connected to Coronavirus

by Stephanie Rothman and NBC16.com Staff

Monday, February 24th 2020

AA



LANE COUNTY, Ore. – The Oregon Health Authority released information on the monitoring of hundreds of people possibly connected to the Wuhan Coronavirus.

No one has tested positive in Oregon, but since January 24th, officials have been in contact with anyone listed by the CDC.

Those being monitored either traveled to China or another country where cases are growing. More than 250 people have been monitored, many of whom have since been tested.

Those being investigated have shown symptoms and are being tested. Two people have been under investigation, neither have contracted the virus.

“You know there's a lot of public interest out there worrying a lot of people, a lot of anxiety and I think people want and need information,” said Jonathan Modie, with OHA.

Currently, 76 people are being monitored for symptoms of the virus.

OHA will give weekly updates on the people they're in contact with.

Starting next Wednesday, officials will post data on their website.

Monday, February 24, 2020

Zane Sparling

Pamplin Media Group

Oregon: 254 monitored for COVID-19, but no confirmed cases

Details

The Oregon Health Authority reports that the public risk for Coronavirus 'remains low.'

The [Oregon Health Authority](#) reports that more than 250 people have been monitored for symptoms of COVID-19 — previously known as the Wuhan Coronavirus — but not a single person has yet tested positive for the disease here.

Here are the results so far since state epidemiologists began their investigation:

- 254 — the total number of people monitored for [COVID-19](#) since Jan. 24, primarily because they visited mainland China
- 178 — the number who have completed monitoring without developing symptoms
- 76 — the number still being monitored.

OHA says no one is currently under investigation for COVID-19, a more serious consideration for those presenting symptoms with a confirmed instance of exposure or recent [travel to China](#).

Two people were previously under investigation and received negative test results, meaning they are not sick with this particular illness.

"We recognize people are very worried about COVID-19, particularly given that we don't know everything we wish we could know about how

it's transmitted," said OHA's Public Health Division director, Lillian Shirley.

The signs of COVID-19 include fever, coughing fits and difficulty breathing.

"People need to understand their real risks and feel confident the state and their local health departments are working hard to protect their health," Shirley said, noting that the complete lack of cases means public risk is low.

If OHA discovers a person who tests positive for COVID-19, the authority will report it to the public and reveal that person's county of residence.

[Tens of thousands](#) worldwide have been sickened by the novel disease that originated in the Wuhan province of China, sparking fears of a global pandemic. But less than 3,000 people have died, and most of the casualties have been in China so far.

There are at least 50 cases of the disease in the U.S., and others in Canada, Britain, Iran, Italy, Japan, South Korea and other countries.

OHA released this list of tips for preventing the spread of disease:

- Wash your hands often with soap and water for 20 seconds. If soap and water are not readily available, use an alcohol-based hand sanitizer that contains at least 60 percent alcohol.
- Avoid close contact with people who are sick.
- Avoid touching your eyes, nose and mouth with unwashed hands.
- Clean and disinfect surfaces that are often touched.
- Consult Centers for Disease Control and Prevention (CDC) travel website for any travel advisories and steps to protect yourself if you plan to travel outside of the U.S.A.
- Take care of your overall health. Staying current on your vaccinations, including flu vaccine, eating well and exercising all help your body stay

resilient.

Viewed using [Just Read](#)

The Register-Guard

State: 76 Oregonians under monitoring for coronavirus, 7 in Lane County

By Chelsea Deffenbacher

Posted Feb 24, 2020 at 5:33 PM

Updated Feb 25, 2020 at 4:32 PM

There are 76 people in the state of Oregon being monitored for symptoms of the coronavirus, seven of whom live in Lane County, according to the Oregon Health Authority and Lane County Public Health.

The statewide numbers were posted Monday afternoon on the state's new website, with data on potential cases of novel coronavirus, also known as COVID-19, first identified in Wuhan, Hubei Province, China. The data will be updated weekly on Tuesdays, starting March 3.

Locally, seven people are being monitored, said Lane County Public Health spokesperson Jason Davis. Lane County will not post results online, rather the county's numbers are included in the weekly statewide update.

"We recognize people are very worried about COVID-19, particularly given that we don't know everything we wish we could know about how it's transmitted," said Lillian Shirley, director of the OHA Public Health Division. "People need to understand their real risks and feel confident the state and their local health departments are working hard to protect their health. We hope sharing these (people under monitoring) and (people under investigation) data will help do that."

In the last month, 254 people statewide were monitored for symptoms, and 178 of those people completed monitoring with no symptoms. Individuals are monitored by health officials when they do not have COVID-19 symptoms but may have been exposed through close contact with a confirmed case or from travel to mainland China.

Only two people in the state have had symptoms that rose to the level of being under investigation. Both of those were cleared, as their test results were negative. There are not any pending test results and no people under investigation. Health officials will investigate people when they have COVID-19 symptoms — but not necessarily the virus — who may have been exposed through close contact with a confirmed case or from travel to mainland China.

The state's new site came on the heels of a report that claimed the state would not release the number of people under monitoring, unlike the state of Washington that has shared its numbers.

For general information about the novel coronavirus, the Oregon Health Authority recommends calling 211.



No One In Oregon Has Tested Positive for Coronavirus, Health Authority Says

Confirmed flu cases? 682.

By Tess Riski | Published February 25 Updated February 25

The Oregon Health Authority said on Monday that it is currently monitoring 76 people for coronavirus.

That number could inspire fear in even the most level-headed Portlander. But here's the key number: So far, no one in Oregon has actually tested positive.

OHA began monitoring 254 people because they either recently traveled to mainland China, or they have had contact with a confirmed coronavirus case—not because they showed any symptoms of the virus.

COVID-19

For the latest COVID-19 health guidance, statistics and resources, visit [Coronavirus.wa.gov](https://coronavirus.wa.gov)

Washington Governor - Jay Inslee

Inslee issues COVID-19 emergency proclamation

February 29, 2020

Story

Gov. Jay Inslee today declared a state of emergency in response to new cases of COVID-19, directing state agencies to use all resources necessary to prepare for and respond to the outbreak.

"This will allow us to get the resources we need," Inslee said. "This is a time to take common-sense, proactive measures to ensure the health and safety of those who live in Washington state. Our state agency directors have been actively preparing since the nation's first case appeared in Snohomish County. Washingtonians can be assured we've taken this threat seriously and have been working in collaboration with our health care partners to develop plans and procedures to prepare for what could likely be a world-wide pandemic."

He issued a [proclamation](#) that directs state agencies and departments to utilize state resources and do everything reasonably possible to assist affected communities responding to and recovering from COVID-19 cases. It also allows the use of the Washington National Guard, if necessary. In January, the Washington Military Department activated the State Emergency Operations Center at a Level 1, the highest level, to help coordinate a statewide response.

Today, Public Health - Seattle & King County [announced the death of an individual](#) with COVID-19, the first in the United States.

The nation's first case of COVID-19 was found in a Snohomish County man in January. He had traveled to Wuhan, China and has now recovered. On Feb. 28, the state Department of Health announced two additional cases – a King County woman who had recently traveled to South Korea, and a Snohomish County teenager with no travel history. Both are recovering at home and remain in home isolation.

The Department of Health also announced last week that the Public Health Lab in Shoreline now has the capability to test for cases of COVID-19, expediting results.

"This means our state can respond quickly and effectively," Inslee said. "Our priority now is to slow the spread of this virus. Our health care professionals say the easiest way to do that is to practice good hygiene – wash your hands often, sanitize frequently touched surfaces and stay home when you're sick. Preventing future cases will require the work of all of us."

For the latest information on the COVID-19 situation, visit the Department of Health's [website](#). The Governor's Office has also developed a [partial list](#) of resources to support economic retention and recovery related to COVID-19 coronavirus.

***For latest information, resources, and guidance related to COVID-19, please visit the [Washington State Department of Health website](#).**

Spanish: [Inslee emite proclamación de emergencia por motivo del COVID-19](#).

Media Contact

Public and constituent inquiries: 360.902.4111

Press inquiries: 360.902.4136

STAT

First Covid-19 outbreak in a U.S. nursing home raises concerns

By [Eric Boodman @ericboodman](#) and [Helen Branswell @HelenBranswell](#)

February 29, 2020

[Reprints](#)



Nancy Messonnier of the CDC. *Samuel Corum/Getty Images*

Washington state reported on Saturday the first death in the U.S. from the new coronavirus, the first health care worker to be infected with the disease, and most worrying, the first known outbreak in a long-term care facility.

At a nursing facility in Kirkland, Wash, approximately 27 of the 108 residents and 25 of the 180 staff have some symptoms, health officials said during a teleconference with the Centers for Disease Control and Prevention. Authorities report that some among them have pneumonia.

“We are very concerned about an outbreak in a setting where there are many older people, as we would be wherever people who are susceptible might be gathering,” said Jeff Duchin, health officer for public health for Seattle and King County. He added that older adults and people with underlying health conditions like diabetes, heart or lung disease should be especially careful to protect themselves by washing their hands, not touching their faces, and avoiding contact with people who are sick.

The deceased, a man in his 50s with underlying health conditions, was not a resident of the facility, and officials have not yet found a link between his case and the outbreak in the nursing facility. “At the present time, we do not see a connection between the two. But there are some evolving threads that are being investigated,” said Frank Riedo, the medical director of infection control at EvergreenHealth Hospital, where the death occurred. “I think ... what we’re seeing is the tip of the iceberg,” he added. “We’re seeing the most critically ill individuals. Usually that means there’s a significant percentage of individuals with less severe illness floating around out there. So in all likelihood there is ongoing low level transmission.”

As of Saturday, the World Health Organization reported that there were more than 85,403 cases worldwide, from 46 countries. While most of the cases are still from China, cases elsewhere are on the rise.

[Trending Now:](#)

[‘We don’t actually have that answer yet’: WHO clarifies comments on asymptomatic spread of Covid-19](#)

The United States has reported more than 60 cases at this point. The bulk of the cases, 47, are people who were evacuated from China or from the Diamond Princess Cruise ship. There have been 15 previous cases in people who contracted the virus overseas.

So far, two people from the nursing facility outbreak have tested positive for Covid-19. One is a health worker in her 40s, who is currently in “satisfactory

condition,” Duchin said, while the other is a resident in her 70s with significant underlying chronic health issues and is in “serious condition.”

“We haven’t been onsite yet,” he said, adding that a team from the CDC will be arriving Saturday evening to help investigate and control the situation.

Kathy Lofy, state health officer for the Washington State Department of Health, said that if Washington starts to see more spread, the state might consider social distancing measures, such as canceling large events.

“While there is some spread in some communities, there is not national spread of Covid-19,” said Nancy Messonnier, director of the National Center for Immunization and Respiratory Diseases. “CDC and the federal government are working to keep it that way.” She emphasized that most people in the United States are at low immediate risk, but added that this was “an historic public health challenge.”

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March 18, 2020 at 5:20 pm

Asia Fields

Coronavirus spread at Life Care Center of Kirkland for weeks, while response stalled

From her room inside the nursing home, Judie Shape has heard the coughs of other residents with the novel coronavirus illness down the hall and watched the ambulances come and go for weeks.

Shape, 81, had moved into Kirkland's Life Care Center on Feb. 26 for short-term care following time in the hospital for blood-clot surgery. It was terrible timing: that same day, Life Care said it notified state officials of an outbreak of severe respiratory illness, which staff had noticed was spreading for weeks.

But the outbreak, which turned out to be COVID-19, may have been circulating in the facility much longer. A Life Care official said staff noticed a respiratory outbreak by Feb. 10, and interviews and a review of 911 call logs obtained by The Seattle Times show it could have appeared even sooner.

Exacerbating the problem: Confusion inside the nursing home and among state health officials over who was responsible for testing sick patients allowed the disease to continue spreading, turning Life Care into the nation's largest source of COVID-19 fatalities.

Last month, there were 120 residents at Life Care. As of Wednesday, at least 81 have tested positive for the coronavirus and of those, 34 have died, as well as a visitor. About a fourth of the coronavirus fatalities in the U.S. have been linked to the nursing home, according to state and federal data.

Interviews with residents' family members and a review of 911 call logs obtained by The Seattle Times show a tragedy slowly unfolding. And as nursing homes nationwide prepare to protect residents from a virus

that is especially dangerous for the elderly, the situation in Kirkland demonstrates a worst-case scenario and a cautionary tale for other facilities.

Even as state and federal officials were responding to COVID-19 cases at Life Care, the nursing home didn't obtain enough supplies to test all residents until March 7, and it took another week to test most employees. The Centers for Disease Control and Prevention (CDC) said in a report Wednesday that limited access to testing, as well as [staff working at multiple facilities while sick](#) and a lack of protective equipment, contributed to the disease's spread at Life Care.

State and county health officials said it was not their role to provide testing materials to Life Care. The nursing home, in turn, questioned why it would be Life Care's responsibility to have residents tested in a public health crisis.

"I keep feeling like our government partners keep trying to silo it in, saying, 'It's not our fault. It's not our responsibility.' But we were underwater," said Life Care spokesman Tim Killian. "We've had to push, push, push just to get what we hoped government would understand would obviously need to be done."

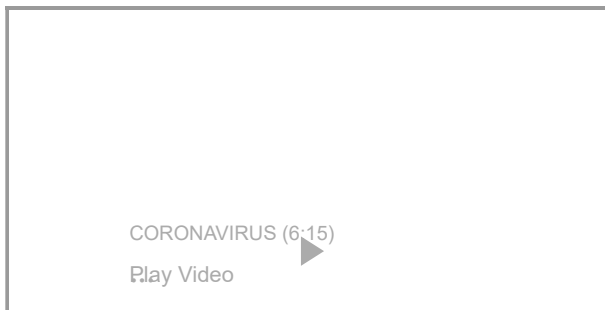


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Life Care's answers aren't satisfying for the families of residents who have become ill or contracted the virus.

Shape, a grandmother, is eager to reunite with her family and share memories of her life, which include raising a family with her husband, a former mayor of SeaTac. She has now tested positive for COVID-19.

“This is a series of circumstances that you would never want at the end of a glorious life like she has had,” said Lori Spencer, Shape’s daughter. “I’m just astounded.”



On March 4, families of residents at Life Care Center of Kirkland, including Judie Shape’s daughter Lori Spencer, held a press conference to decry the response to the outbreak and demand information and testing. (Lauren Frohne / The Seattle Times)

An early call

On the afternoon of Jan. 29, a nurse at Life Care called 911: A woman in her 80s was having trouble breathing, and her blood oxygen level was below normal. “It takes a lot of energy for her to say a few words,” the registered nurse told the dispatcher.

Out of more than three dozen requests for emergency aid from Life Care this year, the call was the first in which staff described symptoms generally consistent with COVID-19.

That same day, Evan Hurley, a union representative for Kirkland firefighters, said a fellow firefighter was exposed to COVID-19 after caring for a patient who had lived at or visited Life Care.

The exposure, Hurley said, was discovered in recent weeks through an examination of records and cases at the Kirkland Fire Department. But Hurley said he could not confirm whether the Jan. 29 call was the source of the firefighter’s exposure. The firefighter ultimately did not test positive for the virus, Hurley said.

Local health officials, however, said they have not found that COVID-19 cases existed at Life Care before late February.

But the firefighters echo a consistent complaint that has surfaced amid the virus' spread in the Seattle area, and specifically at Life Care: lack of testing.

Some firefighters who responded to calls at Life Care, before and after the outbreak was detected, have still not been tested, according to Hurley. According to Kirkland officials, at least a dozen first responders have been tested, and 29 quarantined for 14 days. Of that group, one firefighter had a confirmed case, and got tested on his own after he became ill, according to Hurley.

Meanwhile, all first responders with symptoms were in the process of being tested, city officials said.

"We're saying to ourselves, 'How is it possible that the first responders who are at the front line of this nationally are having to wait so long?' " Hurley said. "That should be concerning for the public."

Most Read Local Stories

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- ['Substantial' pier shift closes Seattle's Waterfront Park](#)
- [Evidence is growing, but what will it take to prove masks slow the spread of COVID-19? VIEW](#)
- [Mask myths busted: Yes, they work. No, you won't suffocate. Here's what you should know. WATCH](#)
- ['It's not the Seattle I want to live in': Passion and deep feelings at rally to support police VIEW](#)

The nursing home made two more 911 calls about people with breathing problems in early February, and on Feb. 10, recognized that a respiratory illness was spreading.



The disease is discovered

The evening of Feb. 19, the nurse at Life Care made an urgent call: a 60-year-old man's oxygen levels had dropped to a critically low level. He was unconscious.

Life Care marks that day as the known start of the outbreak, as that's when the first patient who later tested positive was sent to the hospital, Killian said. At the time, the CDC restricted testing for COVID-19, focusing on international travelers and people with known exposure.

Life Care, like the rest of the nation, was in the dark about the fact that the virus was already spreading in the community.

“This was not setting off COVID alarm bells for us; this was setting off pneumonia and influenza alarm bells for us,” Killian said of that time. “There’s a phrase: When you hear hoofs, you think horses, not zebras.”

Still, the frequency at which Life Care sent residents to the hospital with respiratory problems was striking in hindsight.

Nursing homes are required to report suspected or confirmed influenza outbreaks to Public Health — Seattle & King County within 24 hours. Despite concerns that dated to Feb. 10, Life Care said it did not think the situation was unusual until Feb. 26, when Killian said staff tried, but did not reach, the state Department of Health (DOH). The DOH said it had no record of receiving such a report.

Life Care notified Public Health — Seattle & King County the following day. So did Kirkland’s EvergreenHealth hospital, which noticed a large cluster of patients from Life Care with respiratory illnesses. One resident was tested for COVID-19, as expanded testing had just become available at the state lab in Shoreline.

Public Health learned on Feb. 28 that 20 residents at the nursing home were ill but had negative flu test results, and the first two cases associated with the nursing home were confirmed. Officials called in the DOH and CDC as nursing home staff became sick themselves and those remaining struggled to respond to the crisis.

The calls for ambulances to Life Care continued as staff sounded increasingly confused and panicked. On Feb. 29, it took one dispatcher three tries and nearly 10 minutes to reconnect with the Life Care staff member who called about a patient with respiratory problems.

The dispatcher’s calls were bounced to voicemails and lines that rang for two minutes straight without an answer. Eventually, the dispatcher reached a nurse, and directed that a mask be placed on the patient to protect first responders.

Several days later, a different call reflected the urgency of the situation.

“He’s turning blue, he’s having a hard time breathing,” one nurse said, while seeking help for a patient in his 60s.

Even as a stream of residents went to the hospital, those left behind — some of whom had shared rooms with residents confirmed to have COVID-19 — were left untested until the nursing home received testing supplies two weeks ago.

At news conferences, Killian has blamed the delay on public health officials. But King County public health and DOH officials said they do not provide testing materials, though the DOH conducts the tests once it receives samples.

“It would absolutely be unimaginable that it would have been our job to get test kits,” Killian said.

The finger-pointing makes no difference to residents’ families.

“When they first noticed there was a problem at Life Care, they should have notified the families and started testing the residents immediately,” said Gina Norton, whose mother has been a resident at Life Care. “But they didn’t. I’m so angry that it took this long to finally test them.”





Inside Life Care today

As Life Care has responded to the crisis, services like bathing, counseling and physical therapy became less frequent, although Killian said nurses and residents have slowly returned to their routines.

Carmen Gray visits her 76-year-old mother, Susan Hailey, from outside her window at Life Care most days now. She said it's heartbreaking to watch Hailey's health deteriorate in a rehabilitative facility designed to help her get better.

"And she's not alone," Gray said. "These people are here for a reason, and it's not to lay there and die."

Many of those who remain can't leave.

Chuck Sedlacek, 87, was in Life Care to recover from broken bones and a head injury he had suffered in a fall at the same time as the outbreak. He tested positive for COVID-19 on March 8, after his family pushed for him to be evaluated for the illness, said his son-in-law, Clancy Devery.

Hospitals wouldn't take him because he wasn't exhibiting the standard COVID-19 symptoms, and other nursing facilities wouldn't accept him as a resident because he tested positive for the virus.

“It’s pretty devastating,” said Devery, of West Seattle. “We felt like if they had honored our request to be tested and get him out of there, we would not be in the situation we’re in.”

Spencer, the daughter of Judie Shape, said her family’s dilemma could have been avoided too, if Life Care had disclosed the unidentified outbreak that was spreading just days before she arrived in late February.

The virus is now keeping Shape inside Life Care, where Spencer originally expected her mother would stay for just a couple of weeks after recovering from surgery.

“She doesn’t deserve this,” Spencer said.

But Shape hopes, while in isolation, that her chance to reunite with her family will come soon enough. Her bags are packed, her daughter said.

Correction: Judie Shape’s name was misspelled in an earlier version of this story.

Staff reporters Ryan Blethen, Paige Cornwell and Katherine Khashimova Long contributed this report.

Coronavirus at the Life Care

How is this outbreak affecting you?

What has changed about your daily life? What kinds of discussions are you having with family members and friends? Are you a health care worker who's on the front lines of the response? Are you a COVID-19 patient or do you know one? Whoever you are, we want to hear from you so our news coverage is as complete, accurate and useful as possible. [If you're using a mobile device and can't see the form on this page, click here.](https://www.seattletimes.com/seattle-news/times-watchdog/coronavirus-spread-in-a-kirkland-nursing-home-for-weeks-while-response-stalled/)

https://www.kptv.com/news/state-officials-announce-first-presumptive-case-of-coronavirus-in-oregon/article_6ac26688-5a93-11ea-a0af-d346d4e06ef0.html

State officials announce first presumptive case of coronavirus in Oregon

FOX 12 Staff

Posted Feb 28, 2020



KPTV file image

PORTLAND, OR (KPTV) - State officials announced Friday night that someone living in Oregon has the state's first presumptive case of the coronavirus.

A press conference took place at 6 p.m. Friday in Portland. Gov. Kate Brown spoke, along with the director of the Oregon Health Authority.

OHA reports the person is from Washington County and has been isolated while receiving care at Kaiser Permanente Westside Medical Center in Hillsboro.

The person did not recently travel to a country where the virus is circulating and the person is also not believed to have had close contact with another confirmed case, the two most common sources of exposure.

This is considered a “community-transmitted” case and investigators are working to determine the origin. The symptoms began Feb. 19 for this person.

WHAT YOU CAN DO:

- [Coronavirus in Oregon: Simple steps you can take to protect against it](#)
- [Washing your hands is still the best prevention against coronavirus](#)

The case is considered presumptive until the Centers for Disease Control and Prevention confirms a positive test result.

Dr. Jennifer Vines, the lead health officer for Clackamas, Multnomah and Washington counties, said this person has spent time at Forest Hills Elementary School in Lake Oswego. The Lake Oswego School District confirmed the person is an employee at that school.

The OHA said this person may have exposed students and staff.

The Lake Oswego School District is planning to close the school through Wednesday to allow for deep cleaning. Public health officials will complete their investigation, including contacting employees at the school and family of children to inform them of their possible exposure and let them know next steps.

The Lake Oswego School District announced Friday night that all activities at all district schools would be canceled for the weekend, "in an abundance of caution."

"We anticipate all schools to be open on Monday, March 1, except Forest Hills. Forest Hills will remain closed through Wednesday, March 3," according to a district statement.

FOX 12 spoke with Sam Sewright on Friday night, used to attend Forest Hills Elementary School.

"I was honestly both alarmed and surprised. I mean, you hear things like that on the news, but you don't expect it to just plop right down essentially on your doorstep. I live like five blocks away on 8th street," Sewright said.

Sewright says he still walks by the school on a regular basis.

"I take my dog up here," Sewright said. "A lot of kids running around, just vulnerable immune systems and stuff like that."

State agencies, hospitals and school district have spent the week discussing preparations for possible cases of coronavirus in Oregon.

The OHA has been getting daily updates from the Centers for Disease Control about Oregon residents returning from China. Local agencies have then been contacting those travelers within 72 hours, and they are interviewed and monitored for symptoms.

Patrick Allen, director of the OHA, reminded people that while coronavirus is getting a lot of attention right now, most people who get it only have minor symptoms and recover without serious issues.

RELATED:

- [California patient with unknown origin of coronavirus is in serious condition, official says](#)
- [Beaverton couple quarantined in Nebraska after traveling to China](#)
- [Forest Grove couple still separated by coronavirus](#)
- [CVS and Walgreens warn there could be a shortage of hand sanitizer](#)
- [Some Americans aren't buying Corona beer due to coronavirus, survey finds](#)

Oregon Gov. Kate Brown earlier Friday announced the formation of a Coronavirus Response Team.

The Coronavirus Response Team includes agency directors or their representatives from:

- Department of Administrative Services
- Oregon Health Authority
- Department of Human Services
- Oregon State Police
- Oregon Department of Transportation
- Office of Emergency Management
- Oregon Military Department
- Oregon Department of Education
- Department of Corrections
- Oregon Youth Authority
- Secretary of State
- Oregon State Treasurer

For more information, go to <http://healthoregon.org/coronavirus>

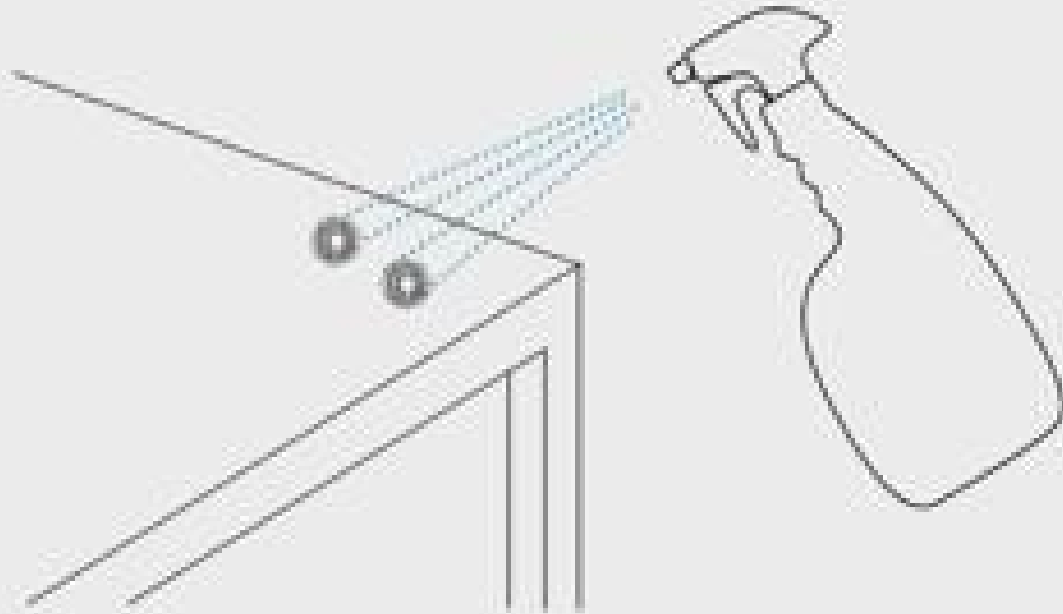
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'I'm worried': People in Lake Oswego react after elementary school employee tests positive for coronavirus

Posted Feb 28, 2020

1:59



The exact time that the virus can survive on surfaces is not yet known.

Coronavirus in Oregon: Simple steps you can take to protect against it

Posted Feb 28, 2020



Forest Hills Elementary School employee tests positive for coronavirus

Posted Feb 28, 2020

Updated Mar 11, 2020; Posted Feb 28, 2020

fzarkhin

Oregon coronavirus case shuts Lake Oswego elementary school

UPDATE: [Oregon coronavirus patient likely had little contact with students at Lake Oswego school](#)

A Lake Oswego elementary school employee contracted Oregon's [first apparent](#) case of [coronavirus](#), causing the closure of the 430-student school as health officials try to figure out how many people may have been exposed.

The employee lives in Washington County and is isolated at Kaiser Permanente Westside Medical Center in Hillsboro in what state health officials described Friday as another case of an unexplained transmission of the disease.

[CORONAVIRUS IN OREGON: FULL COVERAGE](#)

The patient hadn't been under monitoring for coronavirus symptoms and doesn't appear to have traveled to any of the countries with outbreaks or have associated with anyone who did, Oregon Health Authority officials said.

Coronavirus in Oregon: Authorities announce news and details a...



That means the person could have caught the disease from someone in the community.

The state did not disclose the person's age, gender or condition, citing privacy reasons. Health officials didn't indicate how widespread any exposure might be but noted that the person first showed symptoms nine days ago.

"Our first concern is for this individual, to make sure they're being cared for and is able to recover," said Oregon Health Authority Director Patrick Allen. "Our next priority is finding out who this individual had contact with and make sure they know about their risks."

The person works at Forest Hills Elementary School, now closed through Wednesday for a "deep cleaning," school district spokeswoman Mary Kay Larson said. The school has 25 teachers and serves students in kindergarten through fifth grade.

All activities are canceled districtwide through the weekend, according to an email sent to district staff. Health officials will talk to Forest Hills employees and let families know their children could have been exposed.

It's not clear who had contact with the infected person and who may need to be educated on what symptoms to watch out for, said Dr. Jennifer Vines, a family physician and lead health officer for the tri-county region. She didn't say exactly how they would contact Forest Hills families and staff.

Dr. Dean Sidelinger, the state's health officer, said no one is ready to jump to sweeping school closures yet, but those are "tools in the toolbox" if necessary.

"The reason we're trying to identify who this person was in contact with is to try and draw a tight circle," he said. "If we do notice a spread in the community, it's certainly something we would consider on a case-by-case basis," he said.

All schools in Lake Oswego except Forest Hills are expected to open Monday, district officials said.

Coronavirus is most dangerous for old people and those with underlying conditions. The vast majority of cases are mild. The virus is thought to be spread from person to person when in close contact – within about 6 feet – through droplets emitted when a person coughs or sneezes. It may also be possible to catch the virus by touching a surface that has the virus and then touching the mouth, nose or eyes.

The person who tested positive for coronavirus first had symptoms Feb. 19, the state health authority said in a statement. A sample was collected and sent to a laboratory Friday in Hillsboro, which used a test kit provided by the U.S. Centers for Disease Control and Prevention.

Oregon officials need the CDC to confirm the results of the test, which Allen said should happen in a matter of days. In the meantime, he called the case "presumptive."

Gov. Kate Brown encouraged people to continue to go about their daily lives and wash their hands, cover coughs and sneezes with a tissue and stay home if sick. Brown said she learned of the case around 3 p.m. Friday, hours [after she had announced](#) that she had created a special group of state department heads to respond to any coronavirus cases in Oregon.

State officials also said that another person is under investigation for a potential case of COVID-19, as the disease is called, because they developed symptoms while under monitoring. This person isn't connected to the presumptive case.

More than 80,000 people worldwide have been infected with the virus and about 3,000 have died – most of them in China, where the epidemic started. There are at least 62 confirmed coronavirus cases in the U.S., with more presumptive cases announced Friday including two in Washington and one in California in addition to Oregon's.

MORE CORONAVIRUS NEWS:

[Oregon coronavirus patient likely had little contact with students at Lake Oswego school](#)

[Lake Oswego School District officials hold news conference](#)

[Coronavirus in Oregon: Some are calm, some definitely not](#)

[Man in Washington state first in US to die from new coronavirus](#)

[Coronavirus spreads to Washington nursing home](#)

Jayati Ramakrishnan of The Oregonian/OregonLive contributed to this report.

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Federal health officials have said that [the spread of the epidemic](#) across the United States is all but inevitable. Most of the more than 60 confirmed cases in the U.S. are tied to people who were on the Diamond Princess cruise ship docked in Japan or people who otherwise traveled abroad.

Although there are only a handful of confirmed cases that have no known origin, the CDC said the public should expect more.

Coronavirus prevention: How to properly wash hands to stop the...



California has at least two possible cases of coronavirus linked neither to travel nor contact with sick people. If health officials don't know how someone became ill, that means there could be other sick people they don't know about.

As of Feb. 25, Oregon was monitoring 76 people who had traveled to China within the prior 14 days. Oregon counties had already finished monitoring 178 people. Before now, the state said it had tested two Oregonians for coronavirus because they developed symptoms while under monitoring but were not infected.

Oregon's top health official told lawmakers Friday, before the announcement of the Oregon coronavirus case, that there is currently little risk to Oregonians of catching the virus.

Updated Mar 02, 2020; Posted Feb 29, 2020

JayatiRamakrishnan

Coronavirus in Oregon: Some are calm, some definitely not

Downtown Lake Oswego appeared relatively serene Saturday, but workers at several local stores said that wasn't the case the previous night.

And Costcos around the metro area got cleaned out of supplies -- toilet paper, water and hand sanitizer seemed to be big sellers, if there were any left. Among other popular items: frozen berries and black beans.

Cashiers at both Safeway and Rite Aid in Lake Oswego said they quickly ran out of items like hand sanitizer and hand wipes as news broke Friday night of someone with a [presumptive case of coronavirus](#) who works at the city's Forest Hills Elementary School.

At the Safeway, more than 30 people lined up at closing time, some buying \$500 worth of emergency supplies, and pharmacist Seong Lee said he advised the unusually high influx of people not to panic. [Basic hygiene](#) -- washing hands and covering coughs and sneezes -- is the way to go.

Lee said he was shocked [when the announcement came](#). "I didn't expect it in my community," he said.

[CORONAVIRUS IN OREGON: FULL COVERAGE](#)

Lake Oswego resident Rachel Tinney said although her 6-year-old daughter doesn't go to Forest Hills Elementary, the district has been good with timely alerts.

"I think I've been taking all the precautionary measures," she said. "I'll follow any recommendation I'm given."

So far, health officials aren't suggesting closing any local schools except for Forest Hills, which is shut through Wednesday for a deep cleaning.

Tinney said she plans to send her daughter to Hallinan Elementary School as usual Monday.

Many people in Portland and its suburbs went about their business Saturday, though there were signs throughout that residents were heeding advice of state health officials to stock up on supplies in case of a prolonged quarantine.

Coronavirus prevention: How to properly wash hands to stop the...



A man at the Rite Aid in Lake Oswego said he was trying to be practical about the news.

"I travel a lot for business," he said. "People get sick. I take precautions like taking zinc, but I'm going in with a pragmatic approach. There have probably been people walking around with it for a while, but this is the first person to potentially test positive."

All was pretty much quiet at Forest Hills Elementary, with a "Do Not Enter" sign up and barriers at the entrance of the small red-brick school. There was some buzz when a cleaning company arrived but most neighbors appeared to take the closing in stride, running by or walking their dogs.

Overall, there wasn't a sense of panic in the aisles -- just many people seemingly wanting to be prepared.

"Congratulations on getting a parking spot and for getting out of the store with your stuff," one shopper said as he pushed his packed cart by a woman loading her own purchases into her trunk. A line of four cars had queued up, the first waiting to take her spot.

Employees there said the store ran out of toilet paper for the first time in its history and that it was the busiest they had ever seen.

"Toilet paper," one worker said, "is golden in an apocalypse."

A second person who was under investigation for the illness, unrelated to the Forest Hills employee, [tested negative on Saturday](#), officials said. At least seven other tests are pending and 88 people are being monitored for the disease, according to the Oregon Health Authority. In Washington County, where health officials said the infected school employee lives, people waited for more information.

"We just have to be cautious until we learn more," said a woman who lives near Hillsboro's Century High School.

A man in the same neighborhood said he was most concerned that the affected person doesn't appear to have caught the virus from traveling. "There's nothing we can do — especially if we're not clear where it's coming from," he said.

Others said they weren't any more worried than they would be about coming into contact with the flu.

At the Hillsboro Fred Meyer, several items were dwindling or out of stock, including soap, bleach and paper products.

Janet Chaput of Hillsboro said she wished health officials would be more specific about where the person with coronavirus lives so people could get a sense of possible exposure.

"They should tell us the whole story," she said.

MORE CORONAVIRUS NEWS:

[Oregon coronavirus patient likely had little contact with students at Lake Oswego school](#)

[Lake Oswego School District officials hold news conference](#)

[Man in Washington state first in US to die from new coronavirus](#)

[Coronavirus spreads to Washington nursing home](#)

[Washington coronavirus: Governor declares state of emergency](#)

Aimee Green, Mark Graves and Grant Butler of The Oregonian/OregonLive, and the Associated Press, contributed to this report.

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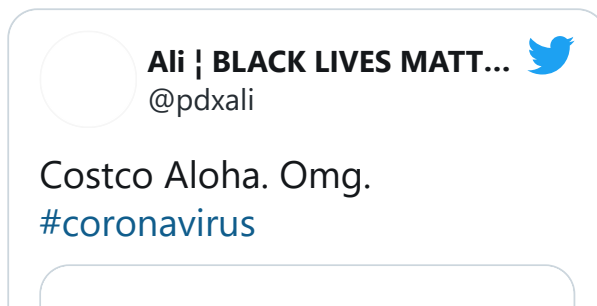
It wasn't as calm at Costco.

The parking lot at the warehouse store in Aloha was jammed with cars spilling into the overflow lot. The checkouts were doing brisk business similar to a weekend at Christmastime.



Customers at the Costco in Tigard, the one closest to Lake Oswego, found themselves in lines 100-people deep, snaking to the back of the store. One shopper arrived at the 9:30 a.m. opening and said 1,000 people or so were waiting to get in. Some people wore masks.

"Take a deep breath, it's going to be fine. I've never seen it like this. ... I am telling people (on Facebook) don't come to Costco," said customer Michele Bambach of Lake Oswego.



"I'm here to grab a bag of beef jerky," a woman said as she walked into the Tigard store. But most customers were filling their carts with supplies and food -- lots of food. By 11 a.m., a few brands of pain relievers were sold out at the store, though other more brands were available.



Attachment C: ODOT APM Appendix 3E

APM Appendix 3E

Traffic Volume Development During Disruptive Events

This document is intended to provide guidance on volume development for facility level analysis of Oregon Department of Transportation (ODOT) plans and projects under disruptive conditions such as the current COVID-19 pandemic. This guidance may be updated periodically as new information becomes available. Please check the [APM website](#) for current information.

As of this writing, the 2020 COVID-19 pandemic has resulted in drastic reductions and alterations in traffic volumes and patterns in Oregon. This is due to a variety of causes including stay at home orders, school and business closures, and economic downturn. Traffic characteristics affected include travel demand, traffic patterns, modes, mix of vehicles, trip purposes, turn movements, time periods, congestion and peak spreading.

Disruptive events may also include economic recessions, natural disasters (e.g. earthquakes, tsunamis), long-term roadway construction, and other major occurrences that significantly alter traffic patterns for extended periods of time. Under these conditions taking new traffic counts for the project will often not be advised and state and local traffic count programs will likely have been suspended.

This guidance supplements the procedures for traffic counts and volume development in APM Chapters 3, 5 and 6, which should be referred to for more details. Disruptive events may justify some exceptions or variations to these APM procedures. Under these circumstances it is even more critical to coordinate with ODOT staff in order to agree on a data collection methodology prior to proceeding with traffic counts and volume development. The following are potential resources and approaches (not necessarily in order of preference) that may be considered along with engineering judgement in order to move traffic studies forward despite a disruptive event that results in atypical traffic volumes.

This guidance assumes that travel patterns will eventually return to conditions that existed prior to the disruptive event, and provides some alternative methods that may be used to estimate what traffic volumes would be if the disruptive event had not occurred. Depending on the event, returning to “normal” conditions could take up to five years or more. Estimated traffic counts introduce an additional degree of uncertainty, so a sensitivity analysis should be considered for short term forecasts.

Taking New Traffic Counts

Caution should be exercised in taking new traffic counts during disruptive events. New traffic counts should only be taken during disruptive events when it is determined that the data already available is not sufficient for decision making. The use of new traffic counts may be a possibility depending on a number of factors. Considerations include:

- Only one or two sites needed (e.g., not a large list of many new counts)

- Project importance and need to adhere to schedule (e.g., construction project versus a TSP)
- Extent of deviation from normal link volumes, as determined from continuous count sites
- Availability of bracketing counts
- Extent of deviation of turn movement percentages based on an older count or travel demand model if available
- Availability, project budget for, and familiarity with use of third party O-D data such as from StreetLight for adjustment of turn movement percentages if needed

A methodology for traffic count adjustment is available from the Ohio DOT¹. The next section of this paper outlines data sources that can be used in combination with new data to implement the Ohio DOT methodology. If taking new counts is being considered it is recommended to contact TPAU or Region Traffic for further guidance.

Resumption of Project Counting

Project traffic counting can generally be resumed when the difference between current year and prior year volumes is less than 10 to 20 percent, which is within the range of normal volume variations. The difference may be determined by comparing current volumes to volumes prior to the disruptive event. Continuous count locations within the study area can be used. It may be necessary to supplement the continuous count locations with check counts at other sites. Volumes being compared should be seasonally adjusted so the time periods are equivalent.

Alternatives and/or Supplemental Data to New Traffic Counts

Historical Traffic Counts

Historical traffic counts are commonly used in traffic studies where new counts are not possible or necessary. They can be factored up to the current year using Future Volume Tables or other data. The TCM traffic count tool (soon to be replaced by the Oregon Traffic Monitoring System (OTMS)) may be used to identify historical counts in the study area. The Transportation System Monitoring (TSM) Unit should be contacted to identify any other historical counts that may have been missed. Some counties and larger cities also have regular traffic counting programs in place. The TSM Unit provides links to many of these traffic data websites on the [Traffic Counting Program](#) webpage. Tube counts should be checked to see if they are only axle counts – if so the axle factors need to be applied to them before use.

Other databases or archived data should be searched. These may be available from traffic data collection companies such as Quality Counts <https://data.qualitycounts.net/>. [PORTAL](#) is a centralized repository of transportation related data in the Portland metropolitan area, hosted and maintained by Portland State University. This is an example of using data archived from ITS

¹ [Traffic Counts for Traffic Forecasts - COVID19 Supplement](#), Ohio DOT, 4/17/2020

deployments such as ramp meters or other sensors. PORTAL data should be quality checked before using.

The APM standard is for traffic counts to generally be no older than 3 years, although up to 5 years old may be appropriate in areas with little growth or change. Traffic counts older than 5 years might be justified in disruptive event conditions if no significant land use or network changes have occurred in the study area since the count was taken. For example, there may be no available counts on a lower volume local intersection. The older count should be factored to the current year using historic growth rates such as from the Future Volume Tables. In some instances one or more parameters from an older count may be used rather than the volumes themselves. For example, if found to be representative of the study location, a count from a nearby roadway or intersection may be used for the K factor, D factor, peak hour factors (PHF), and/or classification percentages.

ODOT Transportation Volume Tables (TVT)

[ODOT Transportation Volume Tables](#) (TVT) counts and HPMS sample counts are short-term portable tube counts taken every three years. These can be used for segment volumes on state highways. The AADTs at these locations are published in the TVTs. (Note: Volumes listed in the TVT are for a single point, not the entire segment). For planning level analysis, AADTs can be converted to 30th highest hour volumes using K and D factors. Hourly volumes may also be available from the TVT counts. Contact the TSM Unit directly if the actual count is needed.

[Ramp Interchange Volume Diagrams](#) in the TVT and on the TSM Unit webpage are based on 48-hour tube counts taken on a 3-year schedule. The actual ramp count should be used rather than the published volumes. Contact the TSM Unit directly for the actual ramp count.

Many of the TVT and HPMS sample counts are classification counts. State Highway vehicle classification percentages are assigned to all sites including those with volume-only counts, on the TSM Unit's [Traffic Volumes and Vehicle Classification](#) webpage. Contact the TSM Unit if an actual classification count is needed.

Published Transportation Studies

Traffic counts and other data may be available from other published transportation studies in the project area, including planning studies, project development, and TIAs. The [Transportation Planning On-line Database \(TPOD\)](#), a map-based, graphical tool for locating planning studies, may be helpful to locate these studies. Other studies may be found by contacting local jurisdictions, the Region Traffic Manager, the Region Traffic Engineer, the Region Access Management Engineer (RAME) and the Region Planning Manager.

Permanent Count Stations

Continuous directional hourly link volumes can be obtained from Automatic Traffic Recorder (ATR) stations. A summary of data for each ATR is available at [Permanent ATR Station Trends](#). ATR/AVC "Critical Hour" listings are also available which break down a year's worth of data

down to the hour level so a 30 HV can be obtained at that location (contact the TSM Unit). These data may also be useful for monitoring trends over time, as is being done as part of the ongoing [Weekly COVID-19 Traffic Reports](#). Permanent traffic recorder sites are also available on non-state roadways. Contact local jurisdiction traffic engineering staff for locations.

Automatic Vehicle Classifier (AVC) stations continually classify data so vehicle classification data will be available throughout a given year at these locations (contact the TSM Unit). Another source of truck classification data are Weigh-in-Motion stations.

Bracketing

It may be possible to estimate intersection approach volumes by bracketing the site with counts taken at nearby intersections. The counted intersections should not be too distant from the site and there should not be any major intervening intersections. Bracket counts should be minimum of 16 hours in duration, preferably with 15-minute intervals

Turn Movement Volumes

Methods are available to estimate turn movement volumes from approach volumes. Turning movements at T-intersections can be developed readily from intersection leg or directional volumes. Four-leg intersections generally require an iterative procedure. See Analytical Travel Forecasting Approaches for Project-Level Planning and Design ([NCHRP Report 765](#)) for detailed methodologies. Procedures for estimating weaving volumes are also available, see APM Appendix 11C.

Travel demand models may also be used as a starting point to estimate turn movements at intersections, using select-link analysis. These O-D percentages can be used as initial seed turn movement percentages in a matrix tool such as Turns W32, which is used to create balanced intersection volumes.

Travel Demand Models

Raw travel demand model volumes may be used for planning or preliminary analysis if relatively good validation to observed data was achieved in the base year within the study area. The model volume assignments may be further improved by using windowing or focusing scenarios to add detail such as by subdividing zones, adding centroid connectors and refining the road network within the project study area.

Select-zone data from travel demand models can be used for trip distribution estimates. These can be used as part of a TIA or cumulative volume development process. The Statewide Integrated Model (SWIM) can provide volume estimates for state highways and for the county arterial system. Contact the Transportation Planning Analysis Unit (TPAU) for more information.

Third Party and Probe Vehicle Data

In addition to speed and travel time related data, volume estimates are now being offered by many probe data/big data third party vendors such as INRIX or StreetLight. Third party data may have limited availability, accuracy, and can be expensive. Caution should also be exercised in using these volume estimates as they are data aggregators which combine data from various sources including smart phones and GPS devices or connected vehicles. They are based in large part on sample data which has been expanded into a full estimate using scaling factors, based on permanent count data. Such volume estimates should be validated within the study area by comparing to measured volumes to determine if the level of accuracy is sufficient. A [2019 ODOT research study](#) evaluated StreetLight AADT estimates and showed that the error depends on overall expected volume or functional classification and ranges from 7% error on interstates to 55% error on lower functional classification roads. Error has been measured to be as much as 197% however. This is an area of ongoing research.

These data potentially could be considered for monitoring trends over time as the data are available continuously for an entire year or more. However, caution should be used since these firms do not always disclose when and how their underlying processes change, which might impact the output metrics.

In addition, some vendors such as StreetLight provide origin-destination (O-D) and select-link data which potentially could be used to help estimate turn movements at intersections, in particular where travel demand models are not available. Caution should be exercised when considering use of these measures/products as well, as we have not seen any validation of them. There could be a significant risk of undercounting communities of concern where mobile device adoption is lower.

Traffic Signal Controller Data

Although not as reliable as actual traffic counts, archived traffic signal detection counts/data may be available for some signalized intersections. Contact the Region Traffic Manager for availability. These data may be used to determine trends between weekday and weekend traffic, or in establishing relationships for side streets (i.e. seasonal adjustments). These frequently undercount, so these are best for trends/relationships unless other counts were also taken at the intersection or nearby. The most recent loop detector diagram for the intersection is needed in order to decipher the controller count data. ITS cameras may be another potential data source. Detector diagrams can be obtained from the various Region Tech Centers. Signal controller counts may not include turn movement volumes depending on specific detector placement. Depending on how long the data have been stored, it may also be used for monitoring trends over time. Pedestrian pushbutton activations may also be used to estimate pedestrian volumes. This requires an estimate of the number of pedestrians crossing per activation.

Pedestrian and Bicycle Volumes

Many local jurisdictions maintain pedestrian and bicycle traffic count programs. Volumes and factors from these sources should be checked for availability.

Traffic signal pedestrian pushbutton activations may be available for some traffic signals. Pedestrian volumes crossing intersection legs may be estimated if the number of pedestrian crossings per activation is known. Advance bicycle loop detectors counts may be available at intersections equipped with bike signals.

Pedestrian and bicycle volume-related estimates based on sample probe data may be available from third party vendors such as StreetLight or Strava. Caution should be used with these data, as they are known to contain biased samples of users and trips types with more strong and fearless riders logging more recreational trips than utilitarian trips. These data should be used in conjunction with observed traffic counts to understand the sample rates which can vary across the network and facility type.

Bicycle and/or walk trip estimates may be available in areas with focused activity based models or tour-based travel demand models.

A data archive of pedestrian and bicycle counts in Oregon (and other states) is maintained by the Transportation Research and Education Center (TREC) at Portland State University.
<http://bikeped.trec.pdx.edu/>

ITE Trip Generation Data

The latest edition of the ITE Trip Generation Manual may be used to estimate trips generated by land uses approved but not yet built, or from facilities that have been temporarily closed (e.g., a movie theater), or for land uses with only one access point such as a dead-end residential street. Turning movements may be estimated using trip distribution methods. Refer to procedures in APM Chapter 6 for more information.

Default Values

Volume-related default values such as for truck percentages, peak hour factors, or K and D factors, or turn movement percentages may be used as estimates in planning or preliminary level analysis such as for TSPs or facility plans if measured values are not available. Default values for analysis of final alternatives is discouraged. Default values used in freeway facility analysis can be found in APM Appendix 11C. Others sources include the latest edition of the Highway Capacity Manual and the Planning and Preliminary Engineering Application Guide.

Sensitivity Analysis

A sensitivity analysis should be considered to test the effects of potential changes in volumes, especially if count substitutes are used or if it is expected to be a long period before volumes return to “normal”. This can be done by applying volume scaling factors on the order of 10 to 50 percent, depending on the level of uncertainty. Such scenarios can be used to identify how sensitive the analysis results are to demand projections and how close volumes are to triggering thresholds.

Attachment D: Costco letter (operations on February 27th)



Costco Wholesale
Salem #68
1010 Hawthorne Ave SE.
Salem, OR 97304
August 10, 2020

To: Peter Kahn

RE: Salem Costco COVID Spikes/Limits

On February 27th, 2020 the Salem Costco Warehouse #68, began to experience significant increases in both sales and foot traffic.

On this date, year-to-date member foot traffic was running up only 2% over last year. In comparison, on February 27th, 2020 member foot traffic ran 6.22% up over last year.

Food sales year-to-date were running up 3.7% over last year. In comparison, on February 27th, 2020 Foods sales ran up 13.1% over last year. Key staple items canned tuna, canned chicken, peanut butter, etc saw significant increases in volume. This was when we began to show panic buying in key paper goods and other sundry items.

The jump in foot traffic and sales resulted in out of stock situations in key items such as bath tissue, paper towels, disinfecting wipes, etc.

Larry Kelley
General Manager
Salem Costco #68

Attachment E: Traffic Operations Worksheets



(303) 216-2439
www.alltrafficdata.net

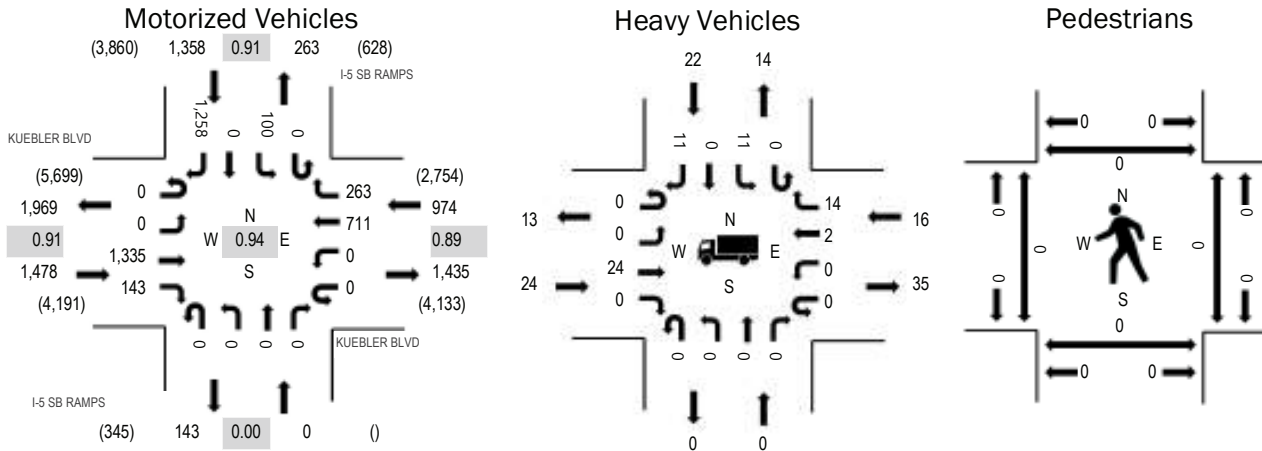
Location: I-5 SB RAMPS & KUEBLER BLVD PM

Date: Tuesday, March 3, 2020

Peak Hour: 04:35 PM - 05:35 PM

Peak 15-Minutes: 05:05 PM - 05:20 PM

Peak Hour



Note: Total study counts contained in parentheses.

	HV%	PHF
EB	1.6%	0.91
WB	1.6%	0.89
NB	0.0%	0.00
SB	1.6%	0.91
All	1.6%	0.94

Traffic Counts - Motorized Vehicles

Interval Start Time	KUEBLER BLVD Eastbound				KUEBLER BLVD Westbound				I-5 SB RAMPS Northbound				I-5 SB RAMPS 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	0	112	2	0	0	49	17	0	0	0	0	0	4	0	64	248	3,387
3:05 PM	0	0	85	7	0	0	65	11	0	0	0	0	0	6	0	71	245	3,425
3:10 PM	0	0	99	6	0	0	61	9	0	0	0	0	0	8	0	78	261	3,509
3:15 PM	0	0	91	6	0	0	54	15	0	0	0	0	0	7	0	106	279	3,609
3:20 PM	0	0	98	12	0	0	74	18	0	0	0	0	0	5	0	82	289	3,653
3:25 PM	0	0	106	6	0	0	68	12	0	0	0	0	0	3	0	72	267	3,672
3:30 PM	0	0	109	8	0	0	55	14	0	0	0	0	0	4	0	86	276	3,718
3:35 PM	0	0	100	12	0	0	40	13	0	0	0	0	0	6	0	116	287	3,731
3:40 PM	0	0	129	14	0	0	75	10	0	0	0	0	0	4	0	91	323	3,729
3:45 PM	0	0	112	11	0	0	58	13	0	0	0	0	0	9	0	91	294	3,738
3:50 PM	0	0	108	8	0	0	42	15	0	0	0	0	0	15	0	126	314	3,780
3:55 PM	0	0	108	8	0	0	76	18	0	0	0	0	0	7	0	87	304	3,762
4:00 PM	0	0	94	9	0	0	49	20	0	0	0	0	0	11	0	103	286	3,748
4:05 PM	0	0	108	14	0	0	52	22	0	0	0	0	0	8	0	125	329	3,760
4:10 PM	0	0	108	13	0	0	83	24	0	0	0	0	0	9	0	124	361	3,752
4:15 PM	0	0	99	13	0	0	75	20	0	0	0	0	0	13	0	103	323	3,755
4:20 PM	0	0	102	13	0	0	59	13	0	0	0	0	0	6	0	115	308	3,755
4:25 PM	0	0	113	6	0	0	56	12	0	0	0	0	0	13	0	113	313	3,764
4:30 PM	0	0	105	14	0	0	48	21	0	0	0	0	0	8	0	93	289	3,759
4:35 PM	0	0	102	8	0	0	50	25	0	0	0	0	0	10	0	90	285	3,810
4:40 PM	0	0	128	9	0	0	60	24	0	0	0	0	0	14	0	97	332	3,810
4:45 PM	0	0	113	16	0	0	78	22	0	0	0	0	0	9	0	98	336	3,758
4:50 PM	0	0	117	14	0	0	41	22	0	0	0	0	0	9	0	93	296	3,750
4:55 PM	0	0	99	15	0	0	52	18	0	0	0	0	0	7	0	99	290	3,731
5:00 PM	0	0	86	10	0	0	75	16	0	0	0	0	0	7	0	104	298	3,670
5:05 PM	0	0	110	16	0	0	65	21	0	0	0	0	0	7	0	102	321	
5:10 PM	0	0	120	22	0	0	48	21	0	0	0	0	0	8	0	145	364	
5:15 PM	0	0	128	9	0	0	47	25	0	0	0	0	0	4	0	110	323	

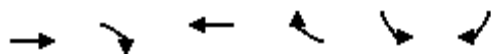
5:20 PM	0	0	110	3	0	0	65	25	0	0	0	0	0	9	0	105	317
5:25 PM	0	0	98	10	0	0	66	22	0	0	0	0	0	9	0	103	308
5:30 PM	0	0	124	11	0	0	64	22	0	0	0	0	0	7	0	112	340
5:35 PM	0	0	106	5	0	0	59	16	0	0	0	0	0	9	0	90	285
5:40 PM	0	0	109	4	0	0	53	12	0	0	0	0	0	13	0	89	280
5:45 PM	0	0	124	7	0	0	56	18	0	0	0	0	0	4	0	119	328
5:50 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

Queues
4: I-5 SB Ramps & Kuebler Blvd

22051- Salem Costco Relocation
Total Traffic 2021 - PM - I/5 SB March 2020 Count



Lane Group	EBT	EBR	WBT	WBR	SBL	SBR
Lane Group Flow (vph)	1678	186	843	283	105	1544
v/c Ratio	0.80	0.12	0.54	0.19	0.77	0.87
Control Delay	25.5	0.1	34.9	0.2	91.5	20.6
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	25.5	0.1	34.9	0.2	91.5	20.6
Queue Length 50th (ft)	655	0	283	0	88	425
Queue Length 95th (ft)	720	m0	412	0	#186	408
Internal Link Dist (ft)	1344		678			
Turn Bay Length (ft)		150		250		475
Base Capacity (vph)	2138	1615	1550	1507	137	1998
Starvation Cap Reductn	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0
Reduced v/c Ratio	0.78	0.12	0.54	0.19	0.77	0.77

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.

HCM Signalized Intersection Capacity Analysis

4: I-5 SB Ramps & Kuebler Blvd

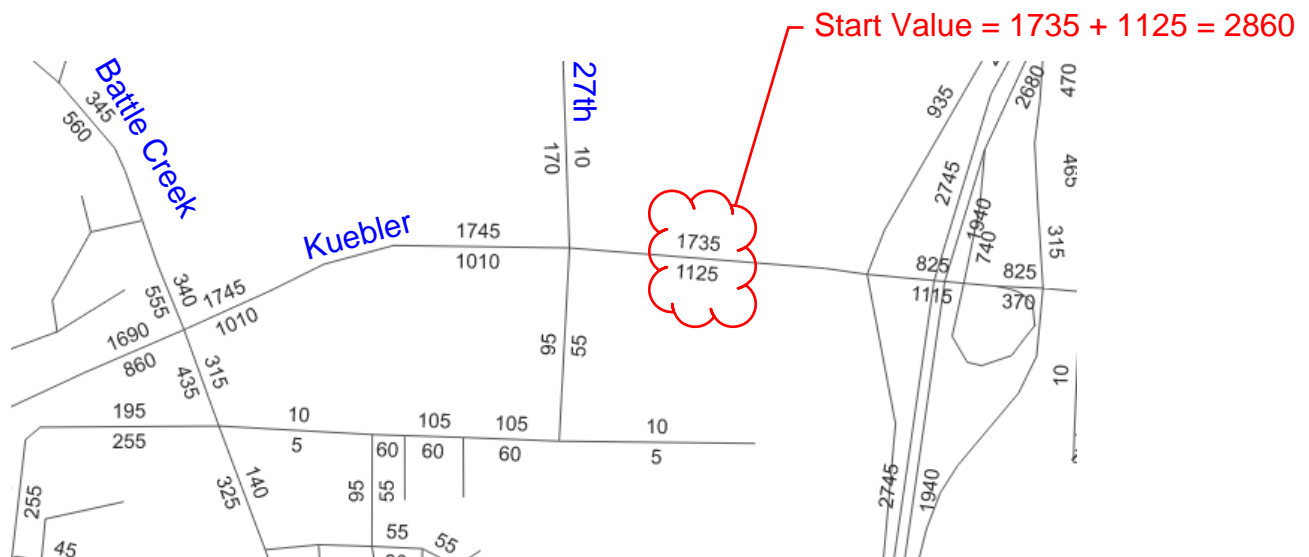
22051- Salem Costco Relocation
Total Traffic 2021 - PM - I/5 SB March 2020 Count

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↑↑	↑		↑↑	↑				↑		↑↑
Traffic Volume (vph)	0	1577	175	0	792	266	0	0	0	101	0	1482
Future Volume (vph)	0	1577	175	0	792	266	0	0	0	101	0	1482
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	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)		3539	1615		3610	1507				1626		2814
Flt Permitted		1.00	1.00		1.00	1.00				0.95		1.00
Satd. Flow (perm)		3539	1615		3610	1507				1626		2814
Peak-hour factor, PHF	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.96	0.96	0.96
Adj. Flow (vph)	0	1678	186	0	843	283	0	0	0	105	0	1544
RTOR Reduction (vph)	0	0	0	0	0	0	0	0	0	0	0	307
Lane Group Flow (vph)	0	1678	186	0	843	283	0	0	0	105	0	1237
Confl. Bikes (#/hr)						1						
Heavy Vehicles (%)	0%	2%	0%	0%	0%	5%	0%	0%	0%	11%	0%	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)		77.3	130.0		55.8	130.0				11.0		65.2
Effective Green, g (s)		77.3	130.0		55.8	130.0				11.0		67.7
Actuated g/C Ratio		0.59	1.00		0.43	1.00				0.08		0.52
Clearance Time (s)		5.0			5.0					4.0		
Vehicle Extension (s)		0.5			0.5					0.5		
Lane Grp Cap (vph)		2104	1615		1549	1507				137		1465
v/s Ratio Prot		c0.47			0.23							c0.44
v/s Ratio Perm			0.12			0.19				0.06		
v/c Ratio		0.80	0.12		0.54	0.19				0.77		0.84
Uniform Delay, d1		20.3	0.0		27.6	0.0				58.2		26.6
Progression Factor		1.09	1.00		1.11	1.00				1.00		1.00
Incremental Delay, d2		2.4	0.1		1.2	0.2				20.2		4.5
Delay (s)		24.6	0.1		31.9	0.2				78.5		31.1
Level of Service		C	A		C	A				E		C
Approach Delay (s)		22.2			24.0			0.0			34.1	
Approach LOS		C			C			A			C	
Intersection Summary												
HCM 2000 Control Delay			26.9									HCM 2000 Level of Service C
HCM 2000 Volume to Capacity ratio			0.85									
Actuated Cycle Length (s)			130.0							9.5		
Intersection Capacity Utilization			81.2%									ICU Level of Service D
Analysis Period (min)			15									
c Critical Lane Group												

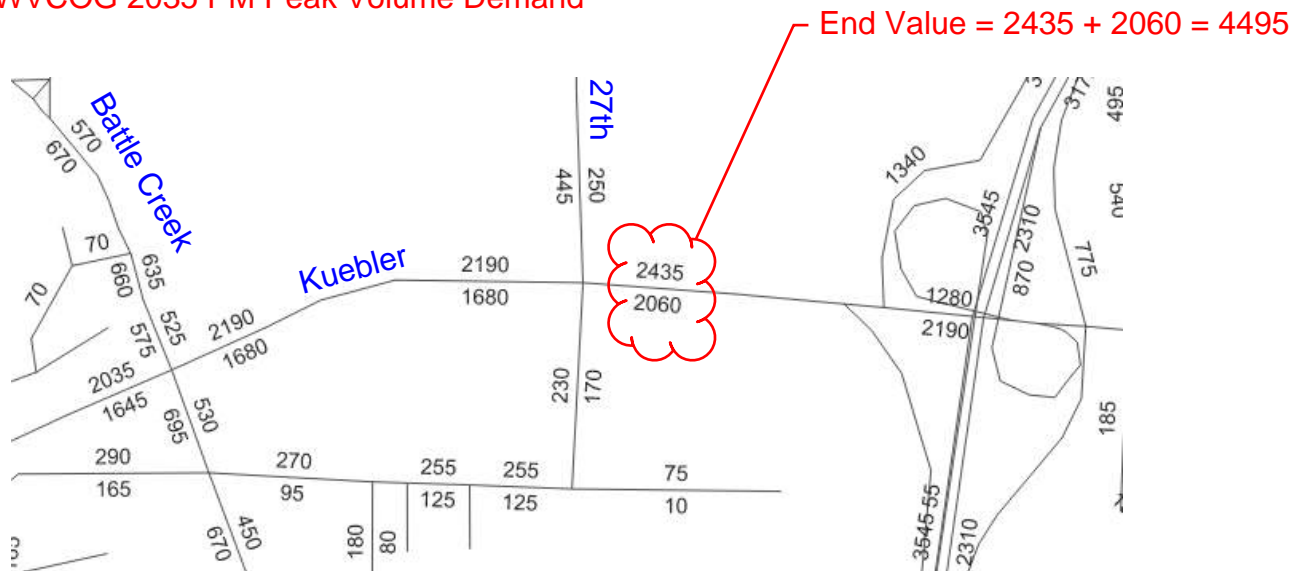
Attachment F: MWVCOG Model Plots and Growth Rate
Calculations

Greenlight Engineering - Growth Rate Calculation

MWVCOG 2010 PM Peak Volume Demand



MWVCOG 2035 PM Peak Volume Demand

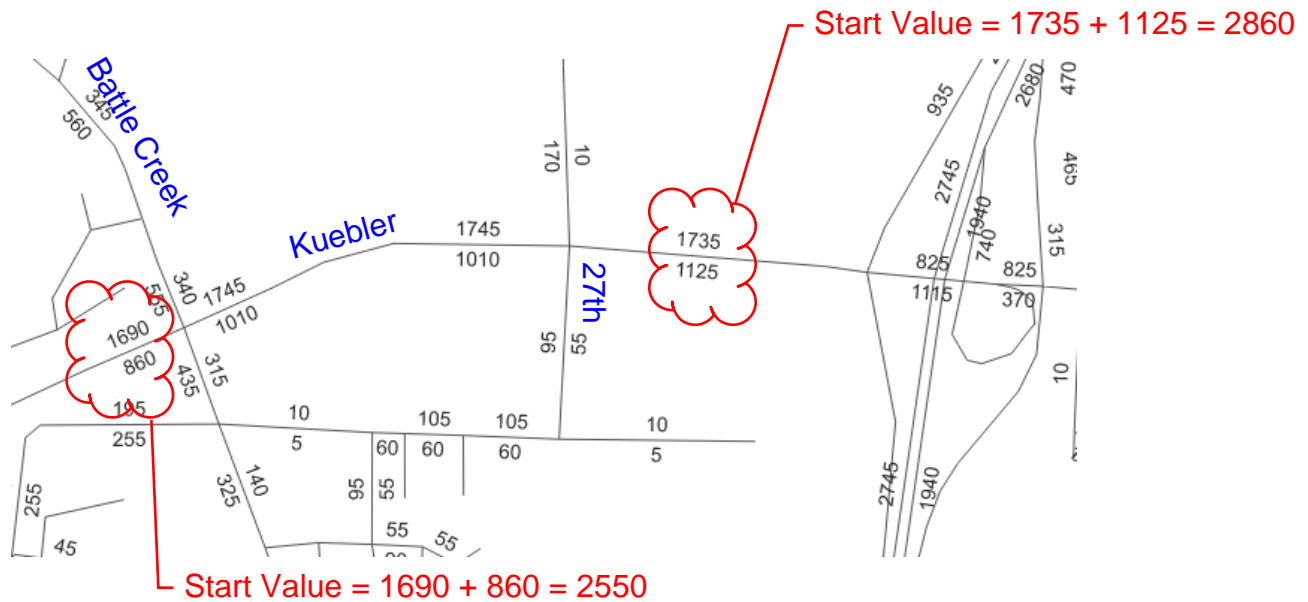


$$\text{Compound Growth Rate} = ((\text{End Value} / \text{Start Value}) ^ (1/\text{periods}) - 1)$$

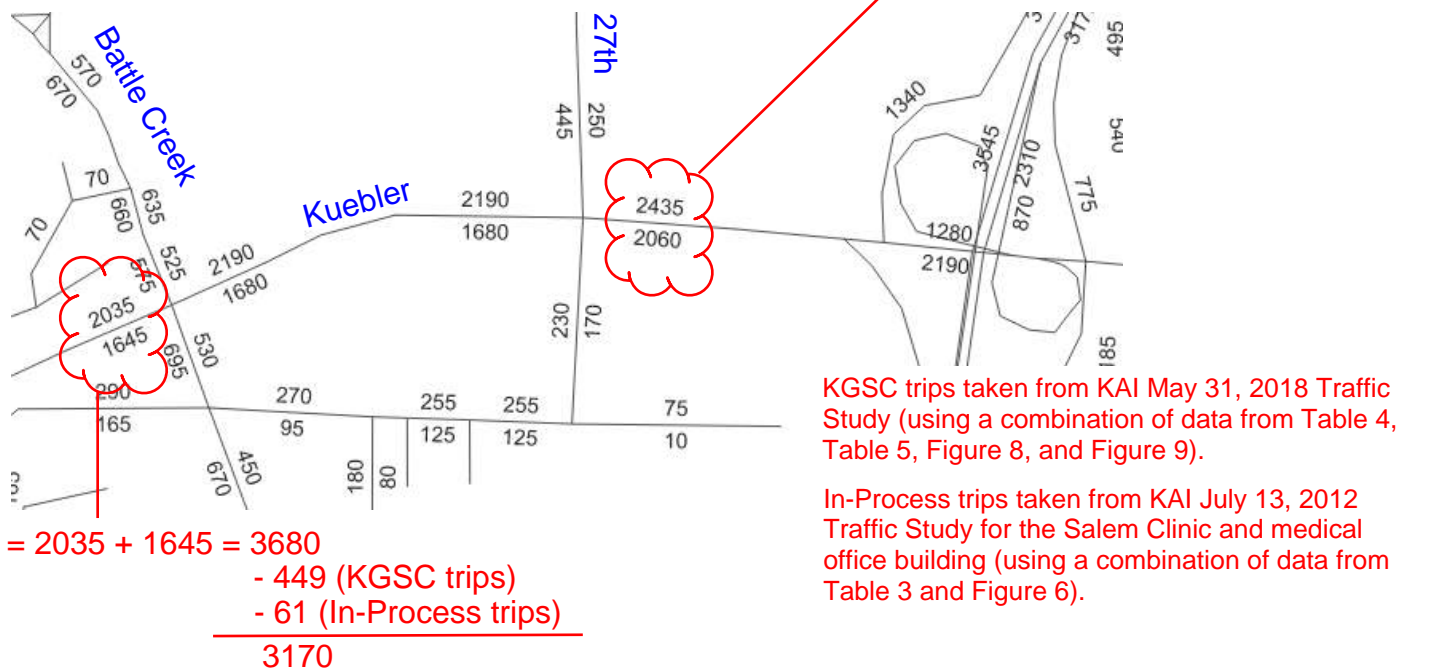
$$\text{Compound Growth Rate} = (4495 / 2859) ^ (1/25) - 1 = \underline{1.8\%}$$

Growth Rate Calculation accounting for Kuebler Gateway Shopping Center (KGSC) and In-Process Developments assumed in the May 31, 2018 Traffic Study

MWVCOG 2010 PM Peak Volume Demand



MWVCOG 2035 PM Peak Volume Demand



$$\text{Compound Growth Rate} = ((\text{End Value} / \text{Start Value}) ^ (1/\text{periods}) - 1)$$

$$\text{West of Battle Creek: Compound Growth Rate} = (3170 / 2550) ^ (1/25) - 1 = 0.87\%$$

$$\text{East of 27th: Compound Growth Rate} = (3903 / 2860) ^ (1/25) - 1 = 1.25\%$$

$$\text{Average Growth Rate} = (0.87 + 1.25) / 2 = \underline{1.06\%}$$

PROPOSED DEVELOPMENT PLAN

PacTrust is proposing to build 38,700 square feet of medical/dental office buildings on the western side of the site. The site plan shown in Figure 2 illustrates the proposed layout with the proposed site driveway location.

Trip Generation

The trip generation for the proposed development is based on empirical data from the standard reference manual *Trip Generation, 8th Edition*, published by the Institute of Transportation Engineers (ITE) (Reference 4). Table 3 summarizes the estimated site trip generation of the proposed development plan during a typical weekday, as well as a typical weekday p.m. peak hour (all trip ends have been rounded to the nearest five vehicles).

Table 3 Estimated Trip Generation

Land Use	ITE Code	Size (Sq. ft.)	Daily	PM Peak Hour Trips		
			Total	Total	In	Out
Medical/Dental Office Building	720	38,700	1,365	135	35	100

Site Trip Distribution/Trip Assignment

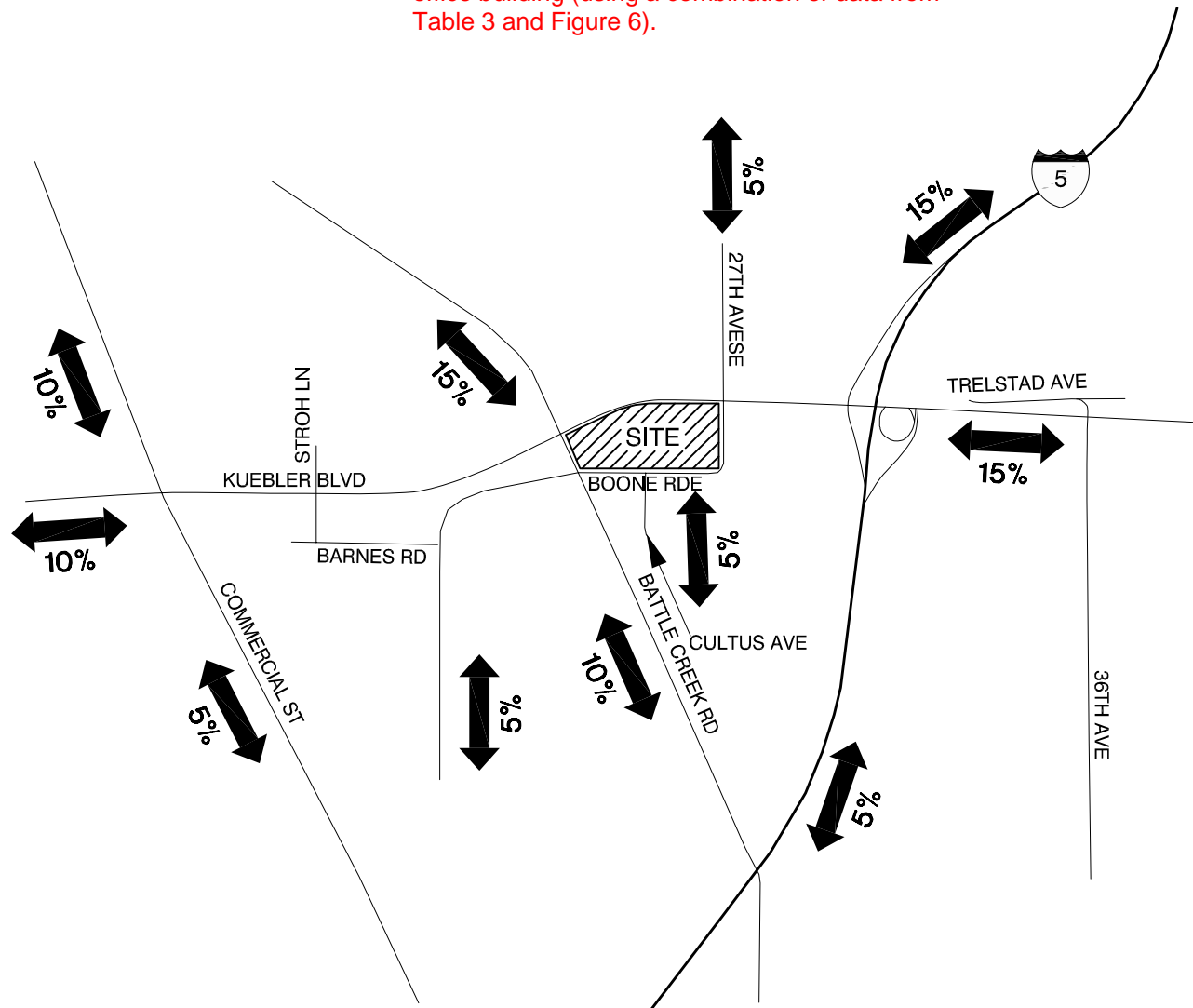
The same trip distribution pattern used in the 2006 TIA was applied to this study. The distribution of site-generated trips onto the study area roadway system was estimated based on an examination of the transportation facilities within the site vicinity, existing peak hour directional travel characteristics, an understanding of the surrounding roadway network, and select zone model plots from the Salem-Keizer Area Transportation Study (SKATS). The resulting estimated trip distribution pattern is illustrated in Figure 6.

The estimated site-generated trips were assigned to the network by distributing the trips shown in Table 3 according to the trip distribution pattern shown in Figure 6. Figure 7 illustrates the site-generated trips that are expected to use the roadway system during the weekday p.m. peak hour.

YEAR 2013 TOTAL TRAFFIC CONDITIONS

The total traffic conditions analysis forecasts how the study area's transportation system will operate with the traffic generated by the proposed development. The year 2013 total traffic volumes include traffic from the development of the proposed medical/dental office buildings. The estimated site-generated traffic shown in Figure 7 were added to the 2013 background traffic shown in Figure 5, to arrive at the year 2013 total traffic volumes shown in Figure 8.

In-Process trips taken from KAI July 13, 2012
Traffic Study for the Salem Clinic and medical
office building (using a combination of data from
Table 3 and Figure 6).



ESTIMATED TRIP DISTRIBUTION PATTERN
SALEM, OREGON

FIGURE
6

Attachment G: RTOR documentation

Right-turn On Red (RTOR) Data Summary from December 2017 Video Footage

12/7/2017 Video Date PM Peak Hour

Time	RTOR Vehicles				Count*	%
	Cycle 1	Cycle 2	Cycle 3	Total		
5:05 - 5:10	11	14	8	33	86	38%
5:10 - 5:15	17	23	22	62	99	63%
5:15 - 5:20	2	13	16	31	113	27%
Average =					43%	

*Count from QC Count Data (network tool summary sheet for Int 6)

12/9/2017 Video Date Saturday Midday

Time	RTOR Vehicles								Count	%
	Cycle 1	Cycle 2	Cycle 3	Cycle 4	Cycle 5	Cycle 6	Cycle 7	Total		
1:00 - 1:05	12	5	6	9	5			37	56	66%
1:05 - 1:10	4	4	4	5	5	10	5	37	60	62%
1:10 - 1:15	2	5	1	4	11			23	59	39%
Average =									56%	





Wendie L. Kellington
P.O. Box 159
Lake Oswego Or
97034

Phone (503) 636-0069
Mobile (503) 804-0535
Facsimile (503) 636-0102
Email: wk@klgpc.com

August 12, 2020

Via Electronic Mail
(planningcomments@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 (PacTrust/Costco)

Dear City Council Members:

Please include in the record of the above referenced matter, six (6) attachments to this letter (and their internal exhibits). This is the Applicants' rebuttal submittal.

While a great deal of material has been submitted into the record, the Applicants respectfully submit that the evidence shows that the Applicants have a vested right to a shopping center of 299,000 sq. ft. gross leasable area on the subject property and that it is impossible to enjoy that vested right and maintain the 8 significant oak trees in-place. Regardless, the Applicants will transplant those trees to a suitable location on the property, rather than remove them, which is a preservation strategy contemplated by the City's tree ordinance.

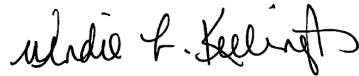
Moreover, the Traffic Director's memoranda dated March 27, 2020 correctly concludes that the conditions imposed by the 2007 Decision demonstrate that the proposed shopping center is already required to provide the facilities necessary to accommodate the shopping center's traffic impacts. Accordingly, the Traffic Director properly determined that, under the express terms of UDC 803.015(d), the Site Plan Application is exempt from having to provide a new Traffic Impact Analysis of the type contemplated under the City's Administrative Rule/Public Works Standards.

Finally, there is a dispute among the parties about whether the Applicants' vested right means the City's Site Review provisions are inapplicable, because they were not in effect when the shopping center was approved in 2007 and the 2007 Decision was the last discretionary decision approving the shopping center. However that may be resolved, there can be no serious dispute that the evidence in the record demonstrates that, if they are required to do so, the Applicants have satisfied all site review standards, including the only one dealing with traffic

which asks whether “circulation of traffic into and out of the proposed development” is “safe, orderly, and efficient” and negative impacts have been mitigated.

Accordingly, it is respectfully requested that the Site Plan Application be approved.
Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wendie L. Kellington". The signature is fluid and cursive, with the first name "Wendie" being more prominent.

Wendie L. Kellington

WLK:wlk
Enclosures:

- Attachment 1 – Kittelson August 12, 2020 Response to July 2, 2020 Greenlight Engineering Comments
- Attachment 2 – Kellington Ltr re: Process (including internal attachments Exhibits A-F)
- Attachment 3 – Monarch Tree Services August 12, 2020 Letter
- Attachment 4 – Graphic demonstrating that it is impossible to establish vested shopping center GLA on subject property and maintain the 8 significant oak trees in-place
- Attachment 5 – Kittelson August 12, 2020 Response to Anuta/Greenlight Comments dated July 28, 2020
- Attachment 6 – Kittelson August 12, 2020 Response to Other Comments

CC: Shari Reed

Zachery Cardoso

From: Wendie Kellington <wk@klgpc.com>
Sent: Wednesday, August 12, 2020 3:52 PM
To: Planning Comments; Aaron Panko
Cc: Shari Reed (sharir@pactrust.com); Sarah Mitchell
Subject: SPR-DAP18-15; Remand (PacTrust/Costco) Part 2 of several
Attachments: Attachment 2 NA PROCESS LTR.pdf

Hi Aaron,

Attached please find for the record Part 2 of several of the Applicants' final rebuttal evidentiary submittal. Please confirm your receipt. Thank you for your courtesies. Best, Wendie



Wendie L. Kellington | Attorney at Law.

525 3rd Street, STE 200

P.O. Box 159

Lake Oswego Or

97034

(503) 636-0069 office

(503) 636-0102 fax

wk@klgpc.com

www.wkellington.com

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August 12, 2020

Via Electronic Mail
(planningcomments@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 (PacTrust/Costco)

Dear City Council Members:

The South Gateway Neighborhood Association (SGNA), through its president Glenn Baly, objected that the Initial Comment Period for the above matter (July 1, 2020 to July 28, 2020), was too short, taking the position that SGNA did not have time to deliberate about it under SGNA's regular meeting schedule. He requested the Initial Comment Period be left open until August 28, 2020, so that SGNA could meet about remand matters. He stated SGNA's next meeting was August 13, 2020, and that closing the Initial Comment Period on July 28, 2020 "provi[ded] no time to publicly debate the application." Mr. Baly is mistaken.

First, SGNA had a regularly scheduled meeting on July 9, 2020. Exhibit A is the SGNA Meeting schedule from the City's website. The City emailed the Notice of Remand proceeding to SGNA and everyone else on July 1, 2020. Exhibit B. The Initial Comment Period closed on July 28, 2020 and the Public Rebuttal Period closed on August 12, 2020. SGNA had a regularly scheduled meeting (July 9, 2020), and a total of 28 days to consider and prepare its response. There is no reason to think the deliberation and discussion requested to occur in August could not or did not occur before the close of the Initial Comment Period in July. This is apparent for the terms of SGNA's request: it requested the Initial Comment Period be open for a period of **15 days** after the SGNA August 13, 2020 regular meeting. However, SGNA had a period of **19 days** from its regularly scheduled July 9, 2020 meeting to meet, deliberate and submit comments for the initial record -- which is a longer period (19 days) between the SGNA regular meeting and the submittal deadline -- than SGNA requested (15 days).


Second, while SGNA's regularly scheduled meetings have long taken place on the second Thursday of every month (Exhibit A, p 2), SGNA conducts meetings on other dates as well, and there is no reason to think one could not have taken place in this instance. Exhibit C is an example of a SGNA meeting conducted at a date and time (Tuesday, June 5, 2018), other than a regular meeting date, and that involved this same development.

Third, it is apparent that SGNA conducted an email campaign regarding the proposal, including providing SGNA members with access to all of the remand documents, and that effort was effective resulting in various comments from SGNA's members – both pro and con the Site Plan Application. Mr. Baly's email to the SGNA members is dated July 17, 2020 (and Councilwoman Jackie Lueng), (Electronic Record p 184), 17-days after Mr. Baly states that "The South Gateway Neighborhood Association, on July 1, received the City's Notice of Remand and copies of PacTrust's remand request.....", which is 17 days after receipt of the public Notice of Remand from the City; *see email* from Edward Zager, dated July 16, 2020 Electronic Record p 145 ("I received a message from the South Gateway Homeowners Association regarding having open comments extended through August. I disagree. The 28 days made available is more than adequate. ***"); *and see email* from Jeff Archibald, dated July 20, 2020 Electronic Record p 194 ("No more extensions, just approve this no brainer and get rid of the overgrown eyesore and put in a well sized, beautifully landscaped Costco.")

Mr. Baly asked the Morningside Neighborhood Association (MNA) and apparently the South-Central Association of Neighbors (SCAN) to object to the remand processes and both did so. *See* Exhibit D; *and see* Electronic Record p 202 (MNA letter) and 209 (SCAN letter). However, both MNA and SCAN had regularly scheduled meetings on July 8, 2020 at which time the matter could have been and, apparently was, discussed (at least at the MNA meeting). (Exhibit D and E). Moreover, SCAN's August meeting is canceled, so it is unclear what purpose an extension to August 28, 2020 would achieve for SCAN. (Exhibit F).

In sum, state law requires the City to issue a decision on remand within 120-days from receipt of the Request for Remand. The Applicants granted the City a 14-day extension so that the remand processes established by the City are fair and reasonable for everyone. Other than following state law, the City has no procedures for actions on remands, but the process carved out makes sense for all parties. The procedure described in the public notice provides adequate if not generous periods for responsive submissions. Thank you.

Very truly yours,



Wendie L. Kellington

WLK:wlk
Enclosures
CC: Shari Reed

South Gateway Neighborhood Association

Categories: [My Neighborhood \(/Pages/my-neighborhood.aspx\)](#).

The South Gateway Neighborhood Association is open to all residents, businesses, and property owners who live and work in the area. If you have ideas or would like to stay informed of projects, you are welcome to participate. Livability means different things to different people, so it is up to you to get involved.

The South Gateway Neighborhood Association (SGNA) begins at the intersection of Liberty Road SE and Kuebler Boulevard SE, then south along the center line of Liberty Road to the [city limits \(/Pages/city-limits.aspx\)](#), then east along the southern [city limits \(/Pages/city-limits.aspx\)](#) to its intersection with the center line of Interstate 5, then north along the center line of I-5 to the intersection with Kuebler Boulevard, then west along the center line of Kuebler Boulevard to the starting point.

About your neighborhood

Chair: Glen Baly (glennbaly12345@gmail.com)

Land use chair: Glen Baly (glennbaly12345@gmail.com)

Police district: 10

Parks: Bryan Johnston, Rees, Sumpter, Wes Bennett, Wiltsey, [Creekside Golf Course](https://www.golfcreekside.com/) (<https://www.golfcreekside.com/>).

Schools: [Battle Creek Elementary](http://battlecreek.salemkeizer.net/) (<http://battlecreek.salemkeizer.net/>), [Lee Elementary](http://lee.salemkeizer.net/) (<http://lee.salemkeizer.net/>), [Pringle Elementary](http://pringle.salemkeizer.net/) (<http://pringle.salemkeizer.net/>), [Sumpter Elementary](http://sumpter.salemkeizer.net/) (<http://sumpter.salemkeizer.net/>).

Stormwater Master Plan South Gateway Neighborhood Presentation - October 10, 2019 (http://www.cityofsalem.net/citydocuments/stormwater-master-plan-south-gateway-presentation-2019-10-10.pdf)	Master Plan	10/10/2019	8195 KB
Liberty-Boone Neighborhood Plan (/CityDocuments/liberty-boone-neighborhood-plan.pdf)	Master Plan	2/14/2017	784 KB
South Gateway Neighborhood Association Bylaws (/CityDocuments/south-gateway-neighborhood-association-bylaws.pdf)	Document		24 KB

Meetings

Monthly meetings are held the second Thursday at 6:45 p.m. at Battle Creek Elementary School, 1640 Waln Dr SE, Salem OR 97306. See the calendar for specific dates.

If you want to [speak at a neighborhood association meeting \(/Pages/speak-at-neighborhood-association-meeting.aspx\)](#), contact the chair.

Agendas and minutes

South Gateway Neighborhood Association Agenda for July 09, 2020 (https://www.cityofsalem.net/meetingdocs/south-gateway-neighborhood-associaton-agenda-2020-07-09.pdf)	136 KB
South Gateway Neighborhood Association Agenda for February 13, 2020 (https://www.cityofsalem.net/meetingdocs/south-gateway-neighborhood-associaton-agenda-2020-02-13.pdf)	127 KB
South Gateway Neighborhood Association Agenda for January 09, 2020 (https://www.cityofsalem.net/meetingdocs/south-gateway-neighborhood-associaton-agenda-2020-01-09.pdf)	232 KB
South Gateway Neighborhood Association Agenda for December 12, 2019 (https://www.cityofsalem.net/meetingdocs/south-gateway-neighborhood-associaton-agenda-2019-12-12.pdf)	170 KB
South Gateway Neighborhood Association Minutes for December 12, 2019 (https://www.cityofsalem.net/meetingdocs/south-gateway-neighborhood-association-minutes-2019-12-12.pdf)	99 KB
South Gateway Neighborhood Association Agenda for November 14, 2019 (https://www.cityofsalem.net/meetingdocs/south-gateway-neighborhood-associaton-agenda-2019-11-14.pdf)	165 KB

1 - 6 ▶

Calendar

Aug. 13

South Gateway Neighborhood Association Meeting - SGNA

6:45 p.m.–8:45 p.m.

Woodmansee Park

4629 Sunnyside RD SE

Salem OR 97302

Regular Meeting. Agenda will be made available at the meeting.

Agenda: An agenda for this meeting is not yet available.

Phone: 503-540-2303

Email: idowd@cityofsalem.net

Email: glennbaly12345@gmail.com

This is an open, public meeting or public hearing at an accessible location. Special accommodations are available, upon request, for persons with disabilities. Services may be requested for sign language interpretation or languages other than English. To request accommodations or services, please call 503-540-2303 at least two business days prior to the meeting.

Aug. 18

South Salem Connect Partnership Meeting

12:00 p.m.–1:30 p.m.

Virtual Meeting

Join neighbors and partners as they work together to make a difference in South Salem Neighborhoods. We also hear from key guest speakers and work closely with local schools. For more information, call Salem Leadership Foundation at 503-315-8924. We meet every third Tuesday of each month and everyone is welcome to join.

Agenda: An agenda for this meeting is not yet available.

Phone: 503-315-8924

Email: jennp@salem1f.org

Email: idowd@cityofsalem.net

Learn more (<https://www.salem1f.org/>).

This is an open, public meeting or public hearing at an accessible location. Special accommodations are available, upon request, for persons with disabilities. Services may be requested for sign language interpretation or languages other than English. To request accommodations or services, please call 503-315-8924 at least two business days prior to the meeting.

Sep. 07

Labor Day

City offices, Center 50+, and the Salem Public Library will be closed for the holiday observance.

Sep. 10

South Gateway Neighborhood Association Meeting - SGNA

6:45 p.m.–8:45 p.m.

Battle Creek Elementary School

1640 Waln Drive SE

Salem OR 97306

Regular Meeting

Agenda: An agenda for this meeting is not yet available.

Phone: 503-540-2303

Email: idowd@cityofsalem.net

This is an open, public meeting or public hearing at an accessible location. Special accommodations are available, upon request, for persons with disabilities. Services may be requested for sign language interpretation or languages other than English. To request accommodations or services, please call 503-540-2303 at least two business days prior to the meeting.

Sep. 15

South Salem Connect Partnership Meeting

12:00 p.m.–1:30 p.m.

Westminster Presbyterian 3737 Liberty RD S

Salem OR 97302

Join neighbors and partners as they work together to make a difference in South Salem Neighborhoods. We also hear from key guest speakers and work closely with local schools. For more information, call Salem Leadership Foundation at 503-315-8924. We meet every third Tuesday of each month and everyone is welcome to join.

Agenda: An agenda for this meeting is not yet available.

Phone: 503-315-8924

Email: jennp@salem1f.org

Email: idowd@cityofsalem.net

Learn more (<https://www.salem1f.org/>).

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Next (<https://www.cityofsalem.net/Pages/south-gateway-neighborhood-association.aspx?ps=5>)

Notices

Upcoming planning hearings, land use hearings, and other notices that affect this neighborhood are listed below. You can also view land use applications in your neighborhood on the [Salem Land Use Applications](#)

(<https://saalem.maps.arcgis.com/apps/opsdashboard/index.html#/819dd777a21045d5895348d869d503bd>).dashboard.

<u>Document Title</u>	<u>Deadline</u>	<u>Case Type</u>	<u>Description</u>	<u>Heard By</u>	<u>Hearing Date</u>
CA20-02 Historic Landmarks Commission Hearing Notice (https://www.cityofsalem.net/publicnotices/ca20-02-hearing-notice-2020-08-20.pdf)		Code Amendment		Historic Landmarks Commission	8/20/2020
DR-CU-SPR-ADJ-DAP20-02 Hearing Notice (https://www.cityofsalem.net/publicnotices/dr-cu-spr-adj-dap20-02-hearing-notice-2020-07-07.pdf)		Design Review / Conditional Use / Site Plan Review / Adjustment / Driveway Approach Permit	5611 Woodside Drive SE	Salem Planning Commission	7/7/2020
SUB-ADJ19-08 & UGA17-03MOD1 (https://www.cityofsalem.net/publicnotices/sub-adj19-08-and-uga17-03mod01-council-hearing-notice.pdf)		Subdivision, Tentative Plan / Class 2 Adjustment / UGA Modification	4700 Battle Creek Road SE, Salem OR 97301	City Council	1/13/2020
SUB-19-06 Hearing Notice (https://www.cityofsalem.net/publicnotices/sub-19-06-call-up-hearing-notice-2019-11-12.pdf)		Subdivision	5800 Block Battle Creek Rd SE	City Council	11/11/2019

Contact us



Sign up for mailing list:

[Neighborhood Services Mailings](https://cityofsalem.us1.list-manage1.com/subscribe?u=9c537ef0aeb7914e4fe4f6d5c&id=450b7fe44b) (<https://cityofsalem.us1.list-manage1.com/subscribe?u=9c537ef0aeb7914e4fe4f6d5c&id=450b7fe44b>)

Follow us



Facebook: [South Gateway Neighborhood Association](https://www.facebook.com/South-Gateway-Neighborhood-Association-172465666147482/timeline/) (<https://www.facebook.com/South-Gateway-Neighborhood-Association-172465666147482/timeline/>)

Contact your City Councilor

Email: NeighborhoodServices@cityofsalem.net ([http://egov.cityofsalem.net/DynamicWebForms/ContactUs?](http://egov.cityofsalem.net/DynamicWebForms/ContactUs?Title=Contact%20Irma+Dowd&address=NeighborhoodServices@cityofsalem.net&phone=true&mailing=true&attachment=true&subject=Contact%20Irma+Dowd)

[Title=Contact%20Irma+Dowd&address=NeighborhoodServices@cityofsalem.net&phone=true&mailing=true&attachment=true&subject=Contact%20Irma+Dowd](http://egov.cityofsalem.net/DynamicWebForms/ContactUs?Title=Contact%20Irma+Dowd&address=NeighborhoodServices@cityofsalem.net&phone=true&mailing=true&attachment=true&subject=Contact%20Irma+Dowd)).



Phone: 503-540-2303

City of Salem , Oregon, USA

555 Liberty ST SE

Salem OR 97301

info@cityofsalem.net

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Jackie Leung
City Councilor for Ward 4
Term expires December 31, 2022



(<http://egov.cityofsalem.net/DynamicWebForms/ContactUs?>

[Title=Contact%20Jackie+Leung&address=jleung@cityofsalem.net&phone=true&mailing=true&attachment=true&subject=Contact%20Jackie+Leung](mailto:jleung@cityofsalem.net)).

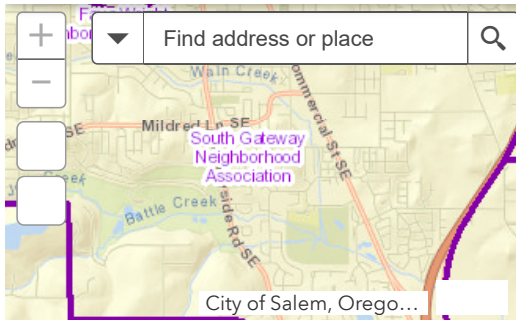
Email: jleung@cityofsalem.net (<http://egov.cityofsalem.net/DynamicWebForms/ContactUs?>

[Title=Contact%20Jackie+Leung&address=jleung@cityofsalem.net&phone=true&mailing=true&attachment=true&subject=Contact%20Jackie+Leung](mailto:jleung@cityofsalem.net)).



Phone: 503-399-7804

Find Your Neighborhood



1mi
-123.030 44.868 Degrees

[View a full-screen version of this map in a new window. \(https://salem.maps.arcgis.com/apps/webappviewer/index.html?id=062587b17c73445fa02ff7dcc002d9e3&query=Neighborhoods,Neighborhoods,NHOOD_ID,1&mobileBreakPoint=300\)](https://salem.maps.arcgis.com/apps/webappviewer/index.html?id=062587b17c73445fa02ff7dcc002d9e3&query=Neighborhoods,Neighborhoods,NHOOD_ID,1&mobileBreakPoint=300)

Contact City staff



Irma Dowd
Neighborhood Services Coordinator



(<http://egov.cityofsalem.net/DynamicWebForms/ContactUs?>

[Title=Contact%20Irma+Dowd&address=NeighborhoodServices@cityofsalem.net&phone=true&mailing=true&attachment=true&subject=Contact%20Irma+Dowd](mailto:NeighborhoodServices@cityofsalem.net)).

Wendie Kellington

Subject: FW: Notice of Remand - Case No. SPR-DAP18-15 for 2500-2600 Blk Boone Rd SE (Costco)
Attachments: SPR-DAP18-15 Notice of Remand.pdf

From: Kirsten Straus <KStraus@cityofsalem.net>
Sent: Wednesday, July 1, 2020 2:53 PM
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



NOTICE of REMAND

LAND USE REQUEST AFFECTING THIS AREA

This is notice of a development proposal for the property listed in this notice and shown on the attached map. The City is seeking input from neighbors on the proposal. If you have questions or comments about the proposal, contact the case manager.

Esta carta es un aviso sobre una propuesta de desarrollo para la propiedad enumerada y que se muestra en el mapa adjunto. La ciudad está buscando la opinión de los vecinos sobre la propuesta. Si tiene preguntas o comentarios sobre la propuesta, póngase en contacto con nosotros al 503-588-6213.

CASE NUMBER:

SPR-DAP18-15; REMAND

PROPERTY LOCATION:

2500-2600 Block of Boone Road SE / 97306

**SUMMARY OF
REQUEST AND
TIMELINE:**

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.

See the below timeline of actions for this case:

- October 2018 – Planning Administrator approved application
- November 2018 – Neighbors appealed the case to the City Council
- December 2018 – City Council denied the application
- December 2018 – Applicant and neighbors appealed to LUBA
- August 2019 – LUBA remanded the case to the City for additional consideration
- October 2019 – LUBA decision appealed to Court of Appeals
- February 2020 – Court of Appeals affirmed LUBA's decision
- June 2020 – Applicant submitted new materials for the City Council's consideration
- July/August/September 2020 – Comment and rebuttal period
- September 2020 – Salem City Council consideration

**ISSUES TO BE
DECIDED BY CITY
COUNCIL:**

1. Do the applicants have a vested right to approval of their application, based on expenditures made in reliance on the City Council's 2007 decision ("Order No. 2007-16-CPC/ZC Comprehensive Plan Change/Zone Change No. 06-6-CPC/ZC"), including off-site transportation improvements and dedication of land?
2. If the applicants have a vested right to approval of the application, is the City prohibited from applying the otherwise applicable criteria?
3. If the City is not prohibited from applying the otherwise applicable criteria, then does the application comply with the applicable criteria on remand?

COMMENT PERIOD:

All written comments must be submitted to City Staff with the following comment periods:

- Initial Comment Period: July 1, 2020 – July 28, 2020 at 5:00 P.M.
 - This period is for comment on the proposal including information or evidence submitted for the remand (see below for instructions on how to access all material in the record).
- Public Rebuttal Period (to rebut comments submitted during initial comment period): July 29, 2020 – August 12, 2020 at 5:00 P.M.
 - Comments submitted during the initial comment period will be posted for review as resources allow at: <https://www.cityofsalem.net/Pages/proposed-kuebler-gateway-shopping-center-costco.aspx>
 - The complete record will be maintained at the City's Planning Division, and interested persons may contact the Planning Division to view or obtain copies of the record of the application.
 - No public comments regarding this application will be accepted after the public rebuttal period ends.
- Applicant's Final Written Argument Period (Period open only to the applicant to make a final written argument. No new evidence may be submitted): August 13, 2020 - September 10, 2020.

Please direct all comments to: planningcomments@cityofsalem.net

Direct mailed comments to the Case Manager listed below. Please include the case number with comments.

Comments received after the close of the public rebuttal period will not be accepted or considered, except for Applicant's final written argument.

CASE MANAGER:

Aaron Panko, Planner III, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2356; E-mail: apanko@cityofsalem.net.

REVIEW CASE INFORMATION:

Please visit this link to review the case file, including the new materials submitted by the applicant updated as resources allow: <https://www.cityofsalem.net/Pages/proposed-kuebler-gateway-shopping-center-costco.aspx> For the most up-to-date information, please contact the Case Manager.

ACCESS:

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

NEIGHBORHOOD ORGANIZATION:

Neighborhood associations are volunteer organizations of neighbors coming together to make neighborhoods the best they can be. They receive notice of land use applications within their boundaries, and they often submit comments on the applications to the City. Neighborhood association meetings are open to everyone. Contact your neighborhood association to get involved:

South Gateway Neighborhood Association, Glenn Baly, Land Use Co-Chair; Phone: 503-588-6924; Email: glennbaly12345@gmail.com; Mike Hughes, Land Use Co-Chair; Phone: 503-584-0806; Email: hughes.m@comcast.net.

PROPERTY OWNER(S):

Pacific Realty Associates LP (PacTrust)

APPLICANT(S):

M&T Partners (Matt Oyen) and Pacific Realty Associates LP (PacTrust)

APPELLANTS:

Karl G. Anuta on behalf of Lora Meisner, William Dalton, and John D. Miller; Glenn Baly on behalf of South Gateway Neighborhood Association; and Pacific Realty Associates LP (PacTrust)

**CRITERIA TO BE
CONSIDERED:****Salem Revised Code (SRC) Chapters 220.005(f)(3) – Class 3 Site Plan Review**

Criteria. 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.

SRC 804.025(d) – Class 2 Driveway Approach Permit

Criteria. 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.

Another relevant criterion to site plan review is SRC 808.030(a)(2)(L) which authorizes “Removal of Oregon white oaks (*Quercus garryana*) where the removal is necessary in connection with construction of a commercial or industrial facility.”

Vested Rights – The “vested rights” criteria require evaluation of four key “factors” set forth in *Clackamas County v. Holmes*, 265 Or 193 (1993), and *Friends of Yamhill County v. Bd. of Commissioners of Yamhill County*, 351 OR 219 (2011):

- 1) The ratio of prior expenditures to the total cost of the project;
- 2) The good faith of the landowner in making the prior expenditures,
- 3) Whether the prior expenditures have any relationship to the project or could apply to other uses of the land, and
- 4) The nature of the project, its location and ultimate cost.

Salem Revised Code (SRC) is available to view at this link:

<http://bit.ly/salemorcode>. Type in the chapter number(s) listed above to view the applicable criteria. *Clackamas County v. Holmes* and *Friends of Yamhill County* are available to view at this link: <https://www.cityofsalem.net/Pages/proposed-kuebler-gateway-shopping-center-costco.aspx>

**LAND USE PROPOSAL
REQUEST:**

A remand from the Land Use Board of Appeals (LUBA) on the City Council's decision on a Class 3 Site Plan Review for construction of a new retail shopping center, including four proposed retail shell buildings, a 168,550 square foot building for Costco Wholesale, and a retail fueling station with up to 30 pump positions, and a Class 2 Driveway Approach permit for proposed driveway access to Boone Road SE and 27th Avenue SE, for property approximately 23.47 acres in size, zoned CR (Retail Commercial), and located in the 2500-2600 Block of Boone Road SE - 97306 (Marion County Assessors Map and Tax Lot numbers: 083W12C / 01800, 01900, 02000, and 02100, also 083W11D / 02400, 02500, 02600, and 02700).

APPLICATION PROCESS:

Following the close of the comment periods, the City Council will review the record for this case and deliberate toward a final decision at its September 28, 2020 meeting. A public hearing will not be held. Once City Council adopts a final written decision, a copy of the decision will be mailed to the applicant, property owner, affected neighborhood association, anyone who submitted written comments, and anyone who received notice of the land use request.

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

NOTICE MAILING DATE:

July 1, 2020

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

Act of 1964, and related statutes and regulations, in all programs and activities. Disability-related modification or accommodation, including auxiliary aids or services, in order to participate in this meeting or event, are available upon request.

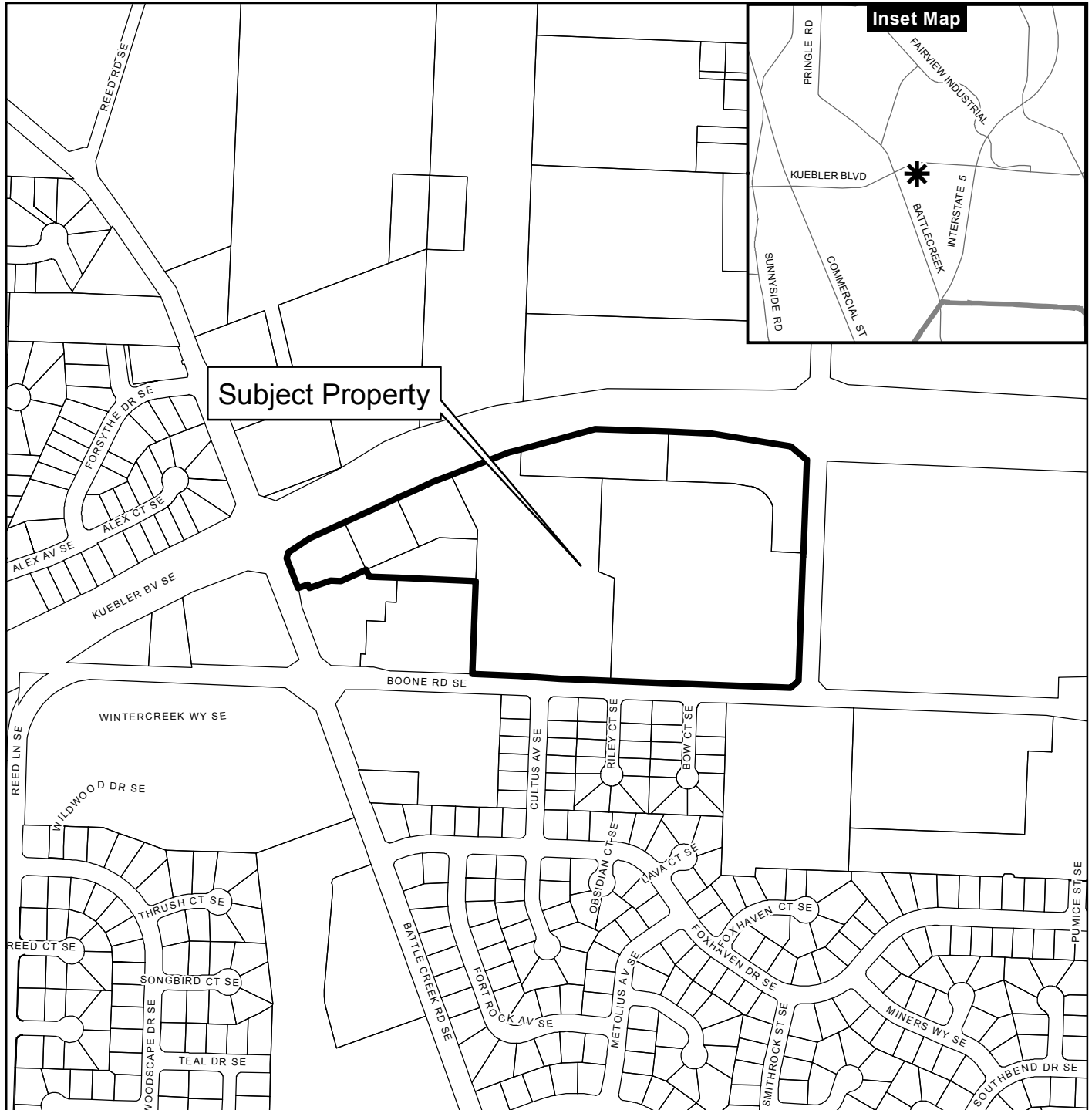
Sign language and interpreters for languages other than English are also available upon request.

To request such an accommodation or interpretation, contact the Community Development Department at 503-588-6173 at

least three business days before this meeting or event.

TTD/TTY telephone 503-588-6439 is also available 24/7.

Vicinity Map 2500-2600 Block of Boone Road SE



Legend

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

- Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

0 100 200 400 Feet



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Kuebler Gateway Shopping Center East - (PacTrust Property)

Kuebler Gateway Shopping Center COMBINED

Notes

(2) This is not applicable because there is an existing stormwater management plan for this subdivision.

(2) This is not applicable because there is an existing stormwater management plan for this subdivision.



HORIZ. AS SHOWN
SCALE

INTERNATIONAL
COMMISSION
ON THE HISTORY
OF THE CONCEPT
OF THE FUTURE

VERT: AS SHOWN

DSN. JW

DRN. TN
CKD. JW

DATE: MAY 2018

REVIEW
XEROX CORPORATION STAMPS/ENGINEERING/STAMPS-OR.dwg

WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS

341 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97331

Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westech@westech-eng.com

KUEBLER GATEWAY SHOPPING CENTER

KUEBLER GAI EWAY SHOPPING CENTER

OVERALL PLAN

DRAWING
C2.0
JOB NUMBER
2672.8001.C

DR
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22 AW

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JOB NUMBER
2672.8001.C

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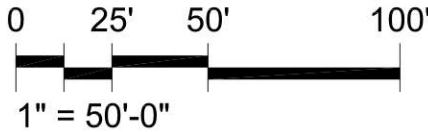
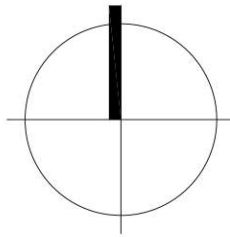
ER




LANDSCAPE LEGEND


(SYMBOLS SHOWN AT 1"=20')

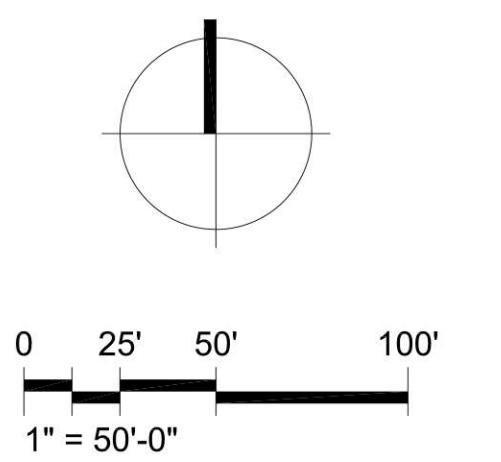
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE / CONDITION
TRANSPLANTED OREGON WHITE OAK TREES (QUERCUS GARRYANA)			SEE ARBORIST REPORT FOR TREE INFORMATION, TRANSPLANTING, AND MAINTENANCE. INSTALL WITH 3" DEPTH COARSE ARBORIST CHIPS.
DECIDUOUS SHADE TREES			
	ACER TRUN. X ACER PLAT. 'WARRENRED'	PACIFIC SUNSET MAPLE	MIN. 2" CAL., MIN. 10–12' HT., MATCHED, FULL & WELL–BRANCHED ABOVE 6' HT., B&B.
	ACER RUBRUM 'OCTOBER GLORY'	OCTOBER GLORY RED MAPLE	
	GINKGO BILOBA 'AUTUMN GOLD'	AUTUMN GOLD GINKGO (MALE ONLY)	
	GLEDITSIA T. INERMIS 'SHADEMASTER'	SHADEMASTER HONEYLOCUST	
	QUERCUS GARRYANA	OREGON WHITE OAK	
	ZELKOVA SERRATA 'VILLAGE GREEN'	VILLAGE GREEN ZELKOVA	
DECIDUOUS ACCENT TREES			
	ACER CIRCINATUM	VINE MAPLE	MIN. (3) 1" CAL., 8'–10' HT., MULTI–TRUNKED, MATCHING SPECIMEN, WELL–BRANCHED, B&B.
	AMELANCHIER ALNIFOLIA	WESTERN SERVICEBERRY	
	CORNUS KOUSA	KOUSA DOGWOOD	
CONIFEROUS EVERGREEN TREES			
	CALOCEDRUS DECURRENS	INCENSE CEDAR	MIN. 8'–10' HT., FULL AND BUSHY TO BASE, B&B
	PSEUDOTSUGA MENZIESII	DOUGLAS FIR	
	THUJA PLICATA 'HOGAN'	HOGAN RED CEDAR	
LARGE SHRUBS			
	ARBUTUS UNEDO 'COMPACTA'	DWARF STRAWBERRY TREE	24–30" HT., FULL & BUSHY, B&B OR CONT., SPACING AS SHOWN.
	CORNUS SERICEA	RED OSIER DOGWOOD	
	ILEX CRENATA 'CONVEXA'	CONVEXA JAPANESE HOLLY	
	MAHONIA AQUIFOLIUM	OREGON GRAPE	
	MYRICA CALIFORNICA	PACIFIC WAX MYRTLE	
	ROSA RUGOSA	RUGOSA ROSE	
	SYMPHOCARPUS ALBUS	COMMON SNOWBERRY	
MEDIUM SHRUBS			
	EUONYMUS A. 'COMPACTA'	COMPACT BURNING BUSH	MIN. 5 GAL. CONT., 21–24" HT. AND SPREAD, FULL AND BUSHY, SPACING AS SHOWN.
	RIBES SANGUINEUM	RED FLOWERING CURRANT	
	MAHONIA A. 'COMPACTA'	COMPACT OREGON GRAPE	MIN. 5 GAL. CONT., 18–21" HT. AND SPREAD, FULL AND BUSHY, SPACING AS SHOWN.
	ROSA NUTKANA	NOOTKA ROSE	
	VACCINIUM OVATUM	EVERGREEN HUCKLEBERRY	
SMALL SHRUBS			
	CORNUS KELSEYI	KELSEY DOGWOOD	MIN. 2 GAL. CONT., MIN. 15" HT. & SPREAD, FULL & BUSHY, SPACING AS SHOWN.
	PINUS M. MUGO	DWARF MUGHO PINE	
	VIBURNUM DAVIDII	DAVID VIBURNUM	
ORNAMENTAL GRASSES / ACCENTS			
	CALAMAGROSTIS A. 'KARL FOERSTER'	FEATHER REED GRASS	1 GAL. CONT., FULL & BUSHY, SPACING AS SHOWN.
	HELICTOTRICHON SEMPERVIRENS	BLUE OAT GRASS	
	POLYSTICHUM MUNITUM	SWORD FERN	5 GAL. CONT., FULL & BUSHY, SPACING AS SHOWN.
GROUNDCOVERS			
	ARCTOSTAPHYLOS UVA–URSI	KINNIKINNICK	1 GAL. CONT. AT 18" O.C. TRIANG. SPACING, START FIRST ROW 12" FROM EDGE.
	FRAGARIA CHILOENSIS	WILD STRAWBERRY	
	MAHONIA REPENS	CREEPING MAHONIA	
	RHUS AROMATICA 'GRO–LOW'	GRO–LOW SUMAC	
NATIVE GROUNDCOVER MIX:			
	GAULTHERA SHALLON	SALAL	1 GAL. CONT. AT 18" O.C. TRIANG. SPACING, START FIRST ROW 12" FROM EDGE.
	MAHONIA REPENS	CREEPING MAHONIA	EQUAL QUANTITIES OF EACH. PLANT IN GROUPS OF 5–7 IN RANDOM DRIFTS.
	POLYSTICHUM MUNITUM	SWORD FERN	
SWALE PLANTING MIX:			
	CAREX OBNUPTA	SLOUGH SEDGE	1 GAL. CONT. AT 18" O.C. TRIANG. SPACING, START FIRST ROW 12" FROM EDGE.
	ELEOCHARIS PALUSTRIS	GREAT SPIKE RUSH	EQUAL QUANTITIES OF EACH. PLANT IN GROUPS OF 5–7 IN RANDOM DRIFTS.
	IRIS TENAX	OREGON IRIS	
SOD LAWN			90% TURF–TYPE TALL FESCUE, 10% KENTUCKY BLUEGRASS, SEE SPECIFICATIONS





SALEM, OR





COSTCO
WHOLESALE
SALEM, OR

SALEM, OR



WEISMANDESIGNGROUP

LANDSCAPE ARCHITECTURE
2329 E MADISON ST
SEATTLE WA 98112
206-322-1732
WWW.WDINC.COM

17-0413-01
JUNE 2, 2020

PRELIMINARY
LANDSCAPE PLAN

L1.1

PLANTING NOTES

- ALL NEW LANDSCAPE AREAS ARE TO BE WATERED WITH AN AUTOMATIC WATER CONSERVING IRRIGATION SYSTEM. SEE IRRIGATION PLANS.
- MULCH ALL SHRUB AND GROUNDCOVER AREAS WITH A MINIMUM 3" DEPTH OF SPECIFIED MULCH.
- WHERE GROUNDCOVER IS SHOWN, IT SHALL BE PLANTED AT THE SPECIFIED SPACING THROUGHOUT THE BED, INCLUDING AREAS UNDERNEATH TREES AND SHRUBS, START FIRST ROW 12" FROM EDGE OF BED.
- SEE CIVIL DRAWINGS FOR GRADING, UTILITIES AND EROSION CONTROL.
- CONTRACTOR SHALL PROVIDE DIGITAL PHOTOS OF A REPRESENTATIVE TREE, SHRUB, OR GROUNDCOVER FOR ALL MATERIALS IN LEGEND BELOW FOR LANDSCAPE ARCHITECT REVIEW AND ACCEPTANCE PRIOR TO PROCUREMENT. THIS SHALL ESTABLISH THE STANDARD FOR APPROVED MATERIAL.
- REFER TO SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS.

ADDITIONAL NOTES FOR PRICING OF PRELIMINARY LANDSCAPE PLAN:

- ALL PLANT MATERIALS TO BE OF THE HIGHEST QUALITY, PROVIDE DIGITAL PHOTOS FOR LANDSCAPE ARCHITECT'S APPROVAL PRIOR TO PROCUREMENT.
- INSTALL MINIMUM 4" DEPTH HIGH QUALITY IMPORT TOPSOIL. USE ADDITIONAL TOPSOIL AS NEEDED TO CROWN BEDS MINIMUM 6" ABOVE ADJACENT CURBS.
- IMPORT TOPSOIL SHALL BE SELECT, FERTILE, SCREENED (1/2"), WELL-DRAINED, WEED-FREE, BALANCED MATERIAL COMPOSED OF SAND, COMPOST AND A SMALL AMOUNT OF CLAY/SILT TO BE CLASSIFIED AS SANDY LOAM UNDER USDA CLASSIFICATION. TOPSOIL SHALL BE TESTED AT APPROVED TESTING LAB FOR CONFIRMATION OF SOIL TEXTURE AND CLASSIFICATION. IF CLASSIFIED AS SANDY LOAM, THEN TEST FOR PH, TRACE MINERALS, SALINITY, N, P, K AND AMENDMENT RECOMMENDATIONS TO ACHIEVE A PH BALANCED FERTILE TOPSOIL WITH MINIMUM 6% ORGANIC MATERIALS DERIVED FROM VEGETATIVE COMPOST. INCORPORATE STARTER FERTILIZER AND PLANT TABS PLUS FERTILIZER AND SOIL AMENDMENTS AS RECOMMENDED IN REPORT AT NO ADDITIONAL COST.
- ALL LANDSCAPE AREAS TO BE PROVIDED WITH A IRRIGATION SYSTEM INCLUDING THE FOLLOWING ITEMS:
 - HUNTER MP-ROTATOR SPRAY HEADS AT PERIMETERS
 - NETAFIM TECHLINE CV DRIP LINES IN INTERIOR
 - SCHEDULE 40 PVC MAINLINE
 - CLASS 200 PVC LATERALS
 - 40 RAINBIRD PEB-PRS-D CONTROL VALVES
 - RAINBIRD ESP-LXD CONTROLLER WITH IC CLOUD
 - SEPARATE IRRIGATION METER AND BACKFLOW DEVICE WITH ENCLOSURE
- INSTALL 4" PERFORATED SUB DRAINS FOR ALL INTERIOR LANDSCAPE ISLANDS, CONNECTING TO STORM DRAIN SYSTEM.
- REFER TO COSTCO STANDARD PLANTING AND IRRIGATION SPECIFICATIONS AND DETAILS FOR INSTALLATION AND REVIEW REQUIREMENTS.

LANDSCAPE CALCULATIONS (PROVIDED FOR PERMITTING PURPOSES ONLY)

TOTAL EAST SIDE BUILDING AREA =	174,650 S.F. (168,550 + 6,100)	TREE MITIGATION
EAST SIDE SITE AREA =	20.56 ACRES (895,393 SF)	
EAST SIDE LANDSCAPE AREA REQUIRED =	134,309 S.F. (15%)	
EAST SIDE LANDSCAPE AREA PROVIDED =	167,565 S.F. (18.7%)	EXISTING SIGNIFICANT TREES (TO BE TRANSPLANTED): 8
INTERIOR LANDSCAPING:		TOTAL EXISTING TREES (10"+) TO BE REMOVED: 71
TOTAL INTERIOR PARKING LOT AREA =	390,600 S.F. (EXCL. DRIVEWAYS)	(SEE CIVIL DRAWINGS FOR TREE MAP & TABLE)
TOTAL INTERIOR LANDSCAPING REQUIRED =	31,248 S.F. (8%)	
TOTAL INTERIOR LANDSCAPING PROVIDED =	41,520 S.F. (10.6%)	NUMBER OF TREES REQUIRING MITIGATION: 18 (25%)
EAST SIDE PARKING STALLS =	894	ADDITIONAL TREES REQUIRED FOR MITIGATION: 36 (2:1)
EAST SIDE INTERIOR TREES REQUIRED =	75 (894/12 STALLS)	ADDITIONAL TREES PROVIDED FOR MITIGATION: 36 (EVERGREENS)
(1 TREE PER 12 STALLS)		
EAST SIDE INTERIOR TREES PROVIDED =	170+	
LANDSCAPE ISLANDS AND PLANTER BAYS =	MIN. 5' WIDTH, MIN. 25 S.F.	
PLANT UNITS:		
EAST SIDE LANDSCAPED AREA =	145,835 S.F. (EXCL. EXISTING EASEMENTS)	
TOTAL PLANT POINTS REQUIRED =	7,292 P.U.	
(1 P.U. PER 20 S.F. LANDSCAPED AREA)		
TOTAL PLANT POINTS PROVIDED =	11,099 P.U.	
PLANT POINTS REQUIRED FROM TREES =	2,917 P.U. (40% OF TOTAL REQUIRED)	
PLANT POINTS PROVIDED FROM TREES =	3,039	
SHADE TREES =	259 X 10 = 2,590	
EVERGREEN/CONIFER TREES =	57 X 5 = 285	
ORNAMENTAL TREES =	82 X 2 = 164	
LARGE SHRUBS =	1,152 X 2 = 2,304	
SMALL/MEDIUM SHRUBS =	3,356 X 1 = 3,356	
LAWN OR GROUNDCOVER (SF)=120,000/50 =	2,400	

KUEBLER GATEWAY SHOPPING CENTER - EAST SIDE LANDSCAPE PLAN

SALEM, OREGON

JUNE 2, 2020

From: [Shari Reed](#)
To: ["Glenn Baly"](#)
Subject: RE: June 5th Public Meeting

Glenn,

Thank you for the invitation to participate in the community meeting on June 5. Unfortunately, June 5 does not work for the PacTrust/Costco team so we are unable to be in attendance at the meeting next week.

Please be advised that the new date for the SGNA and Morningside neighborhood association open house is Tuesday, June 19. The open house will start at 6:30p and will be held at the property located at 2521 Boone Rd. SE, Salem in the space adjacent to Salem Audiology. Key members of the project team including architects, traffic engineers, and landscape professionals will be there to answer questions about the proposed shopping center development.

We appreciate your patience and look forward to meeting members of the community at the open house.

Regards,

Shari

From: Glenn Baly [mailto:glennbaly12345@gmail.com]

Sent: Sunday, May 27, 2018 3:53 PM

To: Shari Reed

Subject: June 5th Public Meeting

Shari,

SGNA is holding a public meeting on June 5 (6:30 - 9:00pm) at the South Seniors Center 6450 Fairway Ave SE, Salem, OR 97306. The purpose of the meeting is to provide residents with the information we have available on the proposed Costco relocation and listen to their concerns.

We would appreciate if a PacTrust and Costco representatives were in attendance to provide information on the proposed relocation and answer questions.

Please tell me if a PacTrust/Costco representatives would be available.

Thanks so much for your help.

Glenn Baly

Chair

South Gateway Neighborhood Association

glennbaly12345@gmail.com

503-586-6177

July 8, 2020 Board Meeting

MINUTES

CALL TO ORDER – 6:30pm by Chair Pamela

INTRODUCTIONS

15 persons present including 12 current MNA Board Members.

APPROVAL OF MINUTES

One (1) sentence about the Draft Vision/Mixed Use Property (Draft Vision Scenarios) needs correcting.

Minutes approved with correction.

POLICE REPORT – Officer Marty Miranda, Salem Police Department

Masks are required to enter the Civic Center. Police are not enforcing mask requirements in public.

Pam mentions a suspicious black SUV regularly spotted at Clark Creek Park.

Alan asks whether Covid is impairing the effectiveness of the SPD. Officer Miranda says precautions re: Covid are changing the way police respond to ordinary calls and this process continues to evolve.

Glenn asks about after-hours fireworks and related noise complaints. Officer Miranda says the police response is largely based on resource availability.

TRAFFIC – Alan

The pedestrian cross walk at Copper Glen is finished.

Goal 25 of the Morningside Neighborhood Plan and the traffic impact(s) of Costco to be addressed under Land Use/Costco.

Attachment 2
Page 19 of 28
Morningside Neighborhood Association
July 8, 2020 Board Meeting
MINUTES

EXHIBIT D
Page 2 of 4

LAND USE – Geoff

We have received a response to our letter re: the subdivision east of Reed Road that wraps around Battlecreek (proposed rezone to multi-family housing). As soon as a detailed site plan is available for the Apartments, it will be sent to us.

Re: Steve Ward's Development: A letter to the City from Pringle Creek Community asking for pedestrian connectivity has received no response from the City Planning Administrator. Pam has offered to forward the letter to her contacts at the City.

The School District is making a small addition to the Food Service Building close to the entrance of Pringle Creek Community. The Site Plan has been approved.

LAND USE/COSTCO – Geoff & Glenn (Guest Chair, South Gateway Neighborhood Association)

The proposed Costco development previously approved by the City Planning Commission has been remanded by LUBA to the City, based on the removal of 8 large White Oak trees ("significant trees"). In addition, City Council has previously expressed doubts re: the validity of the attendant traffic study for said Costco development. Both traffic concerns and tree removal are leading considerations in this proposal.

Approx. \$3 million was raised by PacTrust Development to widen Kuebler Blvd. as part of the original 2007 deal to make zone changes for a neighborhood shopping center with grocery store. The 2007 plan specifically excluded "box stores" like Costco. In 2017 this plan was changed to include Costco. Per Glenn, PacTrust is claiming exemption from further site plan review, despite increasing in scale and size. Depending on the outcome of the remand, PacTrust will attempt to recover their investment in Kuebler Blvd. from the City.

Specific traffic concerns include a new traffic light at the intersection of Boone and Kuebler, proposed multi-family housing, new shopping centers (including Costco), and Amazon. Per Morningside Neighborhood Plan Goal 25, Alan proposes to write a letter asking the City consider the cumulative transportation impacts and preserve the safe and orderly flow of traffic.

The deadline for public comment on the proposed Costco Development is July 28. Glenn asks if MNA would join South Gateway in writing a (separate) letter requesting a public hearing and an extension of time for comment. Barbara and Trevor both vocalize support. Pam asks if MNA is willing to write a letter. Motion to write letter passes. Letter to be written by Geoff.

Geoff reminds us City Council is presently meeting by Zoom only.

Attachment 2
Page 20 of 28
Morningside Neighborhood Association
July 8, 2020 Board Meeting
MINUTES

EXHIBIT D
Page 3 of 4

PARKS – Muriel

No formal report.

Pam says Clark Creek Park has two trees that need cut down because they are dead. There are also berry bushes that need cut back. Park renovation is likely delayed due to a shortage of crews, and also Riverfront Park project(s) taking precedence.

CERT TEAM/LIQUOR LICENSES – Pam

No new liquor licenses.

COMMUNICATION FUND/COMMUNITY HOURS MEETING

TRANSIT – Bob

Bob is not present.

COMMUNICATION – Richard

Communication Fund Hours:

- Muriel 3 hours on Parks
- Dennis 4 hours on Minutes

CITY COUNCILOR REPORT – Brad

Brad is not present

ADDITIONAL/MISC –

Per Richard, an Urban Trails Implementation Plan is coming out of the ODOT office. Among other things, this plan addresses the hierarchy of trails, guidelines for trail alignments, etc. New Code amendments in Salem increase the City's ability to require and make possible more trails. Urban trails and pedestrian connectivity affirm our Neighborhood Plan. Many trails in different parts of the city currently don't connect. Julie at the City is requesting a letter of support for Urban Trails in order to write a grant.

Attachment 2
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Morningside Neighborhood Association
July 8, 2020 Board Meeting
MINUTES

EXHIBIT D
Page 4 of 4

Motion for Richard to write a letter of support for Urban Trails passes.

Bob speculates on alternate locations for Costco along Kuebler. General commentary on this.

Trevor thanks everyone for attending and remaining committed to sharing information.

We will meet in August per our regular schedule but should also be prepared for an emergency meeting re: Costco.

*ADJOURN – Pam adjourned the meeting on **7:45pm***



MEETING AGENDA

Wednesday, July 8, 2020

6:30 – 8:00 p.m.

Zoom Meeting

Join Zoom Meeting (Video and Audio)

<https://us02web.zoom.us/j/5032691559>

Dial-in With Your Phone (Audio Only)

253 215 8782

Meeting ID: 503 269 1559# (No participant code)

Welcome and Introductions

6:30

City & Councilor Reports

6:35

Councilors Andersen & Nordyke, as available

* Police Update (July, October, & January, March & June)

* Parole & Probation (July & March)

* *No Code Compliance Update (October, January & May)*

Announcements & Neighborhood Concerns

7:00

SSHS Tile Mural Project for Class of 2020

7:15

Kim-Chi To will share information about an effort to create a collaborative public art display to celebrate the South Salem High School Class of 2020.

Discussion of Connection at Hoyt & Rural

7:30

Committee Reports & Chair Report

7:40

Approval of officers and committee chairs for 2020-21

Adjourn

8:00

This is an open meeting.

The public is invited.

Visit the SCAN website at:

www.scansalem.org

For more information, call:

Jeff Schumacher, chairperson

(503) 583-2070 or

jeff.schumacher@gmail.com

Items of Interest

Salem Public Library's

Storytimes at Home

Enjoy a storytime presented by one of the Salem Public Library staff members to view at home! New storytimes in English are posted each Monday and Saturday; new storytimes in Spanish are posted on Thursdays!

For more information visit the Salem Public Library's Facebook page at facebook.com/spl.oregon/

Encl: Minutes for June 10, 2020 Meeting



South Central Association of Neighbors (SCAN)

Categories: [My Neighborhood \(/Pages/my-neighborhood.aspx\)](/Pages/my-neighborhood.aspx).

The South Central Association (SCAN) wants everyone to thrive and reach their potential. The neighborhood is inclusive to all, and it consists of tree-lined streets, large parks, historic homes, and thriving businesses. Your vision can make a difference. Together, we are a community.

SCAN (South Central Association) is located just south of the downtown area with the Willamette River as its east boundary. Many homes in the neighborhood, including Victorian and French country style residences, are listed on the National Historic Register. SCAN (South Central Association) is home to Deepwood Estate (<http://www.historicdeepwoodestate.org/>), and one of Salem's largest parks, Bush's Pasture Park (</Pages/bushs-pasture-park.aspx>).

About your neighborhood

Chair: Jeff Schumacher (jeff.schumacher@gmail.com)

Land use chair: Roz Shirack (rozshirack7@gmail.com)

Police district: 8

Parks: Bush's Pasture Park (</Pages/bushs-pasture-park.aspx>), Deepwood Estate (<https://deepwoodmuseum.org/>), Fairmount Park

Schools: Howard Street Charter School (<http://www.howardstreet.org/>), McKinley Elementary School (<http://mckinley.salemkeizer.net/>), South Salem High School (<http://southsaxons.com/>).

South Central Association Of Neighbors Bylaws (</CityDocuments/south-central-association-of-neighbors-bylaws.pdf>)

Document

21 KB

Meetings

Meetings are held the second Wednesday, 6:30 p.m. at South Salem High School, 1910 Church ST SE, Salem OR 97302. See the calendar for specific dates.

If you want to [speak at a neighborhood association meeting \(/Pages/speak-at-neighborhood-association-meeting.aspx\)](/Pages/speak-at-neighborhood-association-meeting.aspx), contact the chair.

Agendas and Minutes

South Central Association of Neighbors Agenda for July 08, 2020 (https://www.cityofsalem.net/meetingdocs/south-central-association-of-neighbors-agenda-2020-07-08.pdf)	249 KB
South Central Association of Neighbors Agenda for June 10, 2020 (https://www.cityofsalem.net/meetingdocs/south-central-association-of-neighbors-agenda-2020-06-10.pdf)	253 KB
South Central Associatoin of Neighbors Minutes for June 10, 2020 (https://www.cityofsalem.net/meetingdocs/south-central-association-of-neighbors-minutes-2020-06-10.pdf)	182 KB
South Central Association of Neighbors Agenda for May 13, 2020 (https://www.cityofsalem.net/meetingdocs/south-central-association-of-neighbors-agenda-2020-05-13.pdf)	232 KB
South Central Association of Neighbors Minutes for May 13, 2020 (https://www.cityofsalem.net/meetingdocs/south-central-association-of-neighbors-minutes-2020-05-13.pdf)	575 KB
South Central Association of Neighbors Agenda for March 11, 2020 (https://www.cityofsalem.net/meetingdocs/south-central-association-of-neighbors-agenda-2020-03-11.pdf)	230 KB

1 - 6 ▶

Calendar

Aug. 12

Cancelled - South Central Association of Neighbors Meeting -SCAN

6:30 p.m.–8:15 p.m.

South Salem High School

1910 Church ST SE

Salem OR 97302

Regular Meeting

Agenda: An agenda for this meeting is not yet available.

Phone: 503-540-2303

Email: jdowd@cityofsalem.net

Email: neighborhoodservices@cityofsalem.net

Learn more (<https://www.scansalem.org/>).

This is an open, public meeting or public hearing at an accessible location. Special accommodations are available, upon request, for persons with disabilities. Services may be requested for sign language interpretation or languages other than English. To request accommodations or services, please call 503-540-2303 at least two business days prior to the meeting.

Sep. 07

Labor Day

City offices, Center 50+, and the Salem Public Library will be closed for the holiday observance.

Sep. 09

South Central Association of Neighbors Meeting -SCAN

6:30 p.m.–8:15 p.m.

South Salem High School

1910 Church ST SE

Salem OR 97302

Regular Meeting

Agenda: An agenda for this meeting is not yet available.

Phone: 503-540-2303

Email: jdowd@cityofsalem.net

Email: neighborhoodservices@cityofsalem.net

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Oct. 14

South Central Association of Neighbors Meeting -SCAN

6:30 p.m.–8:15 p.m.

South Salem High School

1910 Church ST SE

Salem OR 97302

Regular Meeting

Agenda: An agenda for this meeting is not yet available.

Phone: 503-540-2303

Email: jdowd@cityofsalem.net

Email: neighborhoodservices@cityofsalem.net

Learn more (<https://www.scansalem.org/>).

This is an open, public meeting or public hearing at an accessible location. Special accommodations are available, upon request, for persons with disabilities. Services may be requested for sign language interpretation or languages other than English. To request accommodations or services, please call 503-540-2303 at least two business days prior to the meeting.

Nov. 11

South Central Association of Neighbors Meeting -SCAN

6:30 p.m.–8:15 p.m.
 South Salem High School
 1910 Church ST SE
 Salem OR 97302
 Regular Meeting

Agenda: An agenda for this meeting is not yet available.

Phone: 503-540-2303

Email: jdowd@cityofsalem.net

Email: neighborhoodservices@cityofsalem.net

Learn more (<https://www.scansalem.org/>).

This is an open, public meeting or public hearing at an accessible location. Special accommodations are available, upon request, for persons with disabilities. Services may be requested for sign language interpretation or languages other than English. To request accommodations or services, please call 503-540-2303 at least two business days prior to the meeting.

Next (<https://www.cityofsalem.net/Pages/south-central-association-of-neighbors.aspx?ps=5>).

Notices

Upcoming planning hearings, land use hearings, and other notices that affect this neighborhood are listed below. You can also view land use applications in your neighborhood on the [Salem Land Use Applications](#)

(<https://salem.maps.arcgis.com/apps/opsdashboard/index.html#/819dd777a21045d5895348d869d503bd>) dashboard.

<u>Document Title</u>	<u>Deadline</u>	<u>Case Type</u>	<u>Description</u>	<u>Heard By</u>	<u>Hearing Date</u>
CA20-02 Historic Landmarks Commission Hearing Notice (https://www.cityofsalem.net/publicnotices/ca20-02-hearing-notice-2020-08-20.pdf)		Code Amendment		Historic Landmarks Commission	8/20/2020
SPR-ADJ-DAP20-03 Appeal Hearing Notice (https://www.cityofsalem.net/publicnotices/spr-adj-dap20-03-appeal-hearing-notice-2020-05-11.pdf)		Appeal of Site Plan Reivew / Adjustment / Driveway Approach Permit	1910 Chuch St NE	City Council	5/11/2020
SPR-ADJ-DAP20-03 Decision (https://www.cityofsalem.net/publicnotices/spr-adj-dap20-03-decision-2020-02-14.pdf)		Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit	1910 Church St SE	Hearings Officer	
Sewer Extension on Howard Street SE (https://www.cityofsalem.net/publicnotices/construction-notice-howard-st-2020-02-17.pdf)	2/17/2020 7:00 AM			Hearings Officer	

Contact us



Website: <http://www.scansalem.org/> (<http://www.scansalem.org/>)



Sign up for mailing list:

[Neighborhood Services Mailings](http://cityofsalem.us1.list-manage1.com/subscribe?u=9c537ef0aeb7914e4fe4f6d5c&id=450b7fe44b) (<http://cityofsalem.us1.list-manage1.com/subscribe?u=9c537ef0aeb7914e4fe4f6d5c&id=450b7fe44b>)

Follow us



Facebook: [@salemscan](https://www.facebook.com/salemscan) (<https://www.facebook.com/salemscan>)

Contact your City Councilor



Tom Andersen

City Councilor for Ward 2

Term expires December 31, 2022



([http://egov.cityofsalem.net/DynamicWebForms/ContactUs?](http://egov.cityofsalem.net/DynamicWebForms/ContactUs?Title=Contact%20Tom+Andersen&address=tandersen@cityofsalem.net&phone=true&mailing=true&attachment=true&subject=Contact%20Tom+Andersen)

[Title=Contact%20Tom+Andersen&address=tandersen@cityofsalem.net&phone=true&mailing=true&attachment=true&subject=Contact%20Tom+Andersen](http://egov.cityofsalem.net/DynamicWebForms/ContactUs?Title=Contact%20Tom+Andersen&address=tandersen@cityofsalem.net&phone=true&mailing=true&attachment=true&subject=Contact%20Tom+Andersen))

Email: tandersen@cityofsalem.net ([http://egov.cityofsalem.net/DynamicWebForms/ContactUs?](http://egov.cityofsalem.net/DynamicWebForms/ContactUs?Title=Contact%20Tom+Andersen&address=tandersen@cityofsalem.net&phone=true&mailing=true&attachment=true&subject=Contact%20Tom+Andersen)

[Title=Contact%20Tom+Andersen&address=tandersen@cityofsalem.net&phone=true&mailing=true&attachment=true&subject=Contact%20Tom+Andersen](http://egov.cityofsalem.net/DynamicWebForms/ContactUs?Title=Contact%20Tom+Andersen&address=tandersen@cityofsalem.net&phone=true&mailing=true&attachment=true&subject=Contact%20Tom+Andersen))

Neighborhood Services Coordinator

[Title=Contact%20Irma+Dowd&address=NeighborhoodServices@cityofsalem.net&phone=true&mailing=true&attachment=true&subject=Contact%20Irma+Dowd](http://egov.cityofsalem.net/DynamicWebForms/ContactUs?Title=Contact%20Irma+Dowd&address=NeighborhoodServices@cityofsalem.net&phone=true&mailing=true&attachment=true&subject=Contact%20Irma+Dowd)Email: NeighborhoodServices@cityofsalem.net [http://egov.cityofsalem.net/DynamicWebForms/ContactUs?](http://egov.cityofsalem.net/DynamicWebForms/ContactUs?Title=Contact%20Irma+Dowd&address=NeighborhoodServices@cityofsalem.net&phone=true&mailing=true&attachment=true&subject=Contact%20Irma+Dowd)[Title=Contact%20Irma+Dowd&address=NeighborhoodServices@cityofsalem.net&phone=true&mailing=true&attachment=true&subject=Contact%20Irma+Dowd](http://egov.cityofsalem.net/DynamicWebForms/ContactUs?Title=Contact%20Irma+Dowd&address=NeighborhoodServices@cityofsalem.net&phone=true&mailing=true&attachment=true&subject=Contact%20Irma+Dowd)

Phone: 503-540-2303

City of Salem , Oregon, USA

555 Liberty ST SE

Salem OR 97301

info@cityofsalem.net[Connect with us \(/connect\).](#)<https://www.facebook.com/CityOfSalemOR/><https://twitter.com/cityofsalem><https://www.youtube.com/user/CITYOFSALEM><https://www.linkedin.com/company/city-of-salem><https://www.instagram.com/cityofsalemOregon/>[\(/rss\)](#)[Media information \(/media\).](#)[Website Terms & Conditions \(/terms\).](#)

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[Give website feedback](#)



Phone: 503-399-7802

Contact your City Councilor



Vanessa Nordyke
City Councilor for Ward 7
Term expires December 31, 2020



(<http://egov.cityofsalem.net/DynamicWebForms/ContactUs?>

[Title=Contact%20Vanessa+Nordyke&address=vnordyke@cityofsalem.net&phone=true&mailing=true&attachment=true&subject=Contact%20Vanessa+Nordyke](http://egov.cityofsalem.net/DynamicWebForms/ContactUs?Title=Contact%20Vanessa+Nordyke&address=vnordyke@cityofsalem.net&phone=true&mailing=true&attachment=true&subject=Contact%20Vanessa+Nordyke)).

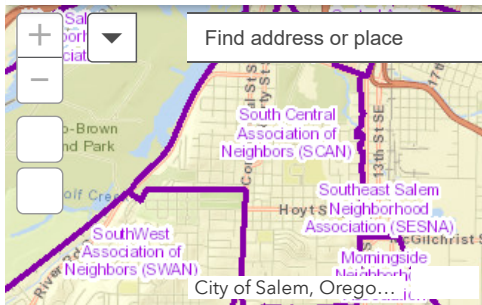
Email: vnordyke@cityofsalem.net (<http://egov.cityofsalem.net/DynamicWebForms/ContactUs?>

[Title=Contact%20Vanessa+Nordyke&address=vnordyke@cityofsalem.net&phone=true&mailing=true&attachment=true&subject=Contact%20Vanessa+Nordyke](http://egov.cityofsalem.net/DynamicWebForms/ContactUs?Title=Contact%20Vanessa+Nordyke&address=vnordyke@cityofsalem.net&phone=true&mailing=true&attachment=true&subject=Contact%20Vanessa+Nordyke))



Phone: 503-399-7907

Find Your Neighborhood



1mi
-123.045 44.923 Degrees

View a full-screen version of this map in a new window. (https://salem.maps.arcgis.com/apps/webappviewer/index.html?id=062587b17c73445fa02ff7dcc002d9e3&query=Neighborhoods,Neighborhoods.NHOOD_ID,3&mobilebreakpoint=300).

Contact City staff



Irma Dowd

Zachery Cardoso

From: Wendie Kellington <wk@klgpc.com>
Sent: Wednesday, August 12, 2020 3:57 PM
To: Planning Comments; Aaron Panko
Cc: Shari Reed (sharir@pactrust.com); Sarah Mitchell
Subject: SPR-DAP18-15; Remand (PacTrust/Costco) Part 3 of several
Attachments: Attachment 3 Arborist Response - Complete pdf.pdf

Hi Aaron,

Attached please find for the record Part 3 of several of the Applicants' final rebuttal evidentiary submittal. Please confirm your receipt. Thank you for your courtesies. Best, Wendie



Wendie L. Kellington | Attorney at Law.

525 3rd Street, STE 200

P.O. Box 159

Lake Oswego Or

97034

(503) 636-0069 office

(503) 636-0102 fax

wk@klgpc.com

www.wkellington.com

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To: Aaron Jacobs, Landscape Manager
PacTrust
15350 SW Sequoia Parkway
Suite 300
Portland OR. 97224

REFERENCE: Kuebler Significant Tree – Response to Karl G. Anuta's Remand Letter dated July 28, 2020

SITE ADDRESS: 2531 and 2521 Boone Rd. SE
Salem OR, 97306

DATE: August 12, 2020

PREPARED BY: Rick Sartori, ISA Certified Arborist WE-9479A
TCIA Certified Treecare Safety Professional (CTSP)
Mauget Tree Injector (Forest Worker) Certified

The following is in response to the statements made in Karl G. Anuta's Remand Letter dated July 28, 2020.

Summary, Page 3, Bullet 1: The statement that transplanting the Significant trees is equivalent to "Ripping out" the trees is falsely interpreted and insulting considering the amount of effort that our firm along with PacTrust has put into improving the health of these trees over the last year and half. We developed an extensive relocation plan to optimize the outcome of relocating the trees on this site (not someplace else). In September 2019, we initiated the first phase of the relocation plan, which involved removing dead branches and pruning the trees to stimulate new growth. Thereafter, injections of [PK Pro Nutribooster](#) were administered to the trees in an effort to fortify and support stronger health, the growth of fibrous roots, and increased foliage. These steps were made to support the trees health for the future transplanting. Furthermore, our process to relocate these trees are far more thoughtful and informed than "ripping out." Tree roots will be excavated at the dripline with the use of an airspade, safely uncovering them so strategic cuts can be made around the tree and outside of the dripline. The root cutting will be supervised by Jeremy (Beau) Saucedo, ISA Certified Arborist PN-6893-A. Vertical cuts will be made during excavation around the outside drip zone of the root system to prepare for the outer vertical frame edge of the nursery box. As we move on to deep root / taproot cuts, great care will be taken to ensure minimal to no disturbance. White Oak tree taproot depths, even at significant age and size, are shown to only extend up to seven feet deep. The trees will then be boxed and lifted out of the ground by the use of a crane. They will be transported a short distance to their new planting location, still on site, but far away from asphalt and building structures.

By not disturbing root masses inside of the drip zone, carefully analyzing FOLR (First Order Lateral Roots) via airspade, and preserving each tree's taproot, we will not be removing more than 30% of the root system during the transplant process.

Page 10 Section 2 Heritage Trees: Mr. Anuta is factually incorrect when he refers to the Oregon white oak trees as Heritage trees. According to SRC 808.010. – Heritage trees, "The Council may, by resolution, designate a heritage tree upon nomination by the property owner, in recognition of the tree's location, size, or age; botanical interest, or historic or cultural significance." No such City action has occurred, Mr. Anuta cites none and the property owner has not nominated any tree as a "Heritage Tree." Sec. 808.015 – Significant tree is defined as "rare, threatened, or endangered trees of any size, as defined or designated under state or federal law and included in the tree and vegetation technical manual, **and Oregon white oaks (*Quercus garryana*) with a dbh of 24 inches or greater**". There are eight (8) referenced white oak trees on the subject property that are 24 inches or greater dbh. The trees on the subject property are not otherwise identified as "rare, threatened, endangered, historic, ancient, highly prized or pests."

There is a material difference according the SRC – Chapter 808 – Preservation of Trees and Vegetation between the trees characterized as "Heritage" and trees characterized as "Significant." Mr. Anuta's reference to the oak trees on the subject property as Heritage Trees is incorrect. There are no "Heritage Trees" on the subject property.

Page 11 4th Paragraph: Again, the reference to "ripping" the trees out of the ground is factually inaccurate, misleading and insulting. As stated earlier, we have developed an extensive relocation plan that outlines each step we will take to care for these trees during the entire transplanting process. We stand behind the quality and care of our projects and can assure the City Council that this project will be no different than other projects we have worked on. Additionally, our firm brings extensive experience and expertise in transplanting of trees. We have been involved in several tree relocation projects, that include large trees. Below are two examples of project we recently completed.

2017- Red Oak- 24" DBH 62ft height (City of Renton, WA). Transplanted due to being in the way of an apartment building erected. The tree was relocated to another location on the property, out of the way of building and parking-lot and is thriving today.



2018- Sycamore, *Plantanus racemose* 32-38" DBH. 66+ft height (City of Milpitas, CA). Transplanted (9) trees from one section of the property to another. Trees are thriving today.



Page 12 Paragraph 2 & 3: The age of an oak tree can be determined through a simple math formula. The DBH multiplied by the species "Growth factor" which for this specific species is 5. By doing that simple equation, we have determined that the oldest tree onsite is approximately 188 years old and the youngest is 140 years old. The average age of the remaining trees are approximately 157 years old.

General Responses: There are comments that make misinformed statements to the effect that the significant oak trees on the site have established an "ecosystem" that the trees depend upon, which cannot be duplicated in a transplanted location and without the current "ecosystem" within which the trees exist, they will die. If the commenter means that the trees exist within an area with certain plant and fungi, certain soil, certain topography, and certain rainfall characteristics, then that is a true statement. All living things exist within such areas. However, it is not correct to say that transplanting the trees to a different part of the same property will cause them to die because their "ecosystem will change. If having the same "ecosystem" was essential to plant survival, no plants could ever be transplanted, and we know that is not the case. Moreover, there is nothing usual or unique about the area within which the trees at issue survive. They can be transplanted to the proposed location on the property with the reasonable expectations of their survival that we explained in our report.

Considering these trees are being relocated to another area of the same property, the trees' environmental conditions or eco-system will not be adversely affected not only because of the care with which we will conduct the operation, but also due to the fact that the transplanting will occur on the same property where the trees now exist. Allowing the trees to remain in their current location and building around them has a far greater potential to adversely affect their health. All conditions such as sun exposure, soil composition will be nearly the same at their new planting location and they will be positioned with a sufficient buffer away from asphalt and building structures. Furthermore, post transplanting, the trees will continue to receive a high level of care through nutrient injections and plant health care that will only create a better condition for them to thrive in.

Our firm has the knowledge and experience to transplant these trees using proper care, soil, fertilization, and other necessities. If the trees we expect to survive do not survive transplanting it will not be because their "eco system" changed. It will be because their health was less robust than predicted in our report and they almost certainly had undetectable health deficits in their current situs that would have caused their demise in any case. Trees can have any number of serious health problems that are undetectable using the exterior evaluation tools available to us. That said, we are competent, experienced arborists who have surveyed and inspected each of the significant trees and conclude 7 are sufficiently healthy and we can reasonably expect them to survive. The 8th tree is unlikely to survive in place or transplanted, but we are going to give it every chance to survive. For the 7-sufficiently healthy trees, we will know within a 1-year if any of them are in failing health as a result of transplanting. For the tree that is currently in poor health, we will know its chance of survival much sooner.

The subject property is zoned commercial retail and it will development with intensive commercial uses. The best protection for these trees is for a careful effort to relocate them to a sustainable portion of the property, by competent, experienced arborists, such as ourselves, in the mindful manner we have proposed.

Attachments:




Exhibit A - Certified Arborist PN


Jeremy Beau Saucedo (A.1)

Rick Sartori (A.2)


Scott Clifton (A.3)

Exhibit B. - ISA Certification Guide





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Arborist Information

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Jeremy S. Saucedo

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LandCare

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Tigard, OR 97223
UNITED STATES**


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Mobile:
[503-453-5459](tel:503-453-5459)

Email:
Beausaucedo@yahoo.com


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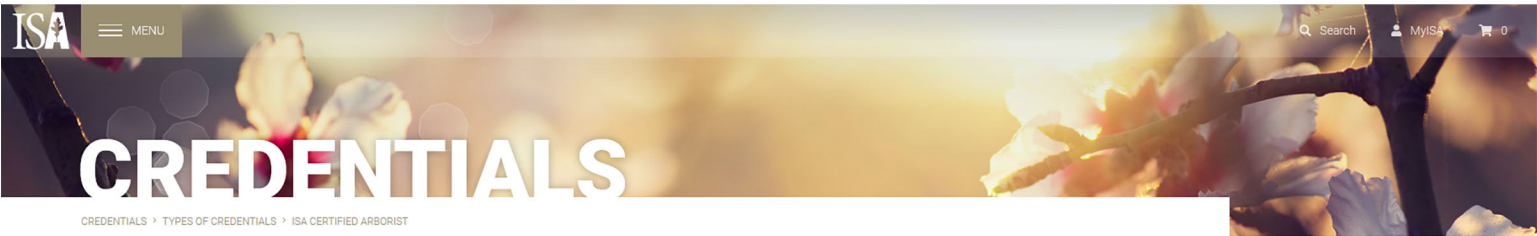
First Name	Last Name	Business	City	State \ Province	Credentials
Jeremy S.	Sucedo	LandCare	Tigard	OR	ISA Certified Arborist®



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Arborist Information



Name:

Richard Sartori

Also Known As:

Rick

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Rick Sartori- Certified Arborist

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North Bend, WA 98045-8295
UNITED STATES**

Phone:


2065950340

Email:

sartori2983@gmail.com

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Richard	Sartori	Rick Sartori-Certified Arborist	North Bend	WA	ISA Certified Arborist®



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Arborist Information



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Scott Clifton

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Email:
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Website:
<http://treewisenw.com/>

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First Name	Last Name	Business	City	State \ Province	Credentials
Scott	Clifton	TreeWise LLC	Vancouver	WA	ISA Certified Arborist® ISA Certified Arborist Utility Specialist™ ISA Certified Tree Worker Aerial Lift Specialist® ISA Tree Risk Assessment Qualification



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The following ISA chapters and associate organizations accept the ISA Certified Arborist® exam applications directly:

- * Quebec (exams requested in French Canadian)
- * Taiwan and Hong Kong (exams requested in Traditional Chinese)
- * Brazil (exams requested in Portuguese)
- * Malaysia and Singapore (all exam requests)

Please refer to the website links on the back page of this guide to request and submit the above exam applications.

What is the Value in Becoming an ISA Certified Arborist®?

ISA Certification is a voluntary program that tests and certifies your achievement of a professional level of knowledge and skill in the field of arboriculture. When you become an ISA Certified Arborist®, you are recognized by your peers and the public as a tree care professional who has attained a generally-accepted level of knowledge in areas such as tree biology, diagnosis, maintenance practices, safety, and other subject and practice areas within the tree care profession as identified through periodic job task analyses. Hiring a Certified Arborist provides tree owners and government decision makers the opportunity to become better informed about proper tree care and their selection of services based on the expertise represented by your credential.

Achieving ISA Certification also builds your self-image. By studying for and passing the certification exam, you demonstrate a dedication to your own professional development and the advancement of proper tree care practices. The process of becoming ISA Certified and maintaining the designation provides you with personal incentive to continue your arboricultural education and training. Presenting your ISA credential to potential employers makes you more competitive in the job market, and for employers, encouraging ISA Certification is a tool to assist in training their existing tree care personnel.

Which Areas of Knowledge Will the Certified Arborist Exam Cover?

The certification examination is developed by a panel of industry experts representing all aspects of arboriculture. Questions are derived from a job task analysis survey filled out by arborists from around the world. Questions are continually analyzed by the ISA Certification Test Committee using the latest test statistics, and new questions are always being developed and tested for satisfactory performance. Updated examinations are created on a regular basis.

The written exam content is divided into 10 areas of knowledge, and the percentage next to each area below reflects the percentage of questions associated with that area. These are subject to change when a new job task analysis is completed for the exam.

1. Soil Management—12%
2. Identification and Selection—8%
3. Installation and Establishment—5%
4. Safe Work Practices—15%
5. Tree Biology—8%
6. Pruning—16%
7. Diagnosis and Treatment—12%
8. Urban Forestry—7%
9. Tree Protection—4%
10. Tree Risk Management—13%

What Are the Objectives of the ISA Certification Program?

ISA's objectives for offering professional credentials are to:

- Advance the knowledge and application of safe work practices in all arboricultural operations;
- Improve technical competency of personnel in the tree care industry;
- Create incentives for individuals to continue their professional development;
- Provide the public and those in government with a means to identify professionals who have demonstrated by passing a professionally-developed exam that they have thorough knowledge and skill in tree care practices.

Who Is Eligible to Apply for the ISA Certified Arborist® Exam?

The ISA Credentialing Council requires a candidate to have a minimum of three years of full-time experience in arboriculture or a combination of education and practical arboricultural experience. One year of full-time experience is equal to 2,080 hours of work.

Acceptable experience includes the practical use of knowledge regarding pruning, fertilization, installation and establishment, diagnosis and treatment of tree problems, cabling and bracing, climbing, or other services that directly relate to arboriculture. Examples of experience sources include, but are not limited to:

- Tree care companies
- Nurseries
- Landscape companies
- Municipalities
- State forestry agencies
- Utility companies
- Academic arboriculture/horticulture departments (for instructors)
- Horticulture/extension programs (for advisors)
- Consultancies
- Pest control providers (for advisors and applicators)

Documentation of work experience is required with submittal of application. Letter(s) of reference from your current or previous employer(s) is acceptable. Applicable volunteer work may count towards eligibility if it is supervised and documentation detailing the responsibilities and the hours worked can be supplied.

You may meet the eligibility requirement utilizing a combination of education and practical arboricultural experience through one of the following options:

Completed College/University Accredited Degree Programs

Two-year associate degree with a minimum of two courses directly related to arboriculture plus two years of practical full-time experience in arboriculture

Four-year bachelor degree with a minimum of four courses directly related to arboriculture plus one year of practical full-time experience in arboriculture

Assessment-Based Certificate Programs (Diplomas, Certificates)

900 hours of assessed training with a minimum focus of 90 hours directly related to arboriculture plus two years of practical full-time experience in arboriculture

1,800 hours of assessed training with a minimum focus of 180 hours directly related to arboriculture plus one year of practical fulltime experience in arboriculture

Multiple college/university degree programs cannot be utilized to equal requirements for longer programs. Assessment-based certificate programs can be combined to meet the hourly eligibility requirement. Educational experience must be a completed college/university degree program or assessment-based certificate program. A transcript indicating course/training title and the number of credit hours or hours of completed, assessed training must be submitted with the application.

If you are self-employed or own your own company, you will be required to submit three letters of reference with your application. References may be in the form of copies of invoices, contracts, and/or business licenses. The documentation provided must include the practical experience and outline the dates of work required for eligibility. Please contact ISA for other possible forms of verification.

By submitting your application, you authorize ISA to contact the practical experience reference(s) named on your application to substantiate your eligibility.

What Is the Process to Apply for the Exam?

Exam Dates and Locations

ISA Certified Arborist® exams are sponsored by an ISA chapter or associate organization or offered through a Pearson VUE testing center. For information on dates and locations of certification exams in your area sponsored by ISA chapters or associate organizations, contact ISA or visit the [ISA Events Calendar](#). To find out if a Pearson VUE testing center is close to you, visit <https://www.pearsonvue.com/isa/locate/>.

Fees

Candidates who are members of ISA and an ISA chapter or associate organization receive an exam discount. If the exam is sponsored by an ISA chapter or associate organization, the fee is \$170 USD for members and \$280 USD for nonmembers. For those who elect the computer-based testing option, there is a computer-based testing administrative fee of \$125 USD in addition to the exam fee. The administrative fee applies each time a computer-based exam is scheduled.

To be eligible for the discounted rate, a candidate must be a current member of ISA and a current member of an ISA chapter or associate organization. In the event that a local chapter or associate organization does not exist where you reside, you may receive member pricing by being a current member of ISA only. ISA certification fees are separate and distinct from ISA membership dues and from ISA chapter or associate organization dues.

ISA Certified Arborist® Code of Ethics and the Certification Agreement and Release Authorization

All applicants are required to review and accept the ISA Certified Arborist® Code of Ethics as well as the Certification Agreement and Release Authorization.

Please review the [ISA Certified Arborist® Code of Ethics](#) and the [Certification Agreement and Release Authorization](#) found at the end of the exam application. Your signature confirming review and acceptance of both documents is required for certification.

Application Submission

Becoming a candidate for an ISA certification is a two-step process through your online [MyISA Dashboard](#).

1. First, apply online or submit a completed application.
2. When you receive notice that your application is approved, you may then enroll through your website account to take an exam.

If you do not have an ISA website account you may create one at the [MyISA Sign-In page](#).

A completed application must be submitted by going to [MyISA Apply for an ISA Certification](#) and then by selecting **Create Application**. Once your completed application has been reviewed, you will be notified by ISA of your application approval or denial by email. You may **Review Application Status** at any time to determine your status or **Review Old Applications**. If denied, you will not be able to enroll into an exam until you provide additional documentation demonstrating that you meet the eligibility criteria.

Only once your application has been approved, you are eligible to enroll for a computer-based or paper-based exam. Paper-based exams are offered through ISA chapter or associate organization sponsored exam events, the deadline for EXAM ENROLLMENT in these events is twelve (12) US business days prior to the exam event scheduled date. You may enroll into the exam by selecting either the enrollment link within the approval email or go to the [Enroll to Take Exam](#) web page. Enrollment will include the processing of applicable exam fees. Enrollment and payment must be received on or before the deadline date. **ISA does not provide refunds for exam enrollments. There are no exceptions to this policy.**

Due to the complexity of the application process, onsite registration is not available for ISA exams.

ISA has the right to contact any person or organization as part of the review of your application. By applying, you authorize the release of any information requested by ISA for the purpose of reviewing your application. ISA has the right to notify appropriate organizations if your application contains false information.

Enrollment Confirmation

You will be notified when your enrollment has been processed. After you have been successfully enrolled, you will receive a confirmation packet with a letter containing the location, date, time of the exam, and the name of the appropriate contact person. For computer-based exams held through Pearson VUE, you will receive instructions via email on how to schedule a date and time with the computer-based testing vendor. The vendor will then send you a confirmation including the location, date, and time of the exam. You are provided a 90-day authorization period to schedule and take the exam.

Rescheduling Exam or Additional 90-Day Authorization Period Requests

If circumstances change after you have applied for the examination, you may be able to reschedule your exam or request an additional 90-day, computer-based authorization period. If your request is approved by ISA, a fee of \$50 USD will apply to make the change. If you are requesting to reschedule a computer-based exam within your current 90-day authorization period, you will not be subject to the fee.

Requests to reschedule exams sponsored by ISA chapters or associate organizations must be received prior to the 12-business-day deadline. Additional 90-day, computer-based authorization requests must be received within the candidate's current 90-day authorization period. If the request is not received by ISA before the ISA chapter's or associate organization's exam deadline date, or is beyond the 90-day authorization period, or the candidate fails to schedule an exam within the 90-day authorization period, the candidate will be considered a no-show and all exam fees will be forfeited. If the scheduled date that was missed was your free retake, your free retake will be forfeited.

If you need to reschedule an exam date within your current 90-day authorization period with the computer-based testing vendor, you may do so by contacting Pearson VUE via phone or through the [Pearson VUE website](#). If rescheduling during the weekend, you must do so directly through the website. Requests must be received no later than one business day prior to the scheduled exam date. If contact is less than one business day, you will be considered a no-show and all exam fees will be forfeited. Registrations are not transferrable to another person.

How Should I Prepare for the Exam?

ISA's *Arborists' Certification Study Guide* is intended to serve as a recommended program of study. Each chapter in the study guide lists additional references that should be considered for review, such as the most current ANSI Z133 Standard – Safety Requirements for Arboricultural Operations, ISA's *Best Management Practices* (BMPs), ISA online courses, and other resources, most of which are also available through the [ISA web store](#).

Note: The *Arborists' Certification Study Guide*, published by ISA, should **NOT** be considered the sole source of information for the certification examination. The *Arborists' Certification Study Guide* and the ISA Certified Arborist® exam are written by separate entities. The exam tests a body of knowledge rather than knowledge obtained solely from a specific resource.

The publications referenced above can be purchased from ISA in the [ISA web store](#), by calling +1.678.367.0981, or by emailing isa@isa-arbor.com. You may also purchase these resources through your local ISA chapter or associate organization.

Failure to Attend Examination or Schedule within a 90-Day Authorization Period

No refunds or discounts will be issued if you do not attend or complete the examination. There are no exceptions. If you do not reschedule your appointment or request an additional 90-day authorization period, and you do not show up to take the exam at your scheduled time and location, you will be considered a no-show and the exam taken. This will result in forfeiting any exam fees or computer-based administrative fees associated with the exam you missed. If this happens, you will have to re-enroll along with paying the required retake fees and, if elected, the computer-based administrative fee of \$125 USD.

You will have only one year from the first scheduled exam date to retake the exam at the retake fee of \$75 USD or utilize your free retake. Once you have exceeded the one year, you will be required to pay the full exam fee, along with the \$125 USD computer-based administrative fee if you elected the computer-based option.

What Is the Format of the ISA Certified Arborist® Exam?

The examination is made up of 200 multiple-choice questions. Each question has four possible answers listed, only one of which is correct. You will have 3.5 hours (210 minutes) to complete the written exam. You must pass the exam to obtain the certification.

Pretesting of Exam Questions

Within the written exam, there will be 20 new questions that have not been used on previous exams. Responses to these questions are not used in determining individual exam scores. These 20 questions are not identified and are scattered throughout the exam so that candidates will answer them with the same care as the questions that make up the scored portion of the exam. This methodology assures candidates that their scores are the result of sound measurement practices and that scored questions reflect current practice.

What Are the Onsite Rules and Conduct Expectations During the Exam?

Admission

- Arrive at the testing site 30 minutes before the start time of the exam and have your identity confirmed by providing two forms of valid identification—a valid photo identification card and an identification card displaying your signature. (See your exam confirmation packet for exact time, date, and location of the exam.)
- The exam host will check your photo ID. If you do not have a photo ID with you at the check-in time of the exam, you will not be allowed to sit for the exam and will be considered a no-show.
- There will be audio and video taping at the testing centers. If you are not prepared to be taped, you will not be allowed to test at the facility.

Site Rules

- Dress appropriately. While every attempt is made to provide a comfortable classroom atmosphere, indoor temperatures and outdoor weather conditions may vary.
- Visitors are not permitted in the exam area.
- Books, papers, and other reference material will not be allowed in the testing area.
- No cell phones or other mobile devices will be allowed in the testing area.
- No food or beverages may be taken into the exam.
- No smoking will be allowed in the testing area.
- You will be permitted to take restroom breaks on an individual basis. Time spent on breaks will be considered part of the time permitted for completing the exam.
- Writing on the test booklet is not allowed during the exam.
- If you are caught looking at another individual's exam or talking during the exam, your score may be invalidated or exam materials confiscated.
- Applicants who are impaired by the use of alcoholic beverages or illegal drugs, or use them at the examination site, will immediately be disqualified from taking the exam.
- It is of utmost importance that you carefully follow all directions and regulations. Listen carefully to all instructions given by the exam administrator and follow the directions completely.

Inappropriate Application and Examination Conduct

ISA intends that participation in its certification programs will be a professionally relevant, informative, and rewarding experience for all candidates. All participants in ISA certification exams are expected to conduct themselves in an appropriate and professional manner and to refrain from any objectionable, improper, or unprofessional conduct. To ensure fairness in an examination environment, the following policy and rules apply:

- When an ISA or ISA-designated representative finds that a candidate has engaged in inappropriate conduct or behavior, ISA reserves the right to respond with actions including, but not limited to:
 - Rejecting an application for certification
 - Preventing or precluding a person from participating in an examination, including removing a person from the testing site
 - Invalidating or nullifying examination results
 - Issuing and enforcing any other lesser response or action determined to be appropriate or necessary
- Inappropriate conduct or behavior includes, but is not limited to, misrepresentation; failure to disclose requested information; cheating; unauthorized possession, use, or distribution of copyrighted or legally-protected material; verbal or physical disturbances of the examination; failure to pay fees in a timely manner; and any other objectionable, improper, or unprofessional actions by a person participating in the ISA certification process.
- By submitting an application for certification, each participant acknowledges that he/she understands and agrees to the terms of this policy.

What is the Process for Attaining Certification?**Completion Requirements**

To obtain ISA certification, you must achieve the required passing score for the examination. The current passing score is 76 percent. Please note that when a job task analysis of the exam is performed, the overall passing score is subject to change.

When you receive your exam results, please remember that the domains are weighted, and the average of the domains will not be equal to the overall score. If you do not achieve an overall passing score, you must retake the exam until an overall passing score is achieved.

Once certified, you will receive the designation of ISA Certified Arborist®. Your certification is personal to you and may not be transferred or assigned to any other individual, organization, or entity. When publicizing your credential, you must comply with the requirements of the [ISA Branding and Style Guide](#).

Exam Scoring

The computer-based exams are graded by Pearson VUE, the testing vendor. Written exams sponsored by ISA chapters or associate organizations are graded at ISA Headquarters. ISA will notify you of your results in detail. You may access a brief overview of your exam results by logging into [MyISA](#) on the [ISA website](#) and selecting [My CEUs](#).

Examination Results and Notification of Certification

Computer-based exams provide result notification immediately upon completion of the exam. Your formal results will be sent approximately six weeks after your exam date. You will be notified of your pass/fail result; percentage scores will be provided for each domain for your information. Those who pass will receive a congratulatory letter, score sheet, certificate, identification card, hard-hat decal, and patch. Your results are confidential.

If you have questions concerning your exam results, direct them in writing to the ISA Credentialing Department at isa@isa-arbor.com. Because of the need to maintain test security, exam questions and answers cannot be made available for review, and the ISA Credentialing Department does not provide a list of questions that were answered correctly or incorrectly. The only information available regarding your performance on the exam is provided on your score report.

Request for Regrading Exam

If you believe that an error was made in the grading of your exam, you may request to have your exam regraded. A fee of \$35 USD applies for each hand-graded score report. Requests for regrading may take up to six weeks for completion. If you request to have your exam regraded, you may not schedule another exam until after you receive the regrading results. If you wish to have your exam regraded after receiving your initial score report, please contact isa@isa-arbor.com.

Retaking the Examination

If you do not pass the exam, you will receive a failure notification and details for retaking the exam. You may re-enroll by logging into [MyISA](#) on the ISA website and returning to the [Enroll to Take Exam](#) web page. You are allowed one free retake and then will be

Exhibit B. - ISA Certification Guide
charged a \$75 USD fee per retake up to one year from the original date that you took the exam. If you do not attain a passing score within one year of the original exam date, you will be required to pay the full fee amount. Each time a computer-based exam is selected, the \$125 USD administrative fee applies.

Additional Information About ISA Certification

What Does ISA Certification Represent and Require?

By passing the exam, holders of ISA certifications have demonstrated a broad knowledge base in the area in which they are certified. No other conclusions may be drawn concerning certification holders. ISA certifications do not represent licensure, registration, or other authorization to practice or to conduct business activities for a fee or otherwise.

The ISA Certified Arborist® credential is subject to ongoing requirements, such as participation in continuing education activities and abiding by the ISA Certified Arborist® Code of Ethics and terms of the Certification Agreement and Release Authorization.

Expiration and Recertification

ISA Certified Arborist® certification is valid for three years. To retain certification after each three-year period, an ISA Certified Arborist® must recertify. Notify ISA promptly if your contact information changes. We are not responsible for undeliverable recertification notices.

The ISA Certification Program offers two methods of recertification. The first method is to retake and pass the certification exam again. The second option is to accumulate at least 30 continuing education units (CEUs) over the three-year certification period that are related to the 10 tested domains on the exam and pay the recertification fee. Candidates who are members of both ISA and their local chapter or associate organization receive a discount on their recertification fees. The non-member recertification fee is \$230 USD. For members, the recertification fee is \$120 USD. Your signed ISA Certified Arborist® Code of Ethics and the Certification Agreement and Release Authorization must be on file in the ISA office prior to your recertification fee being accepted. Additionally, a condition of recertification is to report any unethical conduct as it relates to the [ISA Certified Arborist® Code of Ethics](#).

You have the option of tracking the CEUs you have earned online via the ISA website. To obtain a username and password to access to your CEU report, please email ISA at isa@isa-arbor.com.

CEUs and proper payment must be received in the ISA office in a timely manner. Allow four to six weeks for processing and posting to your account. Please visit the ISA website for detailed information on [maintaining your credential](#). You may contact ISA at isa@isa-arbor.com if you need further clarification.

Denial, Revocation, and Decertification

Your certification may be denied or revoked for any of the following reasons:

- Falsification of application
- Violation of testing procedures
- Misrepresentation of your identity or other information

In the event that your ISA certification is denied or revoked or

you otherwise become decertified, you must immediately stop using and/or displaying the ISA certification mark, credential, and any other designation indicating an affiliation with the ISA Certification Program. You must comply with any additional directives of the ISA Certification Program.

Impartiality and Conflict of Interest

ISA commits itself to impartiality in its certification activities and understands how critical impartiality is to carrying out its certification activities. ISA manages conflict of interest and ensures the objectivity of all certification activities. All persons involved in certification activities, including ISA Headquarters staff and member volunteers, accomplish this through compliance with ISA's structure, policies, and procedures related to certification activities.

Nondiscrimination

The ISA Certification Program does not discriminate in determining eligibility on the basis of race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law.

Accommodations for Participants with Disabilities

It is the intent of ISA to provide accessibility to ISA exams to any qualified participant with a documented disability upon reasonable notice and without requiring ISA to take action which would result in a fundamental alteration in the nature of the exam or an undue financial burden to ISA.

If you have a special need and require an accommodation for an exam, please complete the [Special Accommodations Request Form](#) and submit it with each enrollment request. Your request will be reviewed, and you will be notified of a determination. Approved accommodations are provided through our computer-based vendor at no additional charge to you.

Appeals and Complaints

Appeals and complaints are accepted and resolved in accordance with the [ISA Credentialing Appeals and Complaints policy](#).

Privacy

By applying for an ISA certification, you authorize ISA to make your contact information available to your local chapter or associate organization and our professional affiliates so they can share information with you about educational seminars and other events. ISA shares your contact information, pass/fail exam result, expiration date, and other relevant details with your ISA chapter or associate organization so that they may monitor your credential status and administer credential-related services. Your name, city location, and credential will be available to members of the public on the ISA and TreesAreGood™ websites.

Some credential holders do not wish their names to be distributed to the public or to other interested parties (vendors, potential employers, etc.). If you do not wish to have your name included on the ISA and TreesAreGood™ websites or on distribution lists, contact the ISA Credentialing Department at isa@isa-arbor.com. ISA maintains the right and responsibility to verify a credential holder's certification status to the public or to other interested parties.

You will be notified of whether or not you passed the certification examination, but your score will not be disclosed to any third party except as noted above. Your status as a certification holder, past or present, and dates of certification may be disclosed to third parties.

Reference Links:

ISA Events Calendar <https://www.isa-arbor.com/certification/becomeCertified/examDatesAndLocations?mode=exams>

ISA Certified Arborist® Code of Ethics <https://www.isa-arbor.com/code-of-ethics>

Certification Agreement and Release Authorization <https://www.isa-arbor.com/Portals/0/Assets/PDF/Certification/CA-Certification-Agrmnt-and-Release-Auth.pdf>

Apply for an ISA Certification <https://www.isa-arbor.com/myaccount/myprofile/CAPS>

MyISA Sign-In/Dashboard <https://www.isa-arbor.com/myAccount/login>

Review application Status <https://www.isa-arbor.com/Credentials/Apply-Now/Review-Application-Status>

Enroll to take an Exam <https://www.isa-arbor.com/Credentials/Apply-Now/Enroll-to-Take-Exam>

ISA Web Store <https://www.isa-arbor.com/store>

ISA Branding and Style Guide <https://www.isa-arbor.com/BrandingGuide>

Maintaining Your Credentials <https://www.isa-arbor.com/Credentials/Maintaining-Credentials>

Special Accommodations Request Form <https://www.isa-arbor.com/Accommodations>

ISA Credentialing Appeals and Complaints <https://www.isa-arbor.com/Credential-Appeals>

Paper Application <https://www.isa-arbor.com/Portals/0/Assets/PDF/Certification-Applications/cert-Application-CertifiedArborist-F.pdf>

For exams requested in these languages:

- * **French Canadian** (Quebec Chapter) https://www.isa-arbor.com/Portals/0/Assets/PDF/Certification-Applications/Quebec_CA_Handbook_Application.pdf
- * **Traditional Chinese** (Taiwan Arboriculture Society) <http://www.twas.org.tw/>
- * **Traditional Chinese** (ISA Hong Kong) <http://www.isahongkong.org/>
- * **Portuguese** (Sociedade Brasileira de Arborizacao Urbana) <https://www.sbau.org.br/>

For exam requests for these countries:

- * **Malaysia** <http://malaysianarboriculture.blogspot.com/>
- * **Singapore** <https://www.nparks.gov.sg/cuge/programmes-and-schemes/programmes/professional-programmes/>

Learn more about educational opportunities at www.isa-arbor.com



Zachery Cardoso

From: Wendie Kellington <wk@klgpc.com>
Sent: Wednesday, August 12, 2020 4:09 PM
To: Aaron Panko; Planning Comments
Cc: Shari Reed (sharir@pactrust.com); Sarah Mitchell
Subject: SPR-DAP18-15; Remand (PacTrust/Costco) Part 4 of several
Attachments: Attachment 5 22051_Kuebler Gateway Shopping Center_Response to 7-28 Remand Response Comments.pdf; Attachment 7 Tree Area.pdf

Hi Aaron,

Attached please find for the record of the above referenced matter, Part 4 of several of the Applicants' final rebuttal evidentiary submittal. The attachments to this email are a bit out of order from my transmittal letter – the attached are Attachment 5 and 7. Attachment 4 and 6 are still to come. Please note that Attachment 7 (appended to this email) was inadvertently not listed in my transmittal. I apologize. Please confirm your receipt. Thank you for your courtesies. Best, Wendie



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MEMORANDUM

Date: August 12, 2020 Project #: 22051

To: Tony Martin, City of Salem

Cc: Shari Reed & Matt Oyen, Pacific Realty Associates, L.P. (PacTrust)
Peter Kahn, AVP, Costco Wholesale Corporation

From: Andy Daleiden, PE, Claire Dougherty, and Anthony Yi, PE, Kittelson & Associates, Inc.

Project: Kuebler Gateway Shopping Center

Subject: Response to July 28, 2020 Remand Response Comments

This memorandum responds to the July 28, 2020 Remand Response Comments related to the Kittelson & Associates, Inc. (KAI) May 31, 2018 Traffic Study for the Kuebler Gateway Shopping Center. More specifically, this memorandum provides responses to the *Salem Costco Remand Memorandum* from Greenlight Engineering, which is also referenced in the *Karl G Anuta Comments on Remand*, both dated July 28, 2020.

The July 28, 2020 Remand Response documents repeat numerous statements that contrast with sound traffic engineering principles and with City of Salem and ODOT traffic analysis procedures. Additionally, it is important to note that we have addressed **many of these issues in previous memoranda** and the May 31, 2018 Traffic Study and supplemental documents (including the most recent supplemental analysis memorandum dated July 21, 2020) prepared by KAI, for which the data collection, analysis assumptions and conclusions have been reviewed and approved by traffic professionals at the City of Salem. We apologize for any duplication.

Below, we summarize the Greenlight Engineering comments in *italics* and provide our response in standard text. This response is organized based on issues highlighted in the body of the Greenlight Engineering July 28 memorandum.

Furthermore, it is worth reiterating, yet again, that the May 31, 2018 Traffic Study and supplemental documents prepared by KAI have been reviewed and approved by traffic professionals at the City of Salem. Also, ODOT has informed both the City and applicant that the materials and analyses KAI provided in response to comments are adequate to resolve ODOT's concerns.

GREENLIGHT ENGINEERING COMMENTS AND RESPONSES

Response to March 27, 2020 Public Works Memo and Approval Criteria

Response: KAI agrees that the Director's interpretation is correct. The 2006 TIA approved by the 2007 Decision documented that the identified volume of traffic associated with a 314,000 sq. ft GLA shopping center, mitigated with the particular required transportation improvements, fully mitigated for the impacts of the approved shopping center and that no further mitigation was needed to accommodate "the traffic impacts of the proposed development [shopping center]" – whether it opened in 2009 as the 2006 TIA predicted or 2019 or 2021. The growth in background traffic since the 2007 Decision does not change the fact that PacTrust, through the requirements of the 2007 Decision, has "fully mitigated" for the impacts of the approved shopping center, meeting the UDC standard for granting an exemption per UDC 803.015(d) to the technical TIA requirements otherwise expressed in the City's regulations.

This has nothing to do with the additional purpose served by the 2006 TIA which, under the Oregon Transportation Planning Rule, required a showing that the shopping center with its assumed levels of traffic volumes and its required mitigation would not cause a broad spectrum of affected intersections LOS and v/c to worsen, which intersections were predicted to fail in 2025, regardless of the development of the proposed shopping center. The Transportation Planning Rule section within the 2006 TIA established that even with a 314,000 sq. ft. GLA shopping center, with the approved mitigation, in 2025 that larger transportation system was predicted to function better than it would function without the development and its required mitigation, and that while in 2025 the transportation system was predicted to fail, the shopping center in 2025 would cause "no further degradation" and in fact improved the system.

The site development standards that are relevant to Greenlight Engineering's criticism of the Director, ask a very different question than was answered in the part of the 2006 TIA that addressed compliance with the TPR. As relevant here, the site review standards ask only whether the transportation system provides for the "safe, orderly, and efficient circulation of traffic into and out of the proposed development" and that "negative impacts" to that system be "mitigated adequately." Even if the larger system was predicted to fail in the 2006 TIA by 2025, and indeed even if it were failing now or in 2021, the 2006 TIA establishes that such failure is not caused by the proposed shopping center. Moreover, that is irrelevant to the question asked by UDC 220.015(f)(3)(B) about circulation of traffic into and out of the proposed development. As our May 2018 Study for this matter establishes, there can be no reasonable dispute that the proposed development results in the safe, orderly, and efficient circulation of traffic into and out of the shopping center and that is assured by the implementation of the traffic mitigation improvements required by the 2007 Decision. We note that the 2007 Decision required a traffic signal at the entrance to the site along 27th Avenue. In 2018, City staff requested applicant to construct a roundabout rather than the traffic signal. This does not mean that the traffic signal required in 2007 was inadequate. It simply means that the City staff has developed a preference for a roundabout and PacTrust complied with the city's request for that substitution. The roundabout is anticipated to cost in

excess of \$1 Million for not only the cost of constructing the roundabout, but also right-of-way agreements with the adjacent property owner to the east that were necessary to provide sufficient land to accommodate truck deliveries into and out of the site. This requirement is in addition to the traffic mitigations contained in the 2007 Decision.

Trip Generation Methodology

Greenlight Comment (page 9) – *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.*

Response: As previously stated in numerous memoranda, an ITE based trip generation for the site is lower than the use of the Costco specific trip generation data, therefore use of the Costco data provides a more conservative analysis.

Additionally, due to repeated insistence by Greenlight Engineering that the lower ITE based trip generation be used as the basis of the traffic impact analysis, the development team has provided a supplement analysis memorandum, dated July 21, which shows that if the lower ITE specified rates for “Discount Club” and “Gasoline/Service Station” are used to estimate the trip generation potential of the site under both year 2019 and 2021 weekday PM peak hour conditions **all study intersections meet City and ODOT v/c operating standards.**

Greenlight Comment (page 10) – *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.*

Response: KAI does not dispute that trip generation data specific to the existing Salem Costco with fuel station was used to estimate only the weekday PM and Saturday midday peak hour trip generation for the proposed Costco with fuel station. This local, Costco-specific data for these two data points is by far the best and only local data available and was approved by City staff for use in the May 31, 2018 Traffic Study. The traffic counts collected at the existing Salem Costco with fuel station include trips associated with both the warehouse and fuel station. The membership at the existing Salem Costco with fuel station represent similar membership for the proposed Costco with fuel station. Therefore, using trip generation from the existing Salem Costco with fuel station represents sound engineering principles for estimating the trip generation for the proposed Costco with fuel station. However, as a sensitivity check, we compared the trip generation data from the Albany, Eugene, Medford, and Portland Costco stores, which established that the Salem Costco trip generation data was higher than the average trip generation rate of these Oregon sites and representative of local Salem Costco membership. **Attachment A** includes the results from these other

OR stores. We also evaluated and used the daily trip generation rates from sites in CA, CO, UT, NY, FL, VA, WA, which also established that the trip generation rate of the Salem Costco was appropriate. **Attachment A** includes the results from these Costco stores. KAI's evaluation was consistent with ITE best practices on estimating trip generation.

Moreover, KAI obtained traffic counts in July 2015 at the existing Salem Costco with fuel station (16 fueling positions) as part of a different study for that site. **Attachment B** includes the traffic count data from the Salem Costco site in 2015. Table 1 summarizes the traffic counts between 2005 and 2015 at the existing Salem Costco with fuel station.

Table 1. Salem Costco Trip Generation Comparison (2005 and 2015 Traffic Counts) vs. Proposed Salem Costco with Fuel Station

Location	Count Year	Weekday PM Peak Hour Traffic Volume	Weekday PM Peak Hour Trip Rate	Saturday Midday Peak Hour Traffic Volume	Saturday Midday Peak Hour Trip Rate
Salem Costco with Fuel Station (12 positions)	2005	1,089	7.49	1,325	9.12
Salem Costco with Fuel Station (16 positions)	2015	963	6.62	1,188	8.17

As shown in Table 1, the Salem Costco with fuel station generates fewer trips in 2015, as in 2005. The 2015 data includes trips associated with a larger fuel station (16 positions in 2015 vs. 12 positions in 2005). KAI used the 2005 counts and trip generation rates when estimating trip generation for the proposed Salem Costco Kuebler site, because they were the more conservative of the two. Accordingly, the approach KAI used to develop trip generation at the subject Kuebler site results in a conservative analysis and accounts for trips associated with the larger warehouse building and 30-position fueling station. Table 2 illustrates how these trips were accounted for in the trip generation estimate for the proposed Salem Costco with fuel station.

Table 2. Salem Costco Trip Generation Comparison (2005 and 2015 Traffic Counts) vs. Proposed Salem Costco with Fuel Station Trip Generation (May 31, 2018 Traffic Study)

Location	Count Year	Weekday PM Peak Hour Traffic Volume	Weekday PM Peak Hour Trip Rate	Saturday Midday Peak Hour Traffic Volume	Saturday Midday Peak Hour Trip Rate
Salem Costco with Fuel Station (12 positions)	2005	1,089	7.49	1,325	9.12
Salem Costco with Fuel Station (16 positions)	2015	963	6.62	1,188	8.17
Proposed Salem Costco with Fuel Station (30 positions)	N/A	1,198 ¹	7.49	1,459 ¹	9.12
Proposed Salem Costco with Fuel Station (30 positions) % Increase in Trips from 2005 Count	N/A	9.1%	N/A	9.2%	N/A

¹Trip generation included in the May 31, 2018 Traffic Study. The trip generation increase from 2005 and 2015 account for new trips associated with the larger warehouse building and 30-position fueling station

As shown in Table 2, KAI estimated trip generation that accounts for ALL trips at the proposed Salem Costco with fuel station. As shown in Table 2, the trip generation estimate included in the May 31,

2018 Traffic Study accounts for a 9.1% increase in weekday PM peak hour trips from the existing Salem Costco with fuel station and 9.2% increase in Saturday midday peak hour trips from the existing Salem Costco with fuel station. KAI's trip generation estimate included in the May 31, 2018 Traffic Study represents a conservative analysis for the proposed Salem Costco with fuel station due to the following: accounts for the increase in trips associated with the 30-fueling position fuel station, accounts for the increase in trips associated with the warehouse building area size, and utilized trip generation rates that account for ALL trips at the existing Salem Costco site.

As a sensitivity check, KAI compared the proposed Salem Costco with fuel station (30 fueling positions) with traffic counts from the N Spokane Costco with fuel station (30 fueling positions). The N Spokane Costco includes a 160,000 square-foot warehouse building and a fuel station with 30 fueling positions. This site is located on US 2 within a similar metropolitan area as to Salem, OR. Additionally, US 2 carries between 30,000 and 35,000 daily vehicles, which is like Kuebler Boulevard. Both sites are similar in size (e.g. 160,000 square-feet building, 30 fueling positions), proximity to highway or arterial roadway, adjacent street traffic volumes, and service area for members. Table 3 summarizes the trip generation between the two sites. **Attachment C** includes the traffic count data from the N Spokane Costco site.

Table 3. Proposed Salem Costco with Fuel Station (30 Positions) Trip Generation (May 31, 2018 Traffic Study) compared to N Spokane Costco with Fuel Station (30 Positions) Traffic Counts

Location	Count Year	Weekday PM Peak Hour Traffic Volume	Weekday PM Peak Hour Trip Rate	Saturday Midday Peak Hour Traffic Volume	Saturday Midday Peak Hour Trip Rate
Proposed Salem Costco with Fuel Station (30 positions)	N/A	1,198 ¹	7.49	1,459 ¹	9.12
N Spokane Costco with Fuel Station (30 positions)	2019	1,195	7.47	1,458	9.11

¹Trip generation included in the May 31, 2018 Traffic Study.

As shown in Table 3, the proposed Salem Costco with fuel station trip generation (weekday PM peak hour and Saturday midday peak hour) used in the May 31, 2018 Traffic Study is slightly higher than the trip generation for a similar Costco site (160,000 square feet warehouse building, 30 fueling positions) in N Spokane, WA. Therefore, the trip generation used in the May 31, 2018 Traffic Study is appropriate and consistent with trip generation from similar Costco sites.

The Salem Costco data's accuracy was verified by Kittelson after reviewing available trip generation data from other Costco's with fuel stations in Oregon. KAI selected the weekday PM and Saturday midday peak hour trip generation rate from the existing Salem Costco with fuel station after reviewing trip generation rates at existing Costco's with fuel stations in Albany, Eugene, Medford, Portland, including the Salem Costco with fuel station (12 positions). Since this review, we added another data point from 2015 data collected at the existing Salem Costco with fuel station (16

positions). **Attachment D** includes the traffic count data from these sites. Table 4 summarizes the weekday PM and Saturday midday peak hour trip generation rates at the following Costco with fuel station sites in Oregon.

Table 4. Trip Generation Rates for Costco with Fuel Station Sites in Oregon

Location	Weekday PM Peak Hour	Saturday Midday Peak Hour
Albany Costco with Fuel Station (12 positions)	5.84	-
Eugene Costco with Fuel Station (16 positions)	8.70	-
Medford Costco with Fuel Station (12 positions)	7.98	-
Portland Costco with Fuel Station (16 positions)	6.73	8.35
Salem Costco with Fuel Station (12 positions)	7.49 ¹	9.12 ¹
Salem Costco with Fuel Station (16 positions)	6.62	8.17
Average Trip Generation Rate of Costco Sites in Oregon²	7.23	8.55

¹Trip generation rate used in the May 31, 2018 Traffic Study.

²Later in this document, KAI includes queue data collected at the Wilsonville and Portland Costco with fuel station sites. As part of this data collection, driveway traffic counts were not collected at the Costco warehouse with fuel station to estimate trip generation for the two sites, so trip generation rates are not reported in this table.

As shown in Table 4 and supported in the previous Tables 1, 2, and 3, KAI selected the weekday PM and Saturday midday peak hour trip generation rate based on the data from the Salem Costco with fuel station for the following reasons:

- The proposed Costco with fuel station is in Salem, OR.
- The members at the proposed site represent similar membership to the existing Salem Costco with fuel station.
- The existing Costco fuel station membership is established like the members at the Costco warehouse and accounted for in the trip generation rate used in the May 31, 2018 Traffic Study.
- Larger fuel stations, such as 24 and 30 fueling positions are constructed to process peak demand efficiently and effectively at the fuel station, thus reducing wait times, vehicle queuing, and vehicle idling.
- The weekday PM peak hour trip generation rate used in the May 31, 2018 Traffic Study **is higher than the average rate for other Costco sites in Oregon, including a more recent 2015 count at the Salem Costco site.**
- The Saturday midday peak hour trip generation rate used in the May 31, 2018 Traffic Study **is higher than the average rate for other Costco sites in Oregon, including a more recent 2015 count at the Salem Costco site.**
- The Salem trip generation profiles are HIGHER than the statewide average for other Costco's with fuel station and are reliable although conservative and reasonable to use.
- The proposed Salem Costco with fuel station trip generation (weekday PM peak hour and Saturday midday peak hour) used in the May 31, 2018 Traffic Study is slightly higher than

the trip generation for a similar Costco site (160,000 square feet warehouse building, 30 fueling positions) in N Spokane, WA, which is a reasonable comparison to the proposed site.

As noted, Kittelson **applied trip generation rates derived from the existing Salem Costco data, which are higher than the average trip generation rates of Costco sites in Oregon and higher than a more recent 2015 count at the Salem Costco site.** Additionally, the proposed Salem Costco with fuel station trip generation (weekday PM peak hour and Saturday midday peak hour) used in the May 31, 2018 Traffic Study is slightly higher than the trip generation for a similar Costco site (160,000 square feet warehouse building, 30 fueling positions) in N Spokane, WA, which is a reasonable comparison to the proposed site. Therefore, the traffic analysis presented in the May 31, 2018 Traffic Study is based on a conservative trip generation estimate that is representative of existing Costco warehouse with fuel station sites in Oregon and a representative Costco site with 30 fueling positions in N Spokane, WA. This approach is consistent with engineering principles and best practices in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition and ITE Trip Generation Handbook, 3rd Edition.

Greenlight Comment (page 10) – *In their TIA, the applicant states “[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.*

Response: In the May 31, 2018 Traffic Study, the trip generation estimate is based on a typical building size for Costco of 160,000 square-feet. The proposed Costco is 168,550 sq. ft. in size. There is an additional 8,550 square-feet associated with the proposed Costco, that represents mechanical elements and entry canopy. As noted in the May 31, 2018 Traffic Study, the 8,550 square-feet of mechanical elements and entry canopy does not generate any vehicle trips. Therefore, it is standard practice to base the estimated trip generation on the net warehouse area of 160,000 square-feet. Our statement about square-footage and linear relationship to building size is associated with the smaller accessory elements, such as additional storage, stock room, mechanical elements and/or entry canopy for the warehouse that have been added to Costco buildings over time, but do not generate additional vehicle trips for the site. Kittelson used daily, weekday PM peak hour, and Saturday midday peak hour trip generation rates and pass-by rates based on Costco warehouse building square-footage to estimate the trip generation for the proposed Salem Costco with fuel station. **The Greenlight Engineering comment is taken out of context and incorrectly applied in their July 28, 2020 response.**

As noted in the previous section, the traffic counts collected at the existing Salem Costco with fuel station include trips associated with both the warehouse and fuel station. The Costco with fuel station trips includes the following:

- members going to and from the warehouse,
- members going to and from the fuel station,
- members going to and from the warehouse and fuel station,
- deliveries to and from the warehouse,
- deliveries to and from the fuel station,
- employees to and from the warehouse, and
- employees to and from the fuel station.

The existing Salem Costco building is 145,363 square-feet. The building square-footage and traffic counts previously provided in the *Kittelson June 6, 2020 Response to Greenlight Engineering Comments* were used to derive the trip generation rate of 7.49 trips per 1,000 square-feet during the weekday PM peak hour and 9.12 trips per 1,000 square-feet during the Saturday midday peak hour from data associated with the existing Salem Costco with fuel station. Additionally, as presented earlier, the proposed Salem Costco with fuel station trip generation (weekday PM peak hour and Saturday midday peak hour) used in the May 31, 2018 Traffic Study is slightly higher than the trip generation for a similar Costco site (160,000 square feet warehouse building, 30 fueling positions) in N Spokane, WA, which is a reasonable comparison to the proposed site. This data comparison confirms that the trip generation rates account for ALL trips, including trips associated with the fuel station with 30 fueling positions.

As noted above, the trip generation rate is based on all trips that occur for members going to/from the warehouse, members going to/from the fuel station, and for members going to/from the warehouse and fuel station, deliveries to/from the warehouse and fuel station, and employees going to/from the warehouse and fuel station. As described, a trip generation rate based on building square-footage and traffic counts accounting for ALL trips at a Costco provides a holistic approach to estimating trips at a new Costco and is supported by the guidance provided in the ITE Trip Generation Manual, 10th Edition and ITE Trip Generation Handbook, 3rd Edition. This approach does not require independently estimating the trip generation for the fuel station as those trips are accounted for in the trip generation rate. In the May 31, 2018 Traffic Study, Kittelson used trip generation rates that account for ALL member, employee, and delivery trips for a Costco with fuel station throughout the day, during the weekday PM peak hour, during Saturday midday peak hour, and other times of the day.

Greenlight Comment (pages 12-13) – *Finally, while provided numerous traffic counts around the country for the purposes 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 comparison 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 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.

Response: In the May 2018 Traffic Study and subsequent responses to Greenlight Engineering, KAI provided the trip generation description and raw data associated with calculating the daily, weekday PM, Saturday midday and pass-by trip generation rates used to estimate the trip generation for the proposed Costco warehouse and fuel station. Kittelson also provided the three scatter plots for daily trip generation, weekday PM peak hour pass-by trip rate, and Saturday midday peak hour pass-by trip rates consistent with the approach in the ITE Trip Generation Manual, 10th Edition and ITE Trip Generation Handbook, 3rd Edition.

For comparison purposes of how the data is shown in ITE and how we presented it in the June 6, 2019 memorandum, Exhibit 1 (on the following page) presents daily trip generation and pass-by survey charts from the ITE Trip Generation Manual and Handbook and the three charts presenting the daily trip generation rates, weekday PM peak hour pass-by trip rate, and Saturday midday peak hour pass-by trip rate for Costco.

As shown on Exhibit 1, specifically Figures 1, 2 and 3, Kittelson presented data for the Costco trip generation and pass-by rates consistent with how ITE presents trip generation rate and pass-by rate data in the ITE Trip Generation Manual, 10th Edition and ITE Trip Generation Handbook, 3rd Edition. From these charts, a user can calculate the average daily trip generation and pass-by rates for the proposed Costco with fuel station as used in the May 2018 Traffic Study.

To further support this approach, Kittelson has provided a summary of the Costco data and trip generation and pass-by rates in **Attachment A**. These trip generation rates were used to estimate the trip generation for the proposed Costco warehouse and fuel station, which is consistent with engineering principles and best practices in the ITE Trip Generation Manual and ITE Trip Generation Handbook, 3rd Edition.

Figure 1. Costco with Fuel Positions - Daily Trip Generation

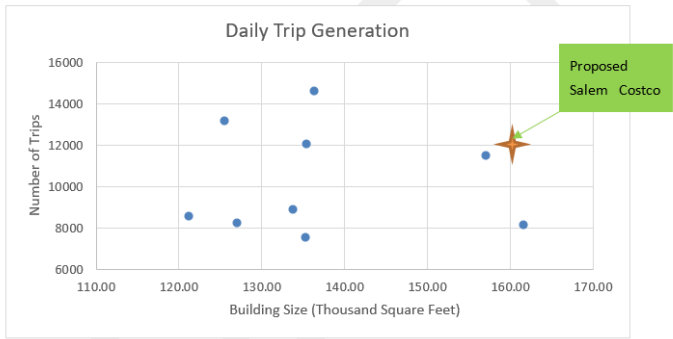


Figure 4. Discount Club – Daily Trip Generation (Land Use Code 857)

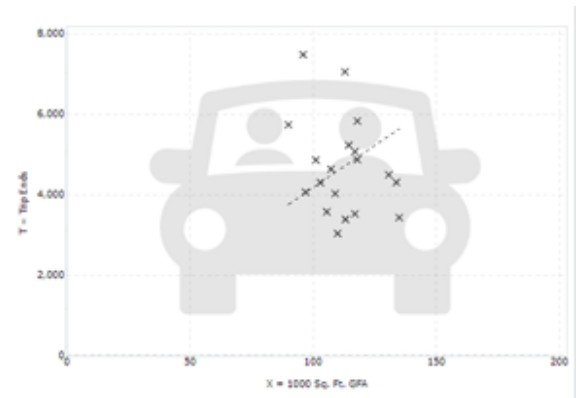


Figure E.7 Shopping Center (820)

Average Pass-By Trip Percentage vs: 1000 Sq. Feet Gross Leasable Area
On a: Weekday, P.M. Peak Period
Number of Studies: 100
Average 1000 Sq. Feet GLA: 329

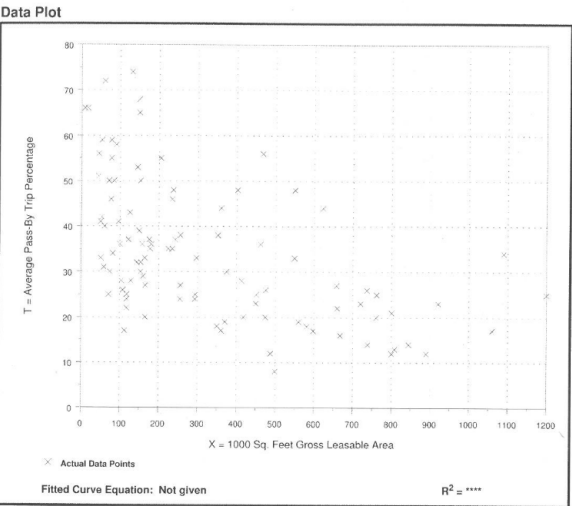


Figure 2. Costco with Fuel Positions – Weekday PM Peak Hour Pass-By Trip Rate

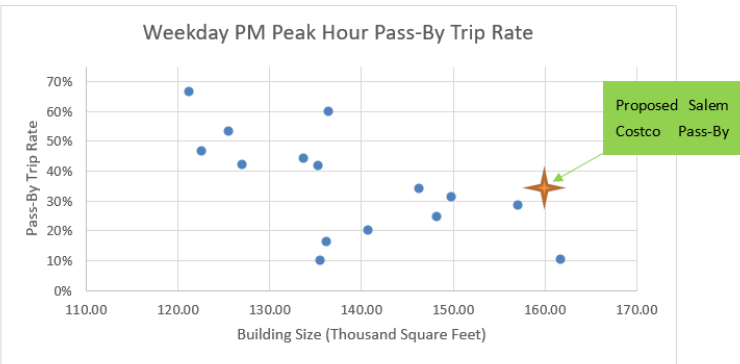


Figure 3. Costco with Fuel Positions – Saturday Midday Peak Hour Pass-By Trip Rate

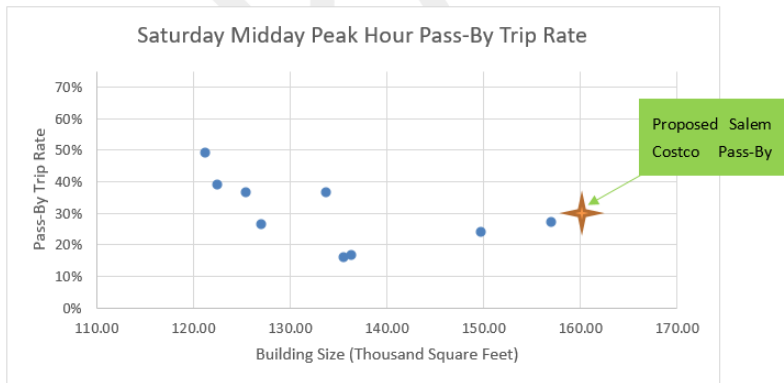
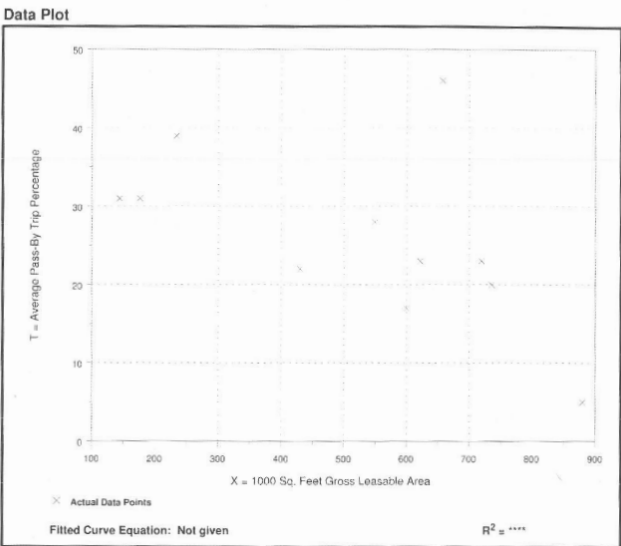


Figure E.9 Shopping Center (820)

Average Pass-By Trip Percentage vs: 1000 Sq. Feet Gross Leasable Area
On a: Saturday
Number of Studies: 11
Average 1000 Sq. Feet GLA: 523



Study Area

Greenlight Comment (page 13-14) – The December 10, 2018 City of Salem staff report asserts that “The TIA was scoped to analyze the same intersection 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 there were not included in the applicant’s Site Plan Review TIA. If omitted in error, the TIA should be updated to include the 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 Blvd/Commercial Street, I-5 S off-ramp/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 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. 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.

Response: The October 23, 2018, Staff Decision correctly concludes that the May 31, 2018 Traffic Study area is adequate. Recall, that the analysis area selected is required to demonstrate compliance with SRC 220.005(f)(3)(B) and (C). As such, the traffic study here, which was designed to confirm the assumptions and results of the traffic study performed for the 2007 Decision were still valid and establish compliance with SRC 220.005(f)(3)(B) and (C) began with a study area coordinated with City Public Works staff as part of the traffic study scoping process. The 2006 TIA supporting the 2007 Council Decision established the appropriate analysis area for a plan amendment and zone change and completely mitigated for all project transportation impacts of a much larger shopping center in that analysis area. The KAI analysis for this Site Review is not designed to establish a plan amendment and zone change’s compliance with the TPR and other standards as were at issue in the Council’s 2007 Decision, which is the final predicate decision for this Site Review. The analysis area selected for this **Class 3 site review** was approved by traffic professionals at the City of Salem as

recorded in the Decision, is appropriate and is reasonably calculated to both confirm the continuing validity of the 2006 study as well as to determine whether there are any additional transportation impacts in the affected area requiring additional mitigation due to the particular anchor tenant proposed.

Omitted from the Greenlight Engineering selection of the December 10, 2018 City of Salem staff report is the clarification provided in the City produced memorandum *PacTrust Traffic Impact Analysis Discussion*, dated March 27, 2020, which stated “*The intersection of Commercial Street SE and Kuebler Boulevard SE was not included in the 2018 analysis because the City had a Capitol 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.***” Therefore, Greenlight Engineering continued insistence that the Kuebler Boulevard/Commercial Street should have been evaluated is incorrect, serves no purpose, and is irrelevant.

Additionally, as discussed in greater detail under separate cover (see our *Response to July 2, 2020 Greenlight Engineering Comments Memo*, provided in response to the Greenlight Engineering’s July 2, 2020 analysis memo), and in the Seasonal Adjustment section of this memo (page 23), the analysis assumptions and therefore the findings and conclusions presented in the Greenlight Engineering July 2, 2020 memo, are wrong and in some cases misleading.

Traffic Growth

Greenlight Comment (page 14) – A previously addressed in our December 10, 2018 and July 2, 2020 Reports, Section 6.33 of the Administrative Rule states “Background rates and trip distribution shall be based upon the Mid-Willamette Valley Council of Governments Transportation Mode.” 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 as it is for a 1-year buildout 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 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 “...negative impacts to the transportation system are mitigated adequately”.

Response: Please refer to the KAI’s *Response to July, 2 2020 Greenlight Engineering Comments* memorandum, which details how **the growth rate calculation Greenlight Engineering presents is incorrect and inappropriate** because Greenlight is essentially double-counting vehicle trips associated with the Kuebler Gateway Shopping Center and in-process developments.

Year of Opening Assumption

Greenlight Comment (page 14) – As we originally note, 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 previously mentioned, the applicant has also clearly communicated that 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”.

Response: Greenlight misreads the Public Works Chart which clearly states that for developments allowed under existing zoning, when TIAs are required, they must evaluate traffic conditions at the year of opening estimated at the time the TIA was prepared, which in this case was 2019. As a precaution, KAI has also evaluated a year of opening in 2021. However, in no case is treating the shopping center as a multi-phase development, appropriate. As previously stated, the site plan application is for a single shopping center. The opening of the proposed shopping center will include all major buildings such as Costco, the fueling positions, and at least one retail pad building. While some space in the retail pads may or may not be leased prior to opening, it does not delay the date of opening for the major components of the shopping center. Additionally, the retail pads component of the site contributes a small fraction (less than 7 percent) of the overall net new site peak hour trips – should the leasing of the retail pads lagged the planned opening of the shopping center, the result would have a very limited impact to the transportation system.

Greenlight Comment (page 15) – According to Table 3.3 of the ODOT Design Review Guidelines, 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.

Response: While not specified, perhaps Greenlight Engineering references the ODOT Development Review Guidelines. The referenced Table 3.3 is titled “Future Year Analysis: Suggested Time Lines”, which lists a planning horizon year for the Transportation System Plan or 15 years, whichever is greater, for proposed developments with a daily trip generation of 5,000 or more AND Plan Amendments and Zone Changes. In the first place, the site review transportation standards do not require an evaluation of any ODOT facilities or the application of ODOT standards, because no ODOT facility abuts the subject property or has anything to do with access in and out of the property. All streets relevant to site review are city streets. Second, in the case of this project, a longer term (year 2025) planning horizon WAS provided in the 2006 TIA (which included a TPR analysis in support of the Zone Change), which corresponded to the TSP horizon at the time and was coordinated with the City and ODOT. The scope of the May 2018 Traffic Study, including analysis years, meets City standards and ODOT guidelines, to the extent that the latter is relevant at all. The 2006 TIA and supplemental documents have been reviewed and approved by traffic professionals at both ODOT and the City of Salem as recorded in the 2007 Decision, which included the agreed upon and appropriate analysis years. Third, there is no reason for the 2018 traffic analysis to extend beyond the year of opening at the time that analysis was prepared. Even if the Public Works administrative

rules applied, they only require a TIA evaluate traffic conditions, at the time the TIA was prepared, in the year of opening. The 2018 KAI Study did just that. There is no City standard that requires a 15 or 5 year analysis for site review.

Trip Distribution

Greenlight Comment (page 15) – *“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”.*

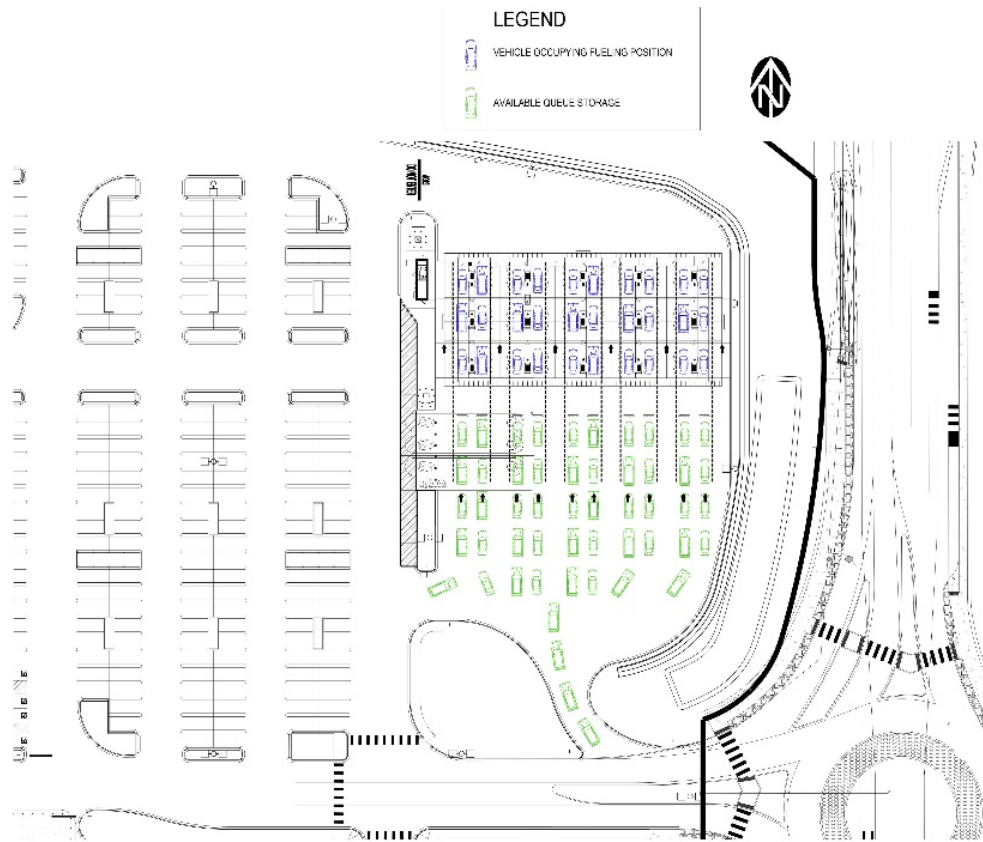
Response: MWVCOG model data was the basis of the trip distribution for the 2006 ZC shopping center analysis and was utilized for the retail pad portion of the proposed development, however, the use of site and Costco specific data rather than the generalized TAZ distribution built into the logic of the MWVCOG model is more appropriate to this review, as even admitted by the Greenlight Engineering *“It is possible that Costco specific zip code data could produce better trip distribution results than the MWVCOG model”*. The MWVCOG traffic model includes no data specific to Costco and the use of the direct experience with Costco stores is the best data to use. Sound engineering judgement would be to utilize the best available data, for which the project team and the City Traffic Engineer concur that Costco specific trip distribution data is the best available data to base a trip distribution estimate and that the MWVCOG data does not have any such data. The detailed Salem Costco Sales data utilized to develop the estimated trip distribution is included as **Attachment E**.

Fueling Depot Queuing

Greenlight Comment (page 16) – *The applicant also suggests that there is other “Costco Fueling-specific queue data” that was used in their queueing 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 activity, but the TIA doesn’t establish how the queue estimates were generated and they cannot be reviewed or verified.*

Response: As previously described in our June 6, 2020 Response to Greenlight Engineering, the proposed Costco fuel station is planned to open with 30 fueling positions. The 30-fueling position fuel station provides capacity for a total of 82 vehicles at any given time. The 82-vehicle capacity consists of 30 vehicles parked at the fueling positions and 52 vehicles queued waiting for a fueling position to open. As noted earlier, larger fuel stations, such as 24 and 30 fueling positions (proposed at this site) are constructed to process peak demand efficiently and effectively at the fuel station, thus reducing wait times, vehicle queuing, and vehicle idling. Exhibit 2 illustrates the available queue storage.

Exhibit 2. Available Queue Storage at the Proposed Salem Costco Fuel Station



Additionally, Table 5 summarizes the estimated peak hour vehicle queues based on trip generation data from the existing Salem Costco site and Costco Fueling-specific queue data. The queue analysis and estimates are based on queue data collected and analyzed for the Portland Costco fuel station with 24-fueling positions and Wilsonville Costco fuel station with 24-fueling positions sites. **Attachment F** includes the queue data and analysis documentation from these sites. The queue represents the number of vehicles waiting in line for a fueling position to open.

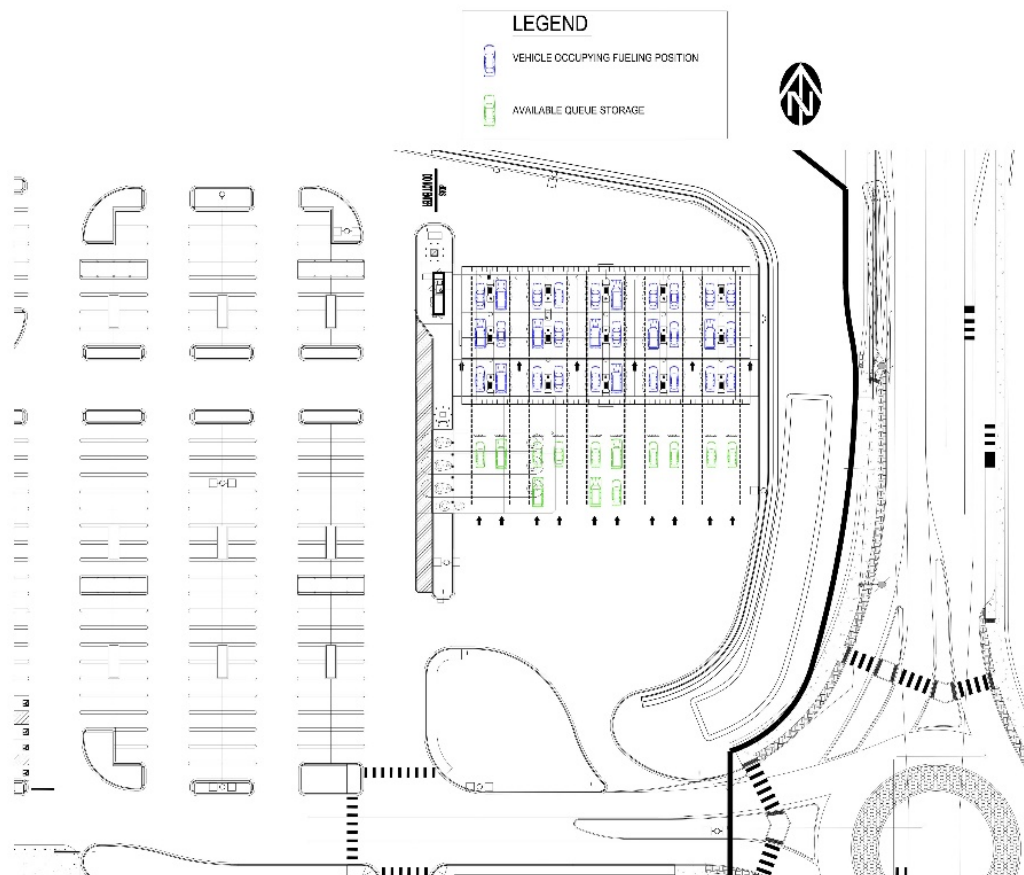
Table 5. Estimated Vehicle Queues at the Proposed Salem Costco Fuel Station (based on 30 fueling positions)

Time Period	Average Queue	Max Queue	95 th Percentile Queue
Weekday PM Peak	1 vehicle	8 vehicles	6 vehicles
Saturday Midday Peak	2 vehicles	13 vehicles	10 vehicles
Range	1 to 2 vehicles	8-13 vehicles	6-10 vehicles

As shown in Exhibit 2, assuming 30 fueling positions, the proposed Costco fueling has queue storage for approximately 52 vehicles. **The estimated maximum peak hour queue ranges between 8 and 13 vehicles during the two peak time periods, which can easily be accommodated within the proposed fuel station area.**

Exhibit 3 illustrates the estimated maximum queue during a Saturday peak at the fuel station. **Based on this analysis, the estimated maximum queue does not extend into the primary entrance from 27th Avenue.** Therefore, the location of the proposed fuel station and design with 30 fueling positions is adequate to serve the expected demand without blocking the operations of the primary entrance from 27th Avenue or impairing internal circulation in any way.

Exhibit 3. Estimated Saturday Mid-day Peak Maximum Queue at the Salem Costco Fuel Station



27th Avenue Queuing

Greenlight Comment (page 17) – The northbound right turn lane...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 develop at the Kuebler Boulevard/27th Avenue intersection may extend into the

single lane existing 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.

Response: Greenlight Engineering takes an overly simplistic and blatantly incorrect approach by adding different northbound approach lane PM peak hour 95th percentile queue lengths together to state that there would be 525 feet of queues. Table 6 summarizes the Synchro estimated PM and Saturday Midday peak hour 95th percentile queue lengths for the northbound approach to the Kuebler Boulevard/27th Ave intersection, as reported in the May 2018 Traffic Study, and as converted to number of vehicles.

Table 6. Kuebler Blvd / 27th Ave Northbound Approach PM Peak Hour 95th Percentile Queues (May 2018 Traffic Study)

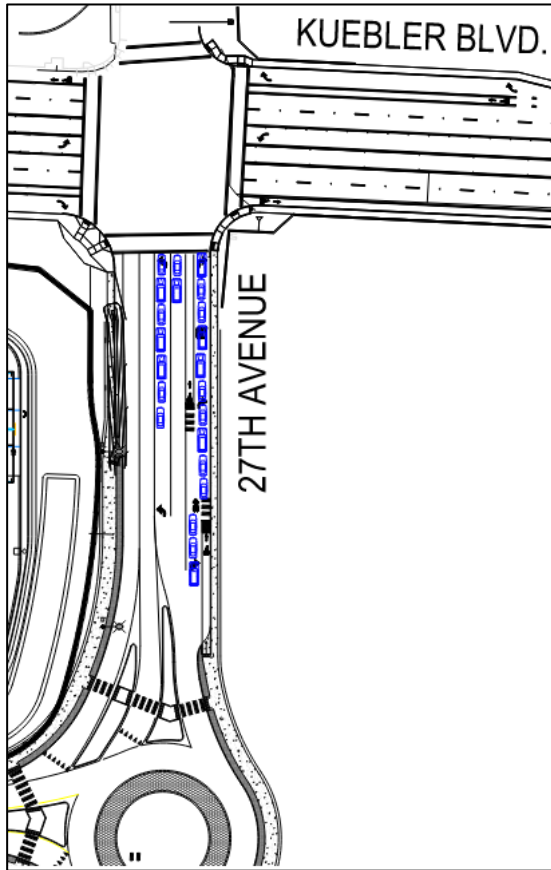
Northbound Approach Lane	PM Peak Hour		Saturday Midday Peak Hour	
	95 th Percentile Queue ¹	Vehicle Equivalent ²	95 th Percentile Queue ¹	Vehicle Equivalent ²
Left-turn Lane	175 feet	7	175 feet	7
Through Lane	25 feet	1	25 feet	1
Right-turn Lane	325 feet	13	325 feet	13

¹ 95th Percentile Queue as reported for the Total Traffic 2019 scenario in the May 2018 Traffic Study, which were rounded up from the reported Synchro queue length to the nearest vehicle length (25 feet).

² Assuming space for one vehicle equals 25 feet.

As shown in Exhibit 4, **the estimated northbound 95th percentile queues during the PM and Saturday midday peak hours can be accommodated by the planned 27th Avenue design.** Northbound approach vehicle queues will not back-up from Kuebler Blvd to the 27th Avenue roundabout, nor will cars be trapped in the 27th Avenue roundabout.

Exhibit 4. Kuebler Blvd / 27th Avenue Northbound Approach Vehicle Queues



Furthermore, it is worth reiterating that 95th percentile queue lengths represent the worst-case queue that occurs 5 percent of the time during the peak hour. Should northbound approach queues extend further in the future, simple signal timing adjustment to Kuebler Blvd/27th Ave traffic signal can be made to allocate more time to the northbound approach movements, a routine adjustment commonly made to traffic signals.

27th Avenue Roundabout

Greenlight Comment (page 17) – *The TIA provides no analysis comparing a roundabout to a traffic signal or any other traffic control at this intersection.*

Response: No standard requires the comparison that Greenlight prefers. The 2018 study and subsequent analysis demonstrate that the site review standard is met here. Further, while Kittelson conducted preliminary site access intersection analyses with the City prior to the submittal of the May 2018 Traffic Study, the City made it clear it did not want a signal. At the time, the City specified that a traffic signal would not be approved and that a roundabout at the full access driveway to 27th Avenue would be the preferred traffic control treatment. As such, the development team proceeded with the requested roundabout substitution, began roundabout design, agreed to allocate space on-site, and coordinate other right-of-way acquisition necessary to accommodate the larger (and more expensive) roundabout intersection. The only issue is whether the traffic analysis in the record demonstrates that the site review standard is met with the roundabout providing the access from 27th to the shopping center. It does.

27th Avenue Driveway

Greenlight Comment (page 19) – *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.*

Response: It is assumed that Greenlight Engineering intended to reference SRC 804.025 Class 2 driveway approach permit, Section (d) Criteria. Greenlight Engineering fails to specify any specific driveway criteria that is not met. All of these criteria are addressed for all driveways in the application narrative. Further, the proposed driveway, and City specified driveway intersection traffic control (roundabout), would not have been approved by the City Public Works department if the driveway approach criteria were not met. Nevertheless, the response to specific criteria is supplemented as follows:

(2) *“No site conditions prevent placing the driveway approach in the required location”*

The construction of the roundabout as recommended in the KAI May 2018 Traffic Study imposes no site conditions that prevents placing the driveway approach as proposed. There are no other site conditions prohibiting the location of the proposed driveway.

(6) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.

The proposed driveway approach follows the recommendations found in the May 2018 Traffic Study submitted by KAI in conformance with condition #4 of the 06-6-CPC/SC. The 27th Ave driveway approach does not create any traffic hazards and provides for safe turning movements and for safe access.

(7) The proposed driveway approach does not result in significant adverse impacts to the vicinity.

The May 2018 Traffic Study provided analysis of the proposed driveway and the recommended roundabout indicate that the proposed driveway will not have any adverse impacts to the adjacent properties or streets. In addition, the driveway was sited per condition #4 of the 06-6-CPC/SC and so is already approved.

(8) The proposed driveway approach balances the adverse impacts to residentially zoned property and functionality of adjacent streets.

The proposed driveway approach to 27th Avenue is located adjacent to a residentially zoned area. However, the direction of travel by the majority of drivers is into the commercially zoned area utilizing the single-lane roundabout. Installation of the southbound right-turn by-pass lane to the site, along with the single lane roundabout, significantly limits cut-through traffic into the residential areas, and minimizes the effect on the functionality of the adjacent streets and meets the intent and location of CPC/ZC06-6. Note that CPC/ZC06-6 included a Condition of Approval addressing the adjacent residential neighborhoods, which states “ (6) The developer shall commit up to \$5,000 for traffic calming devices (such as speed humps or other traffic calming measures) to be used in the residential neighborhood south of the proposed development is a need is identified. The Neighborhood Traffic Management Program is the process used to identify traffic calming needs”.

Kuebler Blvd Driveway

Greenlight Comment (page 19) – 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.” 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. 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. The approval criteria of the Site Plan Review cannot be ignored.

Response: As previously stated numerous times, the existing right-in only access driveway from Kuebler Boulevard was a Condition of Approval from CPC/ZC06-06 and was constructed as part of a City capital improvements project, years ago. This existing access is not subject to reevaluation in this proceeding.

Saturation Flow Rate

Greenlight Comment (Page 20-21) – *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 intersection 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 the 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.*

Response: First, the standard Greenlight references says that saturation flow rates of 1800 are preferred “unless a separate flow rate analysis has been performed.” Here, a separate saturation flow analysis has been performed and demonstrates the 1900 vehicle per hour saturation flow rate is appropriate. That ends the matter to the extent that standard even applies. Second and relatedly, KAI conducted a saturation flow study at several high-volume lane movement locations to get a representative sample of saturation flow characteristics at various high-volume intersections and lane group movements in the study area. The saturation flow rate study (i.e. flow rate analysis) was performed consistently with the City public works administrative rules as well as guidelines of the 2010 Highway Capacity Manual (Chapter 31) and the ODOT Analysis Procedures Manual (APM) (page 3-38), and meets the requirements of one major intersection on a main study area roadway and a minimum of 15 signal cycles. Per the HCM and ODOT APM, a vehicle queue of at least 8 vehicles is needed to measure saturation flow rates. The specific locations used in this study meet this condition for all lanes and were discussed and confirmed with City staff including the City Engineer, as an acceptable representation of saturation flow rates within the study.

As previously documented, most recently in *the Response to Greenlight Engineering July 2, 2020 Comments* memorandum, the saturation flow study that KAI conducted showed that the saturation flow rates collected in the field are greater than the rates used in the KAI May 2018 Traffic Study, therefore using a 1,900 vphpl baseline flow rate meets the City of Salem TIA Standards per Division 6, Section 6.33, to the extent those standards apply. The City has accepted the saturation flow study completed by KAI and **Greenlight Engineering's continued disagreement is baseless in that is not supported by any data or specific best practice references.**

Seasonal Adjustment

Greenlight Comment (Page 21) – *"We provided evidence that this is seasonal variation at the I-5 S/Kuebler Blvd intersection...The TIA is not compliant with the APM".*

Response: As explained previously, the ODOT facilities are irrelevant to the site review standard which looks only to the abutting streets that provide access to and from the shopping center. No ODOT facility abuts or provides access to the driveways at issue. Moreover, the 'evidence' provided by Greenlight Engineering in support of the use of a significant (11 percent) seasonal growth rate adjustment is a gross mischaracterization the ODOT APM specified seasonal adjustment process and wrong, as it based on sites located in the Portland area along recreational routes near the cities of Cornelius and Gresham that in fact have high seasonal fluctuations, **not Salem**. The ODOT APM V2 states the following as actually related to Salem:

*"The peak hour from a manual count is converted to the 30th Highest Volume (HV) by applying a seasonal factor. The 30HV is then used for design and analysis purposes. Experience has shown that the 30HV in large urban areas usually occurs on an afternoon on a weekday during the peak month of the year. **The Metropolitan Planning Organization's (MPO) of Metro, Salem and Eugene are large enough that the average weekday peak hour approximates the 30HV.**"*

As the proposed development is within Salem and within the Mid-Willamette Valley Council of Governments (MWVCOG) MPO area, the use of a seasonal adjustment factor is **not appropriate**, per APM guidance. This is because the APM expressly requires the use of 30HV, which includes a built-in seasonal adjustments appropriate to the specified locations of which Salem is one. As previously stated, the City of Salem and ODOT have supported prior analyses that, appropriately, did not apply a further seasonal adjustment beyond which is already baked into the 30HV.

RTOR at I-5 SB/Kuebler Blvd

Greenlight Comment #23 (page 16): *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.

Response: As previously specified in the *Response to Appeal Comments* (November 29, 2018) and *Response to Greenlight Engineering Comments* (June 6, 2020) and *Response to July 2, 2020 Greenlight Engineering Comments*, the right-turn-on-red (RTOR) adjustment used in the traffic analysis for this matter is based on actual traffic count data and video observations taken in December 2017. The traffic count data and video observations showed approximately 42 percent of RTOR vehicles during the PM peak hour and closer to 56 percent of RTOR vehicles during the Saturday midday peak hour, as summarized in Table 7. For a conservative analysis, the lower right-turn on red percentage was utilized for both the PM and Saturday analysis periods. **Attachment G** includes the video data summary workbook documentation.

Table 7. I-5 Southbound Off-ramp / Kuebler Blvd RTOR Data

Time Period	RTOR Count		Right Turn Count	RTOR Percentage of Right Turns
	PM Peak Hour			
5:05-5:10	33		86	38.4%
5:10-5:15	62		99	62.6%
5:15-5:20	31		113	27.4%
	Average =			42.8%
	Saturday Midday Peak Hour			
1:00-1:05	37		56	66.1%
1:05-1:10	37		60	61.7%
1:10-1:15	23		59	39.0%
	Average =			55.6%

CONCLUSION

As documented in this memorandum, the Greenlight Engineering Comments repeat invalid comments, citing conclusions inconsistent with sound traffic engineering principles and the City of Salem and ODOT traffic analysis practices and procedures.

As previously documented in the KAI May 31, 2018 Traffic Study, numerous supplemental memoranda, the proposed Kuebler Gateway Shopping Center can be developed while maintaining acceptable operations on-site and on the adjacent transportation network and demonstrates compliance with SRC 220.005(f)(3)(B) and (C).

ATTACHMENTS

Attachment A – Costco Sites Trip Generation Rates Data

Attachment B – 2015 Traffic Count Data at Salem Costco

Attachment C – 2019 Traffic Count Data at N Spokane Costco

Attachment D – Costco Sites in Oregon Trip Generation Data

Attachment E – Costco Sites Trip Distribution Data

Attachment F – Fuel Station Queue Data and Analysis Documentation (OR Sites)

Attachment G – RTOR Data



Attachment A: Costco Sites Trip Generation Rates Data

Costco Warehouse with Fuel Station (United States) - Trip Generation Rates and Raw Data Used for Salem Costco with Fuel Station

Site Characteristics			Trip Generation Rates													Raw Data												
Warehouse	Size (sf)	Fuel Station included	Weekday PM Peak Hour						Saturday Midday Peak Hour						Weekday Daily	Weekday PM Peak Hour Trips						Saturday Midday Peak Hour Trips						Weekday Daily Trips
			Weekday PM Peak Rate/KSF	Total		Pass-by	Diverted	Primary	Saturday Peak Rate/KSF	Total		Pass-by	Diverted	Primary	Weekday Daily Rate/KSF	Passby	Diverted	Primary	Total (#veh)			Passby	Diverted	Primary	Total (#veh)			Total (#veh)
				% in	%out	%	%	%		% in	%out	%	%	%		#veh	#veh	#veh	In	Out	#veh	#veh	#veh	#veh	In	Out	#veh	
Helena, MT	146217	Y	3.80	51%	49%	34%	49%	17%	5.11	49%	51%								281	274	555				364	383	747	
Missoula, MT	122528	Y	6.46	48%	52%	47%	32%	21%	8.01	50%	50%	39%	35%	26%					378	413	791				487	494	981	
Albany, OR	148161	Y	5.84	46%	54%	25%	52%	23%											400	465	865							
Morena, CA	161674	Y	6.22	43%	57%	11%	23%	66%											435	571	1006							
Salem, OR	145363	Y	7.49	52%	48%				9.12	49%	51%								561	528	1089				649	676	1325	
Laguna Niguel	149705	Y	7.51	51%	49%	31%	16%	52%	9.89	48%	52%	24%	23%	53%		354	183	587	571	553	1124	355	346	780	714	767	1481	
Santa Clara, CA	135444	Y	7.18	49%	51%	10%	48%	42%	9.07	53%	47%	16%	9%	75%	88.99	97	464	410	478	494	972				653	576	1229	12053
Sandy, UT	161600	Y	4.99	47%	53%				7.38	45%	55%				50.43				377	429	806				533	659	1192	8150
Medford, OR	136144	Y	7.98			17%	25%	59%								179	272	635			1086							
Eugene, OR	140700	Y	8.70			20%	46%	34%								245	563	416			1224							
Staten Island, NY	121216	Y	6.23	43%	57%	67%	8%	25%	9.92	46%	54%	49%	2%	49%	70.87	504	63	189	322	433	755	592	19	592	556	647	1203	8590
Vallejo, CA	125434	Y	8.06	48%	52%	54%	18%	29%	13.35	54%	46%	37%	5%	58%	105.01	542	181	289	489	522	1011	616	80	966	902	773	1675	13172
West Henrico, VA	126976	Y	5.36	54%	46%	42%	49%	9%	4.20	57%	43%	27%	24%	50%	64.87	288	330	62	370	310	680	141	125	267	303	230	533	8237
Aurora, CO	133711	Y	5.90	49%	51%	44%	33%	22%	9.56	50%	50%	37%	19%	43%	66.75	350	263	175	383	406	789	469	248	553	642	636	1278	8925
Altamonte Springs, FL	135229	Y	4.79	49%	51%	42%	26%	32%	8.24	54%	46%				55.56	272	167	209	316	332	648				567	517	1114	7513
Simi Valley, CA	136296	Y	8.87	47%	53%	60%	5%	35%	16.16	60%	40%	17%	8%	75%	107.02	725	60	423	566	643	1209	368	183	1652	1329	874	2203	14586
Spokane, WA	156987	Y	6.72	48%	52%	29%	37%	35%	10.66	48%	52%	27%	29%	44%	73.23	302	387	366	504	551	1055	453	489	733	803	870	1673	11496

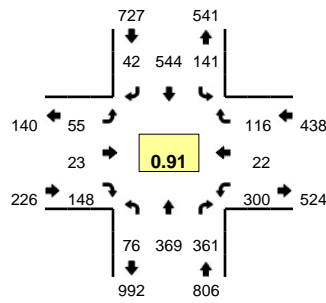
Attachment B: 2015 Traffic Count at Salem Costco

Type of peak hour being reported: Intersection Peak

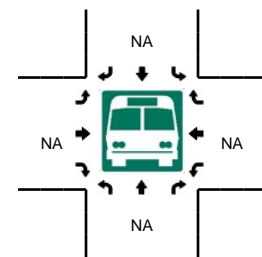
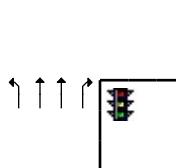
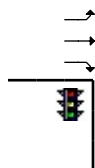
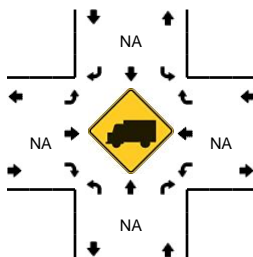
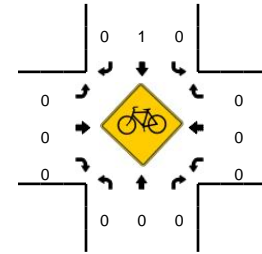
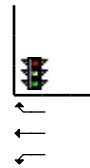
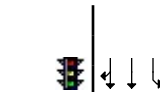
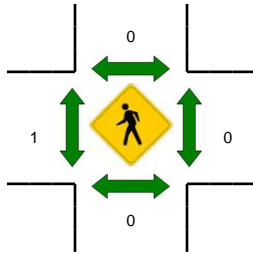
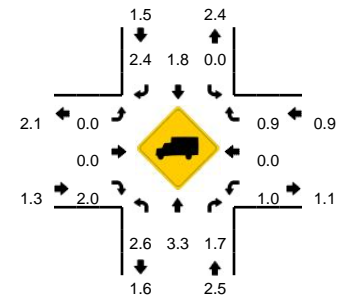
Method for determining peak hour: Total Entering Volume

LOCATION: Hawthorne Ave SE -- N Costco Access
CITY/STATE: Salem, OR

QC JOB #: 13436103
DATE: Wed, Jul 08 2015



Peak-Hour: 4:20 PM -- 5:20 PM
Peak 15-Min: 5:05 PM -- 5:20 PM



5-Min Count Period Beginning At	Hawthorne Ave SE (Northbound)				Hawthorne Ave SE (Southbound)				N Costco Access (Eastbound)				N Costco Access (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	3	32	20	0	9	40	1	1	2	3	8	0	40	2	11	0	172	
4:05 PM	4	34	31	0	13	62	3	0	2	0	3	0	19	2	15	0	188	
4:10 PM	6	21	20	0	15	40	2	1	2	2	7	0	29	0	13	0	158	
4:15 PM	7	40	20	0	18	48	3	0	2	2	6	0	19	1	11	0	177	
4:20 PM	9	27	35	0	14	39	4	0	4	1	4	0	32	1	15	0	185	
4:25 PM	5	35	32	0	11	40	5	0	3	2	15	0	28	2	14	0	192	
4:30 PM	6	31	25	0	11	45	4	0	1	1	6	0	20	0	7	0	157	
4:35 PM	7	36	27	0	9	58	5	0	5	3	11	0	20	1	6	0	188	
4:40 PM	8	18	28	0	13	46	2	0	3	1	11	0	23	3	14	0	170	
4:45 PM	6	19	27	0	11	36	2	0	4	1	18	0	29	3	8	0	164	
4:50 PM	8	41	27	0	10	46	7	0	9	1	16	0	29	2	6	0	202	
4:55 PM	6	31	36	0	7	37	1	1	3	1	14	0	12	2	13	0	164	2117
5:00 PM	2	29	26	0	13	35	3	0	9	5	12	0	34	1	5	0	174	2119
5:05 PM	7	37	32	0	10	34	1	0	7	3	19	0	36	1	10	0	197	2128
5:10 PM	3	29	30	0	15	62	5	0	3	2	8	0	9	4	8	0	178	2148
5:15 PM	9	36	36	0	16	66	3	0	4	2	14	0	28	2	10	0	226	2197
5:20 PM	4	26	24	0	12	30	4	0	7	4	9	0	42	2	17	0	181	2193
5:25 PM	4	29	29	0	12	44	2	0	5	0	12	0	22	0	6	0	165	2166
5:30 PM	3	22	23	0	16	49	2	1	1	3	9	0	29	4	10	0	172	2181
5:35 PM	8	28	32	0	12	29	0	0	4	3	8	0	41	1	10	0	176	2169
5:40 PM	4	34	21	0	21	47	3	0	2	1	7	0	27	3	17	0	187	2186
5:45 PM	5	24	26	0	6	34	2	0	5	1	9	0	32	1	10	0	155	2177
5:50 PM	2	26	35	0	14	26	2	0	5	1	4	0	24	0	14	0	153	2128
5:55 PM	6	25	30	0	6	14	0	0	3	5	9	0	28	2	13	0	141	2105
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	76	408	392	0	164	648	36	0	56	28	164	0	292	28	112	0	2404	
Heavy Trucks	0	8	16		0	8	0		0	0	0		0	0	4		36	
Pedestrians	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	
Railroad																		
Stopped Buses																		

Comments:

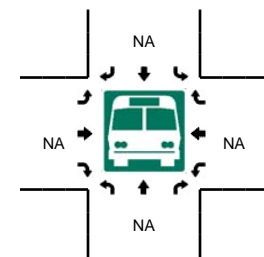
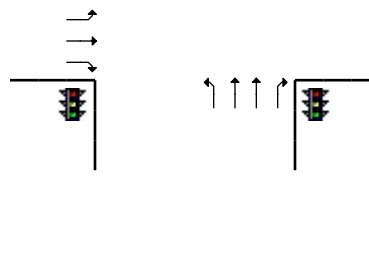
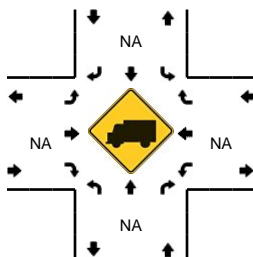
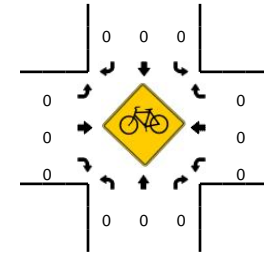
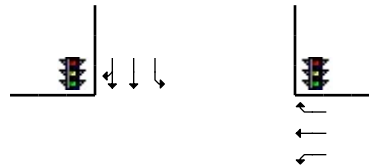
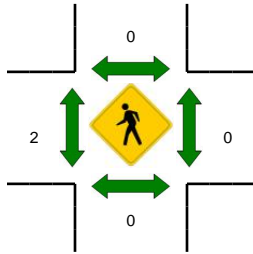
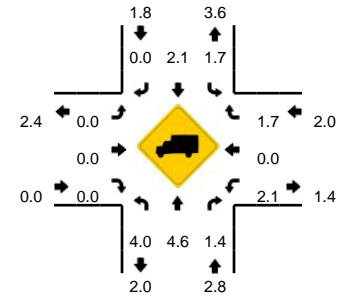
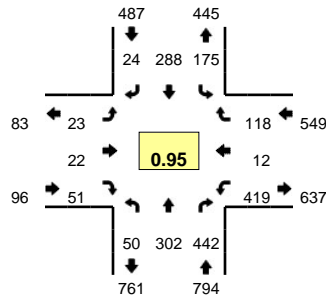
Type of peak hour being reported: Intersection Peak

Method for determining peak hour: Total Entering Volume

LOCATION: Hawthorne Ave SE -- N Costco Access
CITY/STATE: Salem, OR

QC JOB #: 13436104
DATE: Sat, Jul 11 2015

Peak-Hour: 12:25 PM -- 1:25 PM
Peak 15-Min: 12:55 PM -- 1:10 PM



5-Min Count Period Beginning At	Hawthorne Ave SE (Northbound)				Hawthorne Ave SE (Southbound)				N Costco Access (Eastbound)				N Costco Access (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
12:00 PM	3	19	30	0	11	21	1	0	2	1	3	0	32	3	16	0	142	
12:05 PM	11	18	44	0	11	24	2	0	3	1	3	0	35	1	10	0	163	
12:10 PM	3	19	41	0	11	14	4	0	2	1	5	0	28	0	19	0	147	
12:15 PM	5	21	30	0	11	20	4	0	1	1	4	0	35	0	17	0	149	
12:20 PM	5	18	29	0	15	22	1	1	2	0	5	0	45	0	12	0	155	
12:25 PM	4	28	42	0	21	17	2	0	4	1	1	0	38	1	10	0	169	
12:30 PM	1	22	42	0	9	25	3	1	1	6	1	0	28	2	12	0	153	
12:35 PM	4	30	42	2	15	22	1	0	2	3	3	0	41	3	7	0	175	
12:40 PM	5	30	26	0	11	15	1	0	1	1	1	0	31	0	15	0	137	
12:45 PM	6	28	36	0	12	20	2	0	2	1	9	0	32	1	7	0	156	
12:50 PM	4	27	36	0	16	24	1	0	1	2	6	0	31	2	10	0	160	
12:55 PM	3	26	30	1	14	21	4	0	5	0	6	0	47	0	7	0	164	1870
1:00 PM	4	26	43	0	12	33	2	0	2	2	3	0	29	0	5	0	161	1889
1:05 PM	5	33	44	0	15	30	1	0	3	0	5	0	35	1	9	0	181	1907
1:10 PM	2	10	25	0	17	24	3	0	0	5	5	0	31	0	13	0	135	1895
1:15 PM	4	27	40	0	18	20	3	0	0	1	6	0	36	1	12	0	168	1914
1:20 PM	5	15	36	0	13	37	1	1	2	0	5	0	40	1	11	0	167	1926
1:25 PM	2	11	38	0	10	25	4	0	3	3	5	0	28	0	11	0	140	1897
1:30 PM	4	21	40	0	12	15	2	1	0	1	3	0	38	1	9	0	147	1891
1:35 PM	7	34	54	0	11	19	1	1	1	0	6	0	28	0	11	0	173	1889
1:40 PM	2	26	34	0	12	17	2	1	3	1	2	0	35	1	10	0	146	1898
1:45 PM	4	21	41	0	8	23	6	0	2	2	2	0	26	1	11	0	147	1889
1:50 PM	5	25	29	0	24	20	2	0	2	0	5	0	41	1	15	0	169	1898
1:55 PM	4	20	42	0	14	15	3	0	3	3	6	0	39	1	14	0	164	1898
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	48	340	468	4	164	336	28	0	40	8	56	0	444	4	84	0	2024	
Heavy Trucks	4	8	8		0	4	0		0	0	0		8	0	0		32	
Pedestrians																	0	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Railroad																		
Stopped Buses																		

Comments:

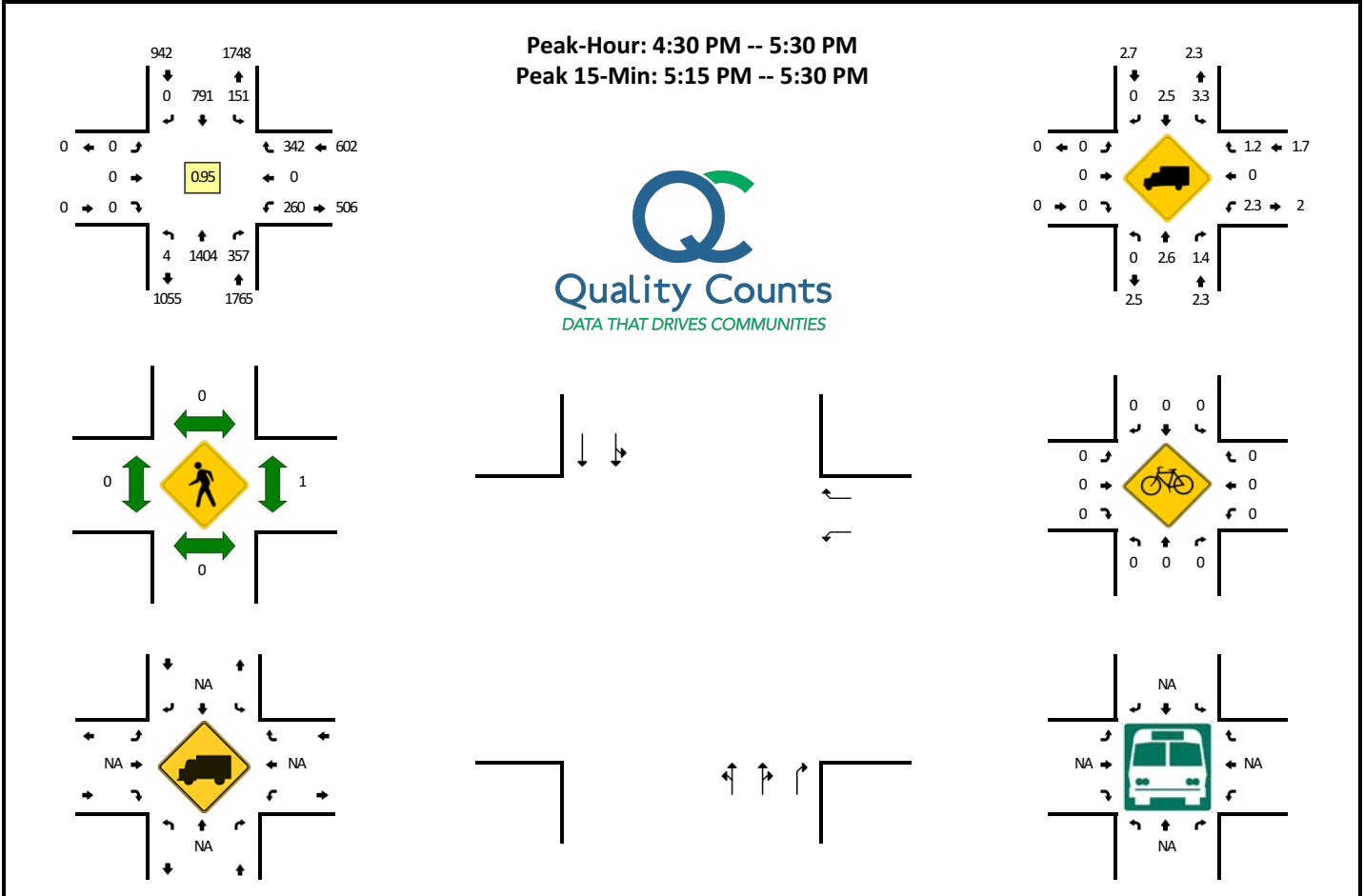
Attachment C: 2019 Traffic Count Data at N Spokane Costco

Type of peak hour being reported: Intersection Peak

Method for determining peak hour: Total Entering Volume

LOCATION: Highway 2 (N Newport Hwy) -- N Access Road
CITY/STATE: Spokane, WA

QC JOB #: 15082627
DATE: Thu, Oct 3 2019



5-Min Count Period Beginning At	Highway 2 (N Newport Hwy) (Northbound)				Highway 2 (N Newport Hwy) (Southbound)				N Access Road (Eastbound)				N Access Road (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	0	95	36	1	5	72	0	0	0	0	0	0	21	0	26	0	256	
4:05 PM	0	93	25	0	13	68	0	0	0	0	0	0	24	0	24	0	247	
4:10 PM	0	104	40	0	13	61	0	0	0	0	0	0	23	0	39	0	280	
4:15 PM	0	113	24	4	14	50	0	0	0	0	0	0	20	0	16	0	241	
4:20 PM	0	89	35	1	22	74	0	0	0	0	0	0	24	0	25	0	270	
4:25 PM	0	114	37	0	12	73	0	0	0	0	0	0	13	0	36	0	285	
4:30 PM	0	146	32	1	5	66	0	0	0	0	0	0	14	0	28	0	292	
4:35 PM	0	90	16	0	9	59	0	0	0	0	0	0	24	0	27	0	225	
4:40 PM	0	106	42	0	21	57	0	0	0	0	0	0	19	0	29	0	274	
4:45 PM	0	137	32	1	7	72	0	0	0	0	0	0	18	0	24	0	291	
4:50 PM	0	102	35	0	10	72	0	0	0	0	0	0	26	0	30	0	275	
4:55 PM	0	93	30	0	17	55	0	0	0	0	0	0	17	0	28	0	240	
5:00 PM	0	133	30	1	13	59	0	0	0	0	0	0	19	0	30	0	285	3176
5:05 PM	0	121	23	0	11	55	0	0	0	0	0	0	23	0	28	0	261	3205
5:10 PM	0	122	28	0	18	78	0	0	0	0	0	0	24	0	29	0	299	3219
5:15 PM	0	106	25	1	15	74	0	2	0	0	0	0	23	0	28	0	274	3238
5:20 PM	0	121	28	0	11	54	0	0	0	0	0	0	31	0	34	0	279	3176
5:25 PM	0	127	36	0	12	90	0	0	0	0	0	0	22	0	27	0	314	3280
5:30 PM	0	115	28	0	10	38	0	0	0	0	0	0	15	0	24	0	230	3309
5:35 PM	0	126	24	1	12	57	0	0	0	0	0	0	25	0	16	0	261	3247
5:40 PM	0	86	29	1	10	74	0	1	0	0	0	0	22	0	34	0	257	3283
5:45 PM	0	107	23	0	9	54	0	0	0	0	0	0	11	0	13	0	217	3266
5:50 PM	0	96	23	0	6	73	0	0	0	0	0	0	22	0	24	0	244	3192
5:55 PM	0	95	16	0	10	59	0	0	0	0	0	0	15	0	27	0	222	3161
																		3143
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	0	1416	356	4	152	872	0	8	0	0	0	0	304	0	356	0	3468	
Heavy Trucks	0	28	4		8	16	0		0	0	0		16	0	4		76	
Pedestrians	0				0				0				0		4		4	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Railroad																		
Stopped Buses																		

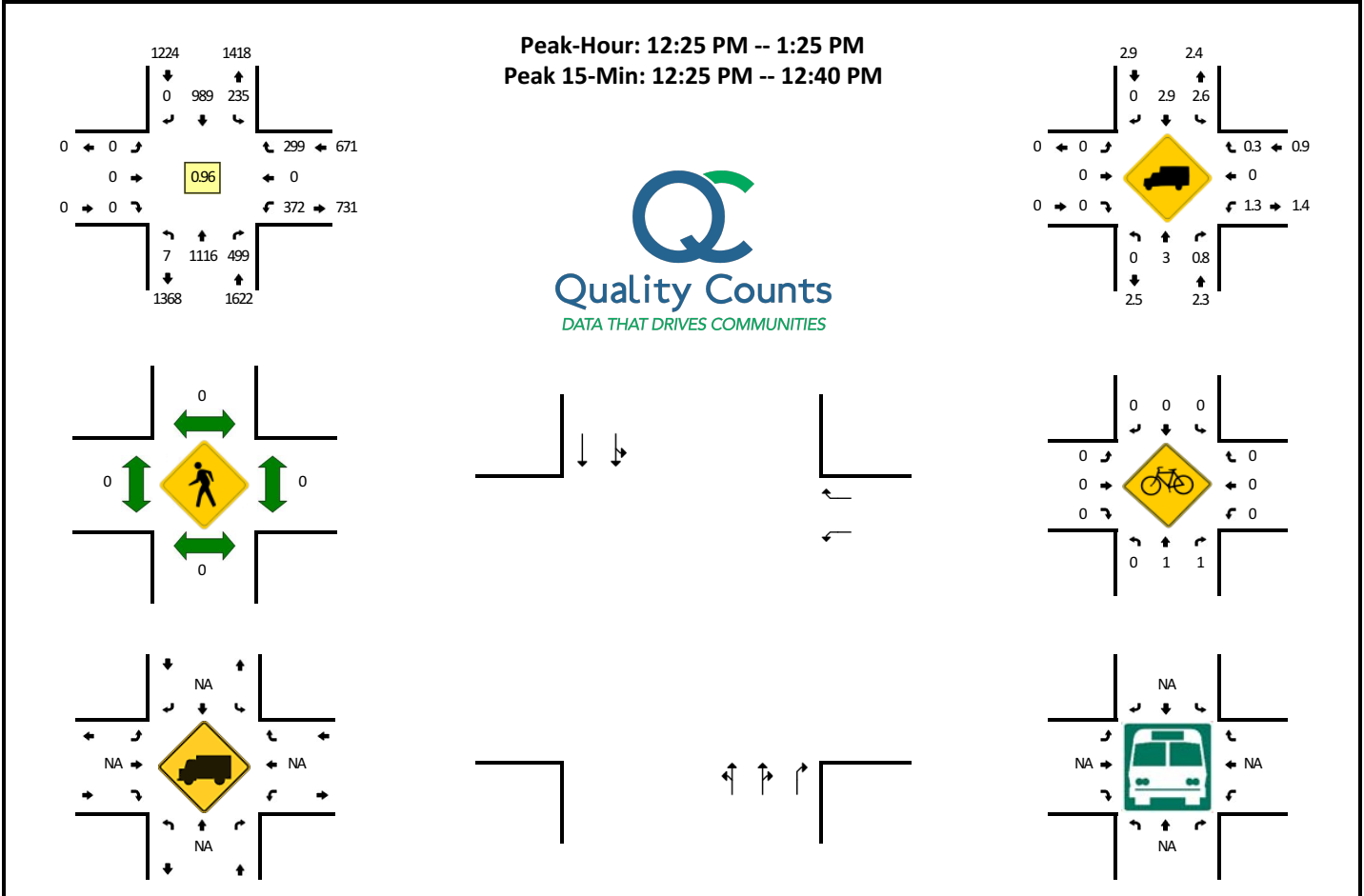
Comments:

Type of peak hour being reported: Intersection Peak

Method for determining peak hour: Total Entering Volume

LOCATION: Highway 2 (N Newport Hwy) -- N Access Road
CITY/STATE: Spokane, WA

QC JOB #: 15082604
DATE: Sat, Oct 5 2019



5-Min Count Period Beginning At	Highway 2 (N Newport Hwy) (Northbound)				Highway 2 (N Newport Hwy) (Southbound)				N Access Road (Eastbound)				N Access Road (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
12:00 PM	0	87	41	0	17	78	0	0	0	0	0	0	23	0	27	0	273	
12:05 PM	0	64	46	0	16	68	0	0	0	0	0	0	33	0	24	0	251	
12:10 PM	0	89	44	0	21	75	0	0	0	0	0	0	30	0	25	0	284	
12:15 PM	0	87	42	0	21	75	0	0	0	0	0	0	29	0	28	0	282	
12:20 PM	0	87	46	0	12	73	0	0	0	0	0	0	26	0	32	0	276	
12:25 PM	0	98	33	1	23	91	0	0	0	0	0	0	33	0	25	0	304	
12:30 PM	0	72	40	1	14	104	0	2	0	0	0	0	37	0	23	0	293	
12:35 PM	0	110	47	0	23	85	0	0	0	0	0	0	31	0	21	0	317	
12:40 PM	0	77	41	0	28	80	0	0	0	0	0	0	44	0	29	0	299	
12:45 PM	0	95	38	0	22	83	0	0	0	0	0	0	22	0	27	0	287	
12:50 PM	0	105	30	0	17	67	0	0	0	0	0	0	29	0	27	0	275	
12:55 PM	0	97	46	1	15	81	0	1	0	0	0	0	28	0	29	0	298	
1:00 PM	0	82	34	0	13	60	0	0	0	0	0	0	33	0	15	0	237	3439
1:05 PM	0	107	46	1	21	86	0	0	0	0	0	0	21	0	20	0	302	3403
1:10 PM	0	88	41	0	18	65	0	0	0	0	0	0	31	0	29	0	272	3454
1:15 PM	0	86	58	3	15	84	0	0	0	0	0	0	37	0	26	0	309	3442
1:20 PM	0	99	45	0	23	103	0	0	0	0	0	0	26	0	28	0	324	3469
1:25 PM	0	70	42	0	20	86	0	0	0	0	0	0	38	0	27	0	283	3517
1:30 PM	0	102	42	0	16	93	0	0	0	0	0	0	23	0	25	1	302	3496
1:35 PM	0	79	48	2	21	89	0	0	0	0	0	0	41	0	37	0	317	3505
1:40 PM	0	98	40	1	15	56	0	0	0	0	0	0	31	0	31	0	272	3478
1:45 PM	0	82	33	0	13	86	0	0	0	0	0	0	46	0	31	0	291	3482
1:50 PM	0	91	52	0	23	83	0	0	0	0	0	0	27	0	29	2	307	3514
1:55 PM	0	75	43	0	15	68	0	0	0	0	0	0	32	0	35	0	268	3484
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	0	1120	480	8	240	1120	0	8	0	0	0	0	404	0	276	0	3656	
Heavy Trucks	0	44	4		8	12	0		0	0	0		4	0	0		72	
Pedestrians	0				0				0				0				0	
Bicycles	0	1	0		0	0	0		0	0	0		0	0	0		1	
Railroad																		
Stopped Buses																		

Comments:

Attachment D: Costco Sites in Oregon Trip Generation Data

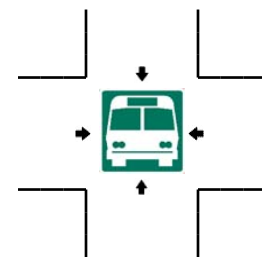
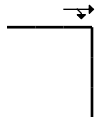
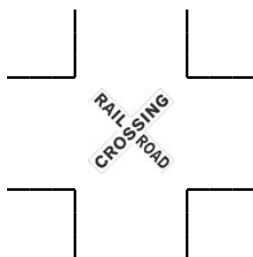
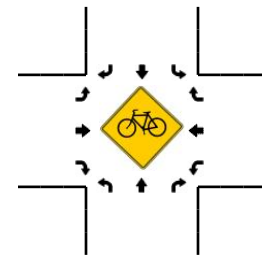
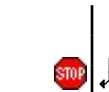
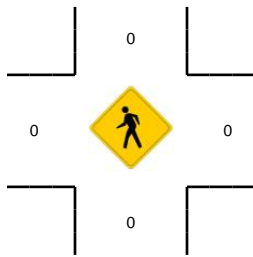
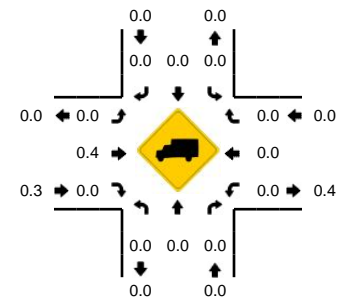
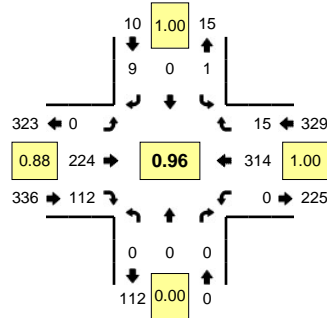
Type of peak hour being reported: System Peak

Method for determining peak hour: Total Entering Volume

LOCATION: Costco Gas Station -- Killdeer Ave SE
CITY/STATE: Albany, OR

QC JOB #: 10400801
DATE: 12/9/2008

Peak-Hour: 4:05 PM -- 5:05 PM
Peak 15-Min: 4:05 PM -- 4:20 PM



5-Min Count Period Beginning At	Costco Gas Station (Northbound)				Costco Gas Station (Southbound)				Killdeer Ave SE (Eastbound)				Killdeer Ave SE (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	0	0	0	0	1	0	0	21	9	0	0	22	0	0	53	
4:05 PM	0	0	0	0	0	0	0	0	0	17	11	0	0	27	1	0	56	
4:10 PM	0	0	0	0	0	0	1	0	0	26	12	0	0	26	1	0	66	
4:15 PM	0	0	0	0	0	0	0	0	0	19	10	0	0	23	2	0	54	
4:20 PM	0	0	0	0	0	0	1	0	0	20	9	0	0	22	1	0	53	
4:25 PM	0	0	0	0	0	0	0	0	0	14	8	0	0	28	3	0	53	
4:30 PM	0	0	0	0	1	0	2	0	0	21	6	0	0	23	2	0	55	
4:35 PM	0	0	0	0	0	0	1	0	0	29	9	0	0	22	3	0	64	
4:40 PM	0	0	0	0	0	0	1	0	0	20	14	0	0	26	0	0	61	
4:45 PM	0	0	0	0	0	0	1	0	0	16	5	0	0	26	1	0	49	
4:50 PM	0	0	0	0	0	0	1	0	0	12	9	0	0	26	0	0	48	
4:55 PM	0	0	0	0	0	0	0	0	0	9	5	0	0	31	0	0	45	657
5:00 PM	0	0	0	0	0	0	1	0	0	21	14	0	0	34	1	0	71	675
5:05 PM	0	0	0	0	0	0	1	0	0	13	5	0	0	20	0	0	39	658
5:10 PM	0	0	0	0	0	0	0	0	0	21	17	0	0	13	1	0	52	644
5:15 PM	0	0	0	0	0	0	0	0	0	28	7	0	0	21	1	0	57	647
5:20 PM	0	0	0	0	0	0	0	0	0	16	3	0	0	25	1	0	45	639
5:25 PM	0	0	0	0	0	0	0	0	0	13	12	0	0	16	2	0	43	629
5:30 PM	0	0	0	0	0	0	0	0	0	24	10	0	0	23	0	0	57	631
5:35 PM	0	0	0	0	0	0	1	0	0	17	11	0	0	35	1	0	65	632
5:40 PM	0	0	0	0	0	0	0	0	0	22	9	0	0	32	2	0	65	636
5:45 PM	0	0	0	0	0	1	0	0	0	30	4	0	0	30	4	0	69	656
5:50 PM	0	0	0	0	0	0	1	0	0	20	8	0	0	20	1	0	50	658
5:55 PM	0	0	0	0	0	1	0	0	0	16	11	0	0	20	0	0	48	661
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
All Vehicles	0	0	0	0	0	0	4	0	0	248	132	0	0	304	16	0	704	
Heavy Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bicycles																		
Railroad																		
Stopped Buses																		

Comments:

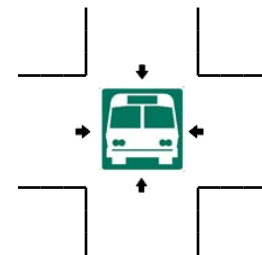
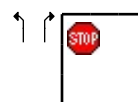
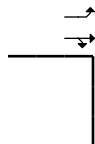
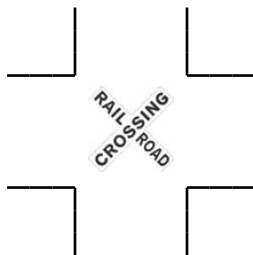
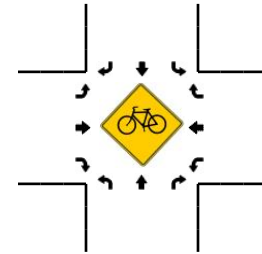
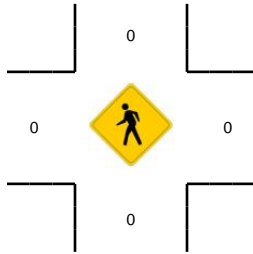
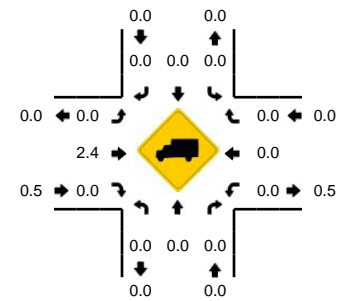
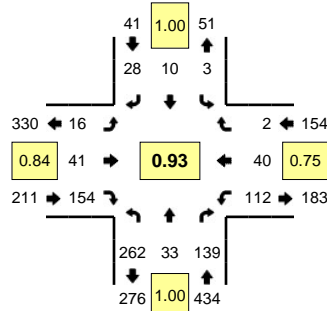
Type of peak hour being reported: System Peak

Method for determining peak hour: Total Entering Volume

LOCATION: Costco West Driveway -- Killdeer Ave SE
CITY/STATE: Albany, OR

QC JOB #: 10400802
DATE: 12/9/2008

Peak-Hour: 4:05 PM -- 5:05 PM
Peak 15-Min: 4:05 PM -- 4:20 PM



5-Min Count Period Beginning At	Costco West Driveway (Northbound)				Costco West Driveway (Southbound)				Killdeer Ave SE (Eastbound)				Killdeer Ave SE (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	18	3	8	0	1	0	0	0	4	6	9	0	11	2	0	0	62	
4:05 PM	21	1	17	0	0	0	0	0	3	2	14	0	15	6	2	0	81	
4:10 PM	19	9	10	0	0	1	2	0	2	5	18	0	13	5	0	0	84	
4:15 PM	16	3	8	0	0	1	4	0	2	4	13	0	6	4	0	0	61	
4:20 PM	22	2	13	0	0	1	2	0	2	5	13	0	9	2	0	0	71	
4:25 PM	22	5	11	0	0	2	4	0	1	6	7	0	5	2	0	0	65	
4:30 PM	23	4	12	0	0	0	5	0	2	3	17	0	9	1	0	0	76	
4:35 PM	23	1	13	0	1	2	4	0	1	5	14	0	8	3	0	0	75	
4:40 PM	22	0	9	0	0	0	1	0	2	4	13	0	7	0	0	0	58	
4:45 PM	22	4	13	0	1	1	2	0	1	3	13	0	7	5	0	0	72	
4:50 PM	23	1	10	0	0	0	1	0	0	3	8	0	11	5	0	0	62	
4:55 PM	24	2	9	0	0	1	1	0	0	1	8	0	12	3	0	0	61	828
5:00 PM	25	1	14	0	1	1	2	0	0	0	16	0	10	4	0	0	74	840
5:05 PM	18	3	8	0	0	1	4	0	0	3	15	0	12	6	0	0	70	829
5:10 PM	9	2	12	0	0	0	1	0	0	4	14	0	6	2	1	0	51	796
5:15 PM	18	3	8	0	0	2	1	0	2	11	16	0	4	5	0	0	70	805
5:20 PM	24	4	11	0	0	1	2	0	0	3	15	0	13	1	0	0	74	808
5:25 PM	15	3	8	0	0	0	1	0	1	2	8	0	8	2	0	0	48	791
5:30 PM	21	0	12	0	0	1	1	0	1	6	19	0	9	3	0	0	73	788
5:35 PM	29	1	11	0	0	0	3	0	2	3	11	0	8	5	0	0	73	786
5:40 PM	22	4	11	0	0	1	2	0	1	1	20	0	8	6	0	0	76	804
5:45 PM	25	4	12	0	1	1	2	0	0	6	19	0	5	4	1	0	80	812
5:50 PM	18	4	5	0	0	1	3	0	1	6	15	0	4	1	1	0	59	809
5:55 PM	21	4	6	0	0	0	0	0	1	3	11	0	9	2	0	0	57	805
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
All Vehicles	224	52	140	0	0	8	24	0	28	44	180	0	136	60	8	0	904	
Heavy Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bicycles																		
Railroad																		
Stopped Buses																		

Comments:

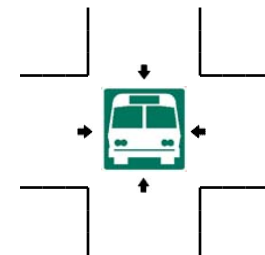
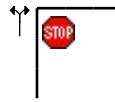
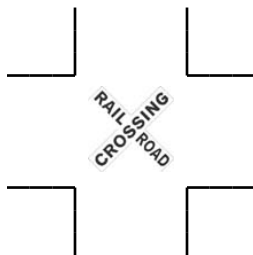
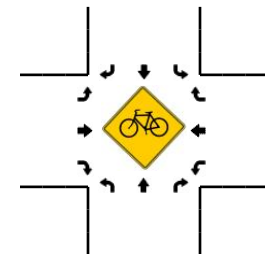
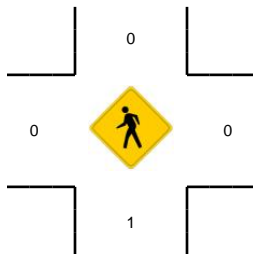
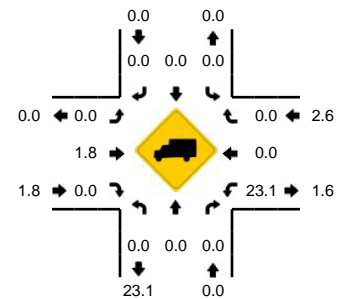
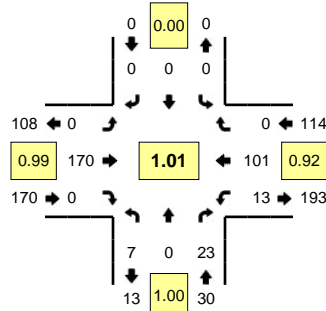
Type of peak hour being reported: System Peak

Method for determining peak hour: Total Entering Volume

LOCATION: Costco East Driveway -- Killdeer Ave SE
CITY/STATE: Albany, OR

QC JOB #: 10400803
DATE: 12/9/2008

Peak-Hour: 4:05 PM -- 5:05 PM
Peak 15-Min: 4:05 PM -- 4:20 PM



5-Min Count Period Beginning At	Costco East Driveway (Northbound)				Costco East Driveway (Southbound)				Killdeer Ave SE (Eastbound)				Killdeer Ave SE (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	4	0	0	0	0	0	0	10	0	0	2	8	0	0	24	
4:05 PM	0	0	1	0	0	0	0	0	0	18	0	0	0	11	0	0	30	
4:10 PM	0	0	0	0	0	0	0	0	0	15	0	0	2	12	0	0	29	
4:15 PM	1	0	2	0	0	0	0	0	0	10	0	0	0	6	0	0	19	
4:20 PM	0	0	5	0	0	0	0	0	0	13	0	0	0	8	0	0	26	
4:25 PM	0	0	1	0	0	0	0	0	0	15	0	0	1	6	0	0	23	
4:30 PM	0	0	2	0	0	0	0	0	0	11	0	0	0	6	0	0	19	
4:35 PM	1	0	1	0	0	0	0	0	0	18	0	0	1	10	0	0	31	
4:40 PM	0	0	0	0	0	0	0	0	0	9	0	0	3	4	0	0	16	
4:45 PM	2	0	2	0	0	0	0	0	0	18	0	0	1	11	0	0	34	
4:50 PM	1	0	3	0	0	0	0	0	0	13	0	0	1	7	0	0	25	
4:55 PM	1	0	2	0	0	0	0	0	0	9	0	0	3	9	0	0	24	300
5:00 PM	1	0	4	0	0	0	0	0	0	21	0	0	1	11	0	0	38	314
5:05 PM	0	0	2	0	0	0	0	0	0	11	0	0	1	9	0	0	23	307
5:10 PM	0	0	1	0	0	0	0	0	0	11	0	0	1	8	0	0	21	299
5:15 PM	1	0	1	0	0	0	0	0	0	17	0	0	3	5	0	0	27	307
5:20 PM	0	0	2	0	0	0	0	0	0	10	0	0	3	14	0	0	29	310
5:25 PM	0	0	4	0	0	0	0	0	0	10	0	0	0	4	0	0	18	305
5:30 PM	0	0	1	0	0	0	0	0	0	15	0	0	1	9	0	0	26	312
5:35 PM	0	0	1	0	0	0	0	0	0	15	0	0	0	9	0	0	25	306
5:40 PM	0	0	2	0	0	0	0	0	0	13	0	0	0	14	0	0	29	319
5:45 PM	2	0	1	0	0	0	0	0	0	15	0	0	2	3	0	0	23	308
5:50 PM	0	0	1	0	0	0	0	0	0	11	0	0	1	5	0	0	18	301
5:55 PM	0	0	3	0	0	0	0	0	0	7	0	0	1	7	0	0	18	295
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
All Vehicles	4	0	12	0	0	0	0	0	0	172	0	0	8	116	0	0	312	
Heavy Trucks	0	0	0		0	0	0		0	8	0		0	0	0		8	
Pedestrians	0				0				0				0				0	
Bicycles																		
Railroad																		
Stopped Buses																		

Comments:

need to consider local survey data. Historical counts at local Portland area Costco's are summarized in Table 7. The average of five local studies in the PM peak was 6.7 trips per 1,000 square feet with a standard deviation of 0.7 (or a coefficient of variation of 10%, which indicates very good data).

Surveys of a comparable Target store were conducted in the PM peak period and were found to be consistent with the free standing discount store trip generation rate¹¹ found in ITE. While the ITE data for this land use is not strong ($R^2=0.65$), it match up reasonably with local surveys. The free standing discount store rate from ITE was utilized.

Table 7: Portland Area Costco Driveway Trip Generation Summary
Weekday PM peak hour vehicle trips

<i>Costco Location</i>	<i>Size (Square Feet)</i>	<i>PM peak Trips</i>	<i>PM Trip Rate (Trips/KSF)</i>	<i>Source (Count Date)</i>
Milwaukie, Oregon	122,844	717	5.8	ODOT ¹² (11/2/94)
Salem, Oregon	117,844	767	6.5	DKS Associates (7/26/01)
Tigard, Oregon	135,966	1,033	7.6	DKS Associates (7/26/01)
Clackamas, Oregon	137,000	874	6.4	DKS Associates (7/26/01)
Aloha, Oregon	123,000	846	6.9	DKS Associates (12/11/91)
Average	127,330	847	6.7	

Review of Costco Gas Station Use

While none of the Portland area Costco sites have gas stations, several do exist (including some in Oregon and Washington). In order to have an understanding of the trip characteristics of a Costco warehouse with a gas station, three sites were counted during the PM peak hour in Medford Oregon, Eugene Oregon, and Tumwater Washington. The surveys indicated that the combined Costco warehouse and gas station generated about 1,180 PM peak hour trip ends. The surveyed sites are smaller in building size (132,000 average square feet) than the Costco proposed in the Argyle Square development (150,000 square feet). The average trip rate for the three sites was 8.9 trips per 1,000 square feet with a standard deviation of 1.1 and a coefficient of variation of 12% (indicating potentially good data).

¹¹ Tigard Target counted September 19, 2001.

¹² Evaluation of Trip Generation Characteristics of Various Developments in Oregon, ODOT by JRH Transportation Engineering, June 1995.

Table 8: Trip Generation for Northwest Costco Warehouses with Gas Stations
Weekday PM peak hour vehicle trips

<i>Costco Warehouse Location (Count Date)</i>	<i>Building Size (Square Feet)</i>	<i>Fueling Positions</i>	<i>Observed PM Peak Vehicle Trips</i>	<i>Trip Rate Per Thousand Square Feet</i>
Tumwater, Washington (7/31/01)	120,000	12	1,234	10.3
Eugene, Oregon (8/15/01)	140,700	16	1,224	8.7
Medford, Oregon (8/15/01)	136,144	12*	1,086	8.2
Average	132,000		1,181	8.9

Source: DKS Associates

Studies of Costco gas station trip generation at four existing Costco Gas Stations in California, New Mexico, and Arizona¹³ were reviewed. The studies indicate an average a trip rate of 22.3 vehicle trips per fueling position. This high volume gas station trip rate is not unlike that for other gas stations in Wilsonville. The former BP Station (which is now a Union 76 station) located on Elligsen Road and Parkway Avenue was counted in March of 2000 and indicated an average trip rate of 23.3 vehicle trips per fueling position. Based on the surveys provided, the proposed gas station with 16 fueling positions would be expected to generate 357 trips (22.31 vehicle trips per fueling position* 16 fueling positions).

Combining the Costco warehouse rate of 6.7 trips per 1,000 square feet for a 150,000 square foot store with the Costco gas station rate of 22.3 per fueling position for 16 fueling positions would indicate the proposed Costco site would generate 1,362 PM peak hour vehicle trips. Comparing this trip estimate with that from surveyed Costco sites with gas stations (8.9 trips per 1,000 square feet) yields 1,335 vehicle trips (within 2% of the separate use estimate).

In reviewing the Costco gas station surveys, the study also included internal trip capture assumptions for the Costco gas station. It states 72% of the Costco gas station patrons went to both the Costco gas station and the Costco wholesale store. The internal trip rate is based on estimates provided by Costco and was not specific to time of day or day of week. Based on the 72% internal capture rate, the combination of a Costco gas station with a store would generate 1,105 trip ends¹⁴. If this 72% assumed internal trip capture were occurring in the PM peak, then the counts conducted at the Costco sites with gas stations should have yielded driveway counts close to 1,105 PM peak trips for a 150,000 square foot store. The counts actually show the opposite. Using the 8.9 trips per 1,000 square foot rate from Costco plus gas sites, the 150,000 square foot site would be estimated to generate 1,335 driveway trips, substantially more than assumed 1,105 trip estimate. Therefore, the trips from both the store and gas components of Costco are included in the base trip generation, prior to any adjustments for internal site trips.

Estimate of Individual Land Use Trips

Trip rates for each individual use component were estimated using the ITE Trip Generation Manual¹⁵ and data from Costco sites (noted above). While this estimate of trips in not the number of trips which will access the site (because it does not include internal, pass-by, or diverted) it provides a starting point and frame of reference for estimating driveway trips.

¹³ Entranco, Costco Gas Station Traffic Impact Study, City of Tukwila, Washington, September 1997.

¹⁴ The average generation of a Costco warehouse was 1005 trip ends (see Table 4) plus 357 trips from the gas station reduced by 72% for internal capture results (-257) for 1105 total trip ends. ((1005 trips)+(357 trips)*(0.28 internal capture rate))= 1105 trips.

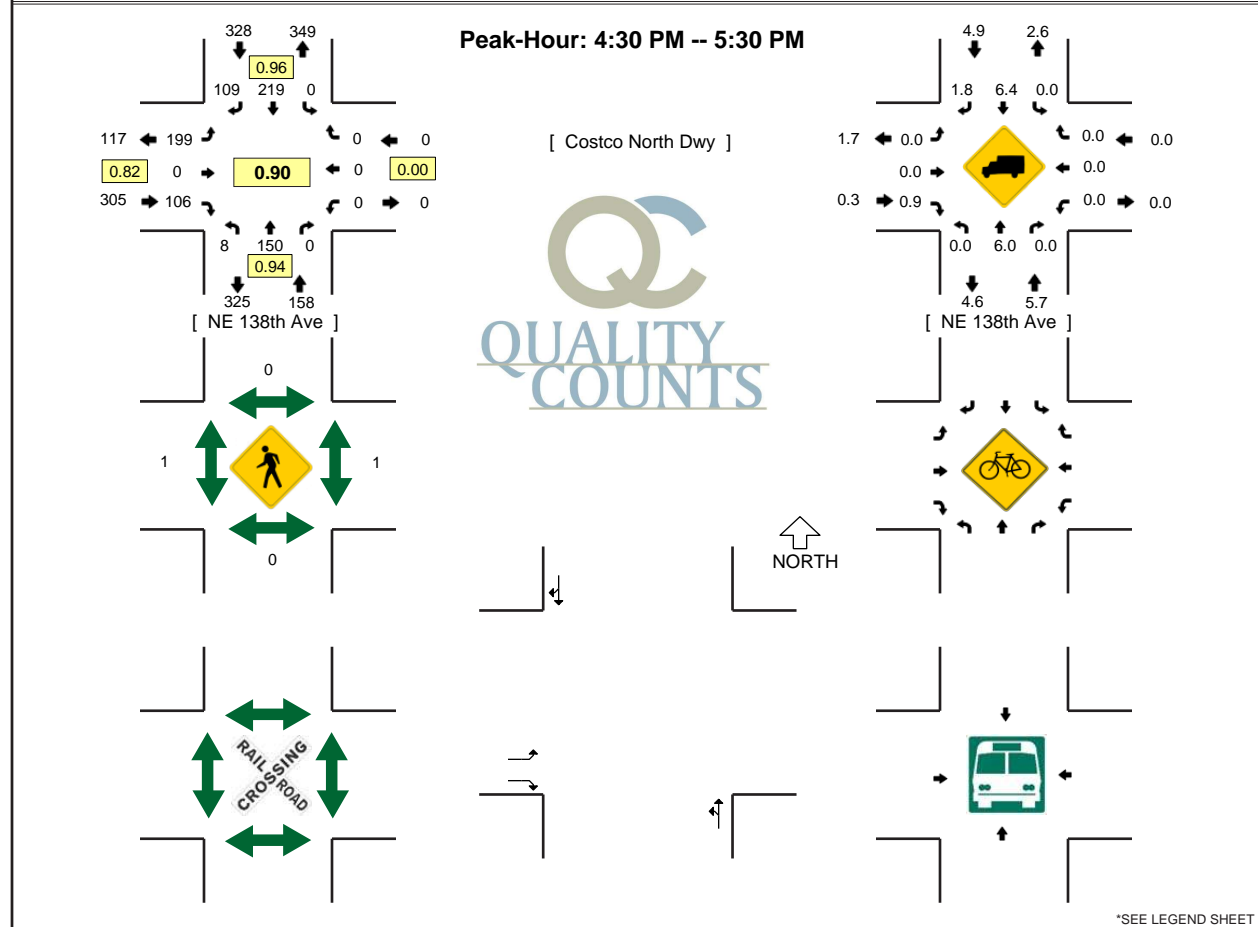
¹⁵ Institute of Transportation Engineers, Trip Generation Manual, sixth edition, 1997.

Type of peak hour being reported: System Peak

Method for determining peak hour: Total Entering Volume

INTERSECTION: NE 138th Ave--Costco North Dwy
WEATHER:

QC JOB #: 10343003
DATE: 4/10/2008



*SEE LEGEND SHEET

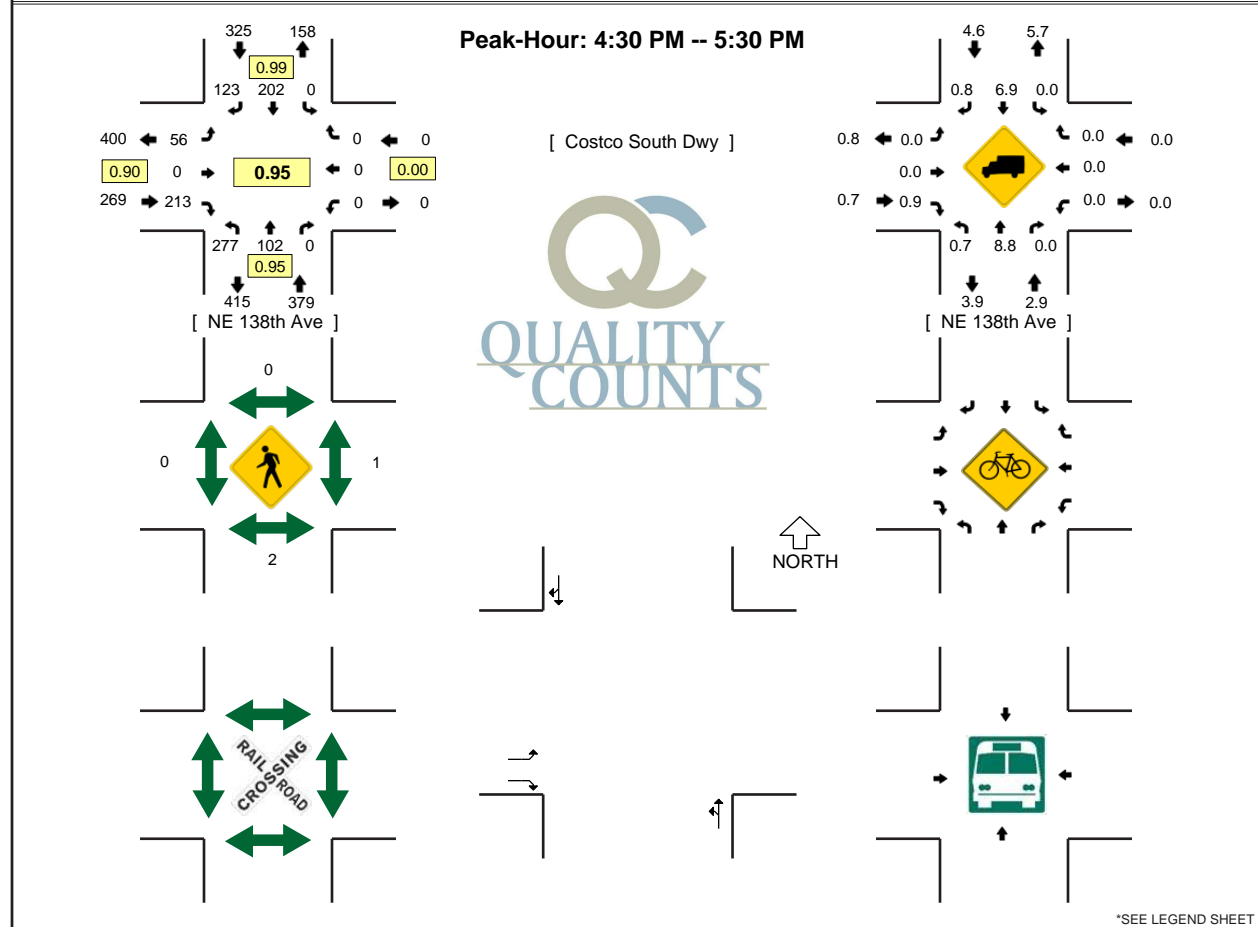
15-MIN COUNT PERIOD BEGINNING AT	NE 138th Ave (Northbound)				NE 138th Ave (Southbound)				Costco North Dwy (Eastbound)				Costco North Dwy (Westbound)				TOTAL	HOURLY TOTALS
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	4	46	0	0	0	54	32	0	56	0	25	0	0	0	0	0	217	
4:15 PM	3	27	0	0	0	55	26	0	36	0	26	0	0	0	0	0	173	
4:30 PM	2	40	0	0	0	55	30	0	66	0	27	0	0	0	0	0	220	
4:45 PM	3	35	0	0	0	51	26	0	37	0	26	0	0	0	0	0	178	788
5:00 PM	1	45	0	0	0	60	24	0	50	0	23	0	0	0	0	0	203	774
5:15 PM	2	30	0	0	0	53	29	0	46	0	30	0	0	0	0	0	190	791
5:30 PM	2	30	0	0	0	42	26	0	36	0	37	0	0	0	0	0	173	744
5:45 PM	2	29	0	0	0	41	24	0	47	0	19	0	0	0	0	0	162	728
PEAK 15-MIN FLOW RATES	Northbound				Southbound				Eastbound				Westbound				TOTAL	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	8	160	0	0	0	220	120	0	264	0	108	0	0	0	0	0	880	
Heavy Trucks	0	16	0	0	0	4	4	0	0	0	0	0	0	0	0	0	24	
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	
Counter Comments:																		

Type of peak hour being reported: System Peak

Method for determining peak hour: Total Entering Volume

INTERSECTION: NE 138th Ave--Costco South Dwy
WEATHER:

QC JOB #: 10343001
DATE: 4/10/2008



*SEE LEGEND SHEET

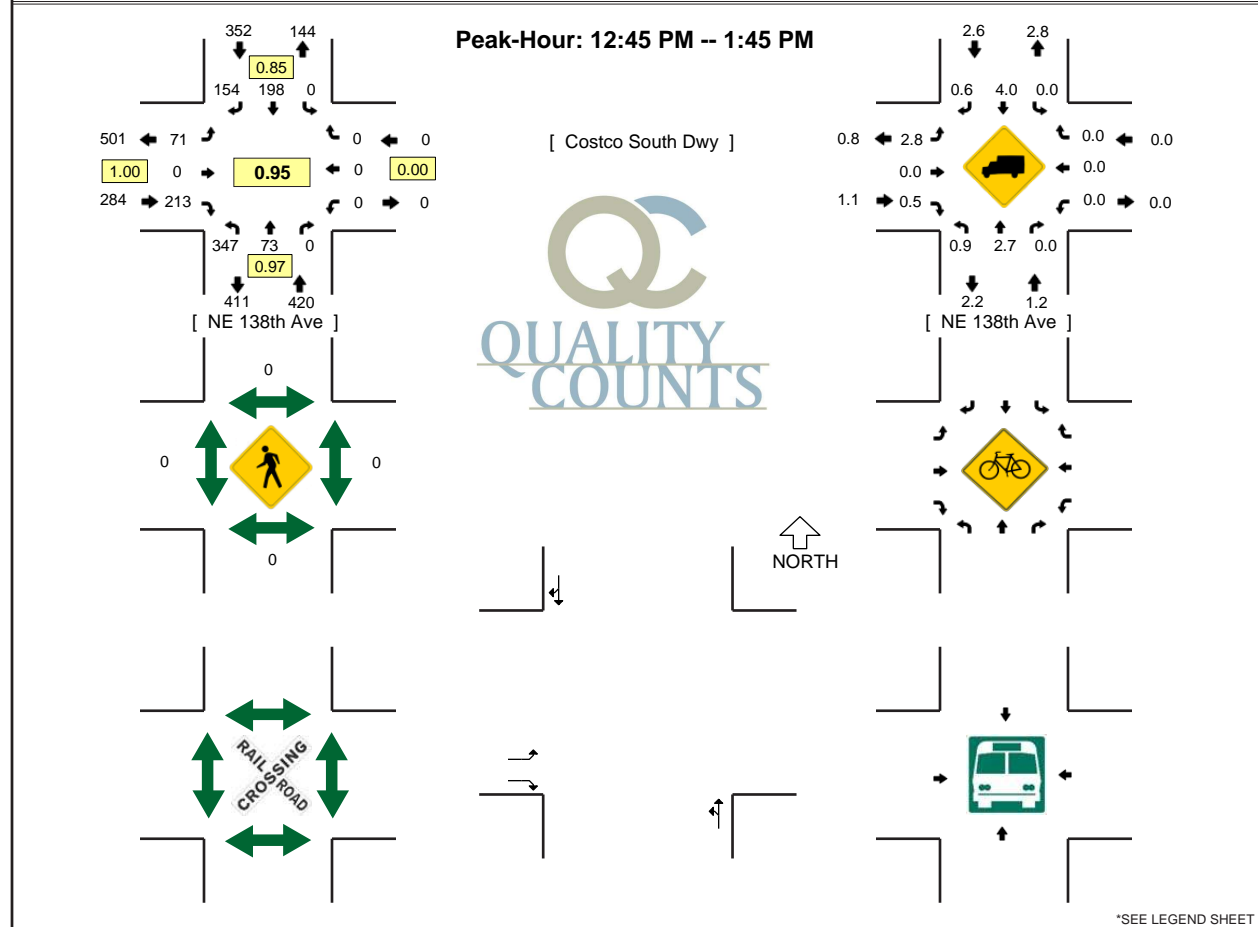
15-MIN COUNT PERIOD BEGINNING AT	NE 138th Ave (Northbound)				NE 138th Ave (Southbound)				Costco South Dwy (Eastbound)				Costco South Dwy (Westbound)				TOTAL	HOURLY TOTALS
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	58	31	0	0	0	50	29	0	19	0	50	0	0	0	0	0	237	
4:15 PM	89	18	0	0	0	57	24	0	12	0	34	0	0	0	0	0	234	
4:30 PM	77	23	0	0	0	48	34	0	19	0	56	0	0	0	0	0	257	
4:45 PM	59	25	0	0	0	47	30	0	13	0	55	0	0	0	0	0	229	957
5:00 PM	72	35	0	0	0	55	28	0	11	0	53	0	0	0	0	0	254	974
5:15 PM	69	19	0	0	0	52	31	0	13	0	49	0	0	0	0	0	233	973
5:30 PM	79	20	0	0	0	53	26	0	12	0	50	0	0	0	0	0	240	956
5:45 PM	68	13	0	0	0	35	25	0	18	0	36	0	0	0	0	0	195	922
PEAK 15-MIN FLOW RATES	Northbound				Southbound				Eastbound				Westbound				TOTAL	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	308	92	0	0	0	192	136	0	76	0	224	0	0	0	0	0	1028	
Heavy Trucks	4	16	0	0	0	4	0	0	0	0	0	0	0	0	0	0	24	
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	
Counter Comments:																		

Type of peak hour being reported: System Peak

Method for determining peak hour: Total Entering Volume

INTERSECTION: NE 138th Ave--Costco South Dwy
WEATHER:

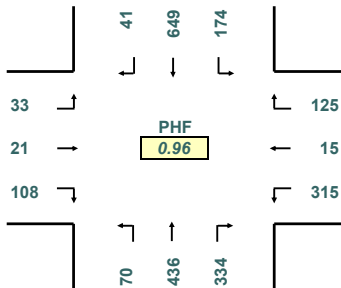
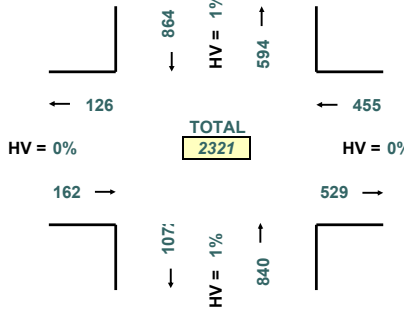
QC JOB #: 10343002
DATE: 4/12/2008




*SEE LEGEND SHEET

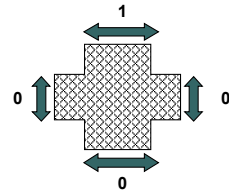
15-MIN COUNT PERIOD BEGINNING AT	NE 138th Ave (Northbound)				NE 138th Ave (Southbound)				Costco South Dwy (Eastbound)				Costco South Dwy (Westbound)				TOTAL	HOURLY TOTALS
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
12:00 PM	76	23	0	0	0	54	22	0	12	0	78	0	0	0	0	0	265	
12:15 PM	84	20	0	0	0	51	34	0	16	0	67	0	0	0	0	0	272	
12:30 PM	83	18	0	0	0	42	38	0	28	0	58	0	0	0	0	0	267	
12:45 PM	97	22	0	0	0	48	38	0	19	0	50	0	0	0	0	0	274	1078
1:00 PM	61	15	0	0	0	39	39	0	17	0	52	0	0	0	0	0	223	1036
1:15 PM	104	13	0	0	0	51	34	0	17	0	63	0	0	0	0	0	282	1046
1:30 PM	85	23	0	0	0	60	43	0	18	0	48	0	0	0	0	0	277	1056
1:45 PM	42	14	0	0	0	41	37	0	26	0	60	0	0	0	0	0	220	1002
PEAK 15-MIN FLOW RATES	Northbound				Southbound				Eastbound				Westbound				TOTAL	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	340	92	0	0	0	240	172	0	72	0	192	0	0	0	0	0	1108	
Heavy Trucks	4	0	0	0	0	8	0	0	8	0	0	0	0	0	0	0	20	
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bicycles																		
Railroad																		
Stopped Buses																		
Counter Comments:																		

INTERSECTION: Hawthorne Ave--/Costco Driveway--			START TIME: 4:00 PM		
PROJECT ID#: 7402			END TIME: 6:00 PM		
QC JOB #: 10097601			DATE: 6/8/2005		

PEAK HOUR TURNING MOVEMENTS			PEAK HOUR LINK VOLUMES		
					
PEAK HOUR: 4:45 PM TO 5:45 PM			PEAK 15 MINUTES: 4:45 PM TO 5:00 PM		



10205 SW 60th Avenue, Ste. 105
Tigard, OR 97224
Phone: 503-620-4242
Fax: 503 620-4545
email: jrw@qualitycounts.net
www.qualitycounts.net

PEAK HOUR PED CROSSING VOLUMES		
		

5-MINUTE COUNT PERIOD BEGINNING AT	Hawthorne Ave-- (Southbound)			Costco Driveway-- (Westbound)			Hawthorne Ave-- (Northbound)			Ryan Dr-- (Eastbound)			Crosswalk Usage (Peds By Approach)				TOTAL	
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	North	East	South	West	Veh	Peds
4:00 PM	2	55	9	6	0	26	23	34	3	10	2	5	0	0	0	0	175	0
4:05 PM	2	55	10	9	1	20	33	40	5	11	1	2	2	0	0	0	189	2
4:10 PM	3	43	12	7	2	24	22	38	2	8	0	0	0	0	0	0	161	0
4:15 PM	3	36	13	8	1	37	29	39	8	4	3	2	1	0	0	0	183	1
4:20 PM	9	38	16	11	1	35	33	48	2	7	1	2	0	0	0	0	203	0
4:25 PM	4	43	12	10	2	34	19	30	4	12	1	5	0	0	0	0	176	0
4:30 PM	1	40	9	12	0	12	28	22	5	8	2	3	0	0	0	0	142	0
4:35 PM	2	48	7	9	1	19	36	41	8	13	4	3	0	0	0	0	191	0
4:40 PM	3	35	8	10	2	25	29	37	4	18	4	4	3	0	0	0	179	3
4:45 PM	3	75	10	14	0	28	26	35	6	5	3	1	0	0	0	0	206	0
4:50 PM	3	50	15	8	1	29	27	54	4	3	1	2	1	0	0	0	197	1
4:55 PM	0	55	9	9	1	26	28	46	10	14	1	2	0	0	0	0	201	0
5:00 PM	4	59	14	3	3	22	31	31	3	16	2	4	0	0	0	0	192	0
5:05 PM	6	68	20	7	2	16	30	32	9	12	0	3	0	0	0	0	205	0
5:10 PM	3	56	22	12	0	24	26	43	2	10	1	1	0	0	0	0	200	0
5:15 PM	9	57	9	13	1	43	32	40	3	8	2	5	0	0	0	0	222	0
5:20 PM	3	58	10	12	3	29	17	30	9	9	3	3	0	0	0	0	186	0
5:25 PM	4	49	17	12	1	21	35	33	6	3	1	3	0	0	0	0	185	0
5:30 PM	2	34	18	10	3	30	21	23	3	8	4	4	0	0	0	0	160	0
5:35 PM	4	47	14	12	0	28	26	31	7	10	1	3	0	0	0	0	183	0
5:40 PM	0	41	16	13	0	19	35	38	8	10	2	2	0	0	0	0	184	0
5:45 PM	2	42	9	20	5	32	31	32	2	9	1	2	0	0	0	0	187	0
5:50 PM	6	43	16	9	1	21	19	25	3	7	2	1	0	0	0	0	153	0
5:55 PM	1	39	12	15	0	14	29	29	7	1	0	3	0	0	0	0	150	0

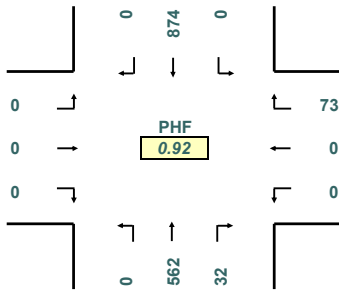
HOURLY TOTALS	Southbound			Westbound			Northbound			Eastbound			Pedestrians By Approach				TOTAL	
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	North	East	South	West	Veh	Peds
4:00 PM	35	573	130	113	12	315	333	464	61	113	23	31	7	0	0	0	2203	7
4:15 PM	41	603	155	113	14	307	342	458	65	122	23	32	5	0	0	0	2275	5
4:30 PM	41	650	150	121	15	294	345	444	69	119	24	34	4	0	0	0	2306	4
4:45 PM	41	649	174	125	15	315	334	436	70	108	21	33	1	0	0	0	2321	1
5:00 PM	44	593	177	138	19	299	332	387	62	103	19	34	0	0	0	0	2207	0

INTERSECTION: Hawthorne Ave--/North Costco Driveway--
PROJECT ID#: 7402
QC JOB #: 10097602

START TIME: 4:00 PM
END TIME: 6:00 PM
DATE: 6/8/2005

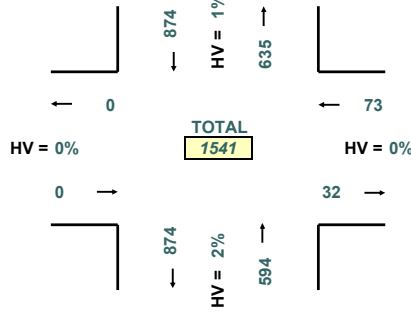
QC
QUALITY COUNTS
10205 SW 60TH AVENUE, Ste. 105
Tigard, OR 97224
Phone: 503-620-4242
Fax: 503 620-4545
email: jrw@qualitycounts.net
www.qualitycounts.net

PEAK HOUR TURNING MOVEMENTS



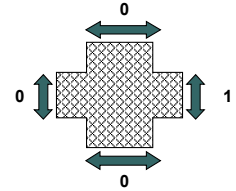
PEAK HOUR: 4:45 PM TO 5:45 PM

PEAK HOUR LINK VOLUMES



PEAK 15 MINUTES: 5:00 PM TO 5:15 PM

PEAK HOUR PED CROSSING VOLUMES



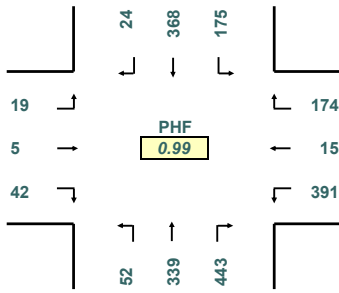
5-MINUTE COUNT PERIOD BEGINNING AT	Hawthorne Ave-- (Southbound)			North Costco Driveway-- (Westbound)			Hawthorne Ave-- (Northbound)			N/A-- (Eastbound)			Crosswalk Usage (Peds By Approach)				TOTAL	
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	North	East	South	West	Veh	Peds
4:00 PM	0	67	0	4	0	0	0	46	0	0	0	0	0	0	0	0	117	0
4:05 PM	0	70	0	4	0	0	3	50	0	0	0	0	0	0	0	0	127	0
4:10 PM	0	57	0	4	0	0	6	38	0	0	0	0	0	0	0	0	105	0
4:15 PM	0	61	0	2	0	0	2	54	0	0	0	0	0	0	0	0	119	0
4:20 PM	0	59	0	1	0	0	3	45	0	0	0	0	0	0	0	0	108	0
4:25 PM	0	56	0	6	0	0	3	44	0	0	0	0	0	0	0	0	109	0
4:30 PM	0	56	0	4	0	0	2	49	0	0	0	0	0	0	0	0	111	0
4:35 PM	0	52	0	4	0	0	1	44	0	0	0	0	0	0	0	0	101	0
4:40 PM	0	56	0	6	0	0	0	47	0	0	0	0	0	0	0	0	109	0
4:45 PM	0	77	0	4	0	0	4	50	0	0	0	0	0	0	0	0	135	0
4:50 PM	0	73	0	6	0	0	6	66	0	0	0	0	0	0	0	0	151	0
4:55 PM	0	75	0	8	0	0	0	48	0	0	0	0	0	0	0	0	131	0
5:00 PM	0	76	0	5	0	0	0	37	0	0	0	0	0	0	0	0	118	0
5:05 PM	0	97	0	7	0	0	2	55	0	0	0	0	0	0	0	0	161	0
5:10 PM	0	92	0	5	0	0	1	41	0	0	0	0	0	0	0	0	139	0
5:15 PM	0	84	0	6	0	0	6	56	0	0	0	0	0	0	0	0	152	0
5:20 PM	0	68	0	5	0	0	1	45	0	0	0	0	0	0	0	0	119	0
5:25 PM	0	59	0	9	0	0	4	39	0	0	0	0	1	0	0	0	111	1
5:30 PM	0	55	0	5	0	0	1	34	0	0	0	0	0	0	0	0	95	0
5:35 PM	0	62	0	3	0	0	2	56	0	0	0	0	0	0	0	0	123	0
5:40 PM	0	56	0	10	0	0	5	35	0	0	0	0	0	0	0	0	106	0
5:45 PM	0	62	0	6	0	0	2	53	0	0	0	0	0	0	0	0	123	0
5:50 PM	0	59	0	6	0	0	1	41	0	0	0	0	0	0	0	0	107	0
5:55 PM	0	56	0	5	0	0	5	49	0	0	0	0	0	0	0	0	115	0
HOURLY TOTALS	Southbound			Westbound			Northbound			Eastbound			Pedestrians By Approach				TOTAL	
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	North	East	South	West	Veh	Peds
4:00 PM	0	759	0	53	0	0	30	581	0	0	0	0	0	0	0	0	1423	0
4:15 PM	0	830	0	58	0	0	24	580	0	0	0	0	0	0	0	0	1492	0
4:30 PM	0	865	0	69	0	0	27	577	0	0	0	0	0	1	0	0	1538	1
4:45 PM	0	874	0	73	0	0	32	562	0	0	0	0	0	1	0	0	1541	1
5:00 PM	0	826	0	72	0	0	30	541	0	0	0	0	0	1	0	0	1469	1

INTERSECTION: Hawthorne Ave--/Costco Driveway--
PROJECT ID#: 7402
QC JOB #: 10097604

START TIME: 12:00 PM
END TIME: 3:00 PM
DATE: 6/11/2005

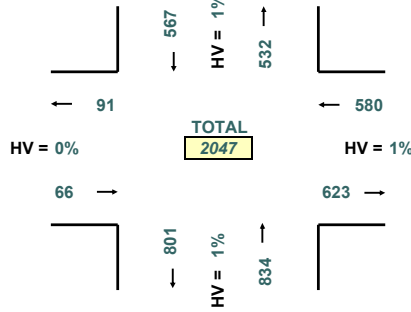


PEAK HOUR TURNING MOVEMENTS



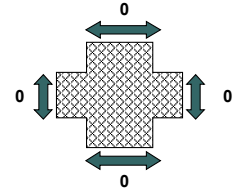
PEAK HOUR: 1:15 PM TO 2:15 PM

PEAK HOUR LINK VOLUMES



PEAK 15 MINUTES: 1:45 PM TO 2:00 PM

PEAK HOUR PED CROSSING VOLUMES



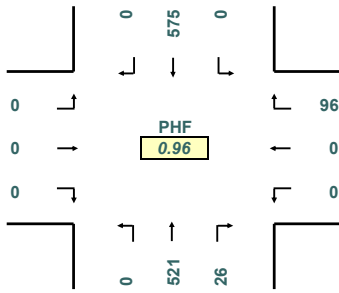
5-MINUTE COUNT PERIOD BEGINNING AT	Hawthorne Ave-- (Southbound)			Costco Driveway-- (Westbound)			Hawthorne Ave-- (Northbound)			Ryan Dr-- (Eastbound)			Crosswalk Usage (Peds By Approach)				TOTAL	
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	North	East	South	West	Veh	Peds
12:00 PM	3	24	19	8	0	37	34	17	6	6	1	4	0	0	0	1	159	1
12:05 PM	2	30	15	12	0	22	40	21	4	0	1	1	0	0	0	0	148	0
12:10 PM	2	20	10	13	1	31	37	16	3	1	3	6	0	0	0	0	143	0
12:15 PM	1	34	11	21	1	41	59	31	5	2	2	2	0	0	0	0	210	0
12:20 PM	0	27	20	16	0	30	21	24	4	3	1	1	0	0	0	0	147	0
12:25 PM	2	29	17	13	2	27	31	29	1	5	0	2	0	0	0	0	158	0
12:30 PM	6	20	10	6	1	37	32	25	8	8	0	3	0	0	0	0	156	0
12:35 PM	1	25	15	16	0	34	36	39	2	5	1	3	0	0	0	0	177	0
12:40 PM	1	19	14	10	0	26	32	22	6	6	1	0	0	0	0	0	137	0
12:45 PM	0	32	27	10	1	35	32	25	4	3	0	1	0	0	0	1	170	1
12:50 PM	5	18	22	17	1	33	35	34	2	2	2	4	0	0	0	0	175	0
12:55 PM	5	33	5	12	0	38	35	31	1	7	0	2	0	0	0	0	169	0
1:00 PM	3	17	12	9	1	30	40	37	3	9	1	1	0	0	0	0	163	0
1:05 PM	2	31	16	8	0	25	33	36	3	8	2	2	0	0	0	0	166	0
1:10 PM	2	29	15	16	0	32	34	25	2	3	4	3	0	0	0	1	165	1
1:15 PM	3	23	16	18	1	36	42	36	3	2	0	2	0	0	0	0	182	0
1:20 PM	0	25	13	12	0	35	32	19	5	1	0	0	0	0	0	0	142	0
1:25 PM	2	33	16	21	0	28	45	37	3	2	1	2	0	0	0	0	190	0
1:30 PM	1	21	11	17	1	37	33	31	1	3	1	2	0	0	0	0	159	0
1:35 PM	1	40	22	11	0	33	40	34	4	5	1	1	0	0	0	0	192	0
1:40 PM	3	35	10	12	3	27	37	25	4	2	1	2	0	0	0	0	161	0
1:45 PM	3	31	17	19	0	39	32	22	7	4	0	2	0	0	0	0	176	0
1:50 PM	2	37	13	18	0	30	45	29	6	4	1	2	0	0	0	0	187	0
1:55 PM	3	22	17	13	1	40	22	28	6	3	0	1	0	0	0	0	156	0
2:00 PM	2	24	14	9	1	27	42	26	5	2	0	1	0	0	0	0	153	0
2:05 PM	4	40	8	13	2	30	46	27	1	8	0	3	0	0	0	0	182	0
2:10 PM	0	37	18	11	6	29	27	25	7	6	0	1	0	0	0	0	167	0
2:15 PM	1	35	21	10	0	27	37	30	1	4	0	1	0	0	0	0	167	0
2:20 PM	3	29	13	16	0	39	25	25	2	3	0	0	0	0	0	0	155	0
2:25 PM	1	29	13	12	0	39	23	28	1	3	0	2	0	0	0	0	151	0
2:30 PM	2	30	11	8	1	37	37	21	4	0	0	1	0	0	0	0	152	0
2:35 PM	0	33	11	25	2	23	40	42	6	4	0	2	0	0	0	0	188	0
2:40 PM	1	29	12	11	0	33	29	22	1	5	0	4	0	0	0	0	147	0
2:45 PM	1	22	7	14	1	28	32	23	8	3	1	2	0	0	1	0	142	1
2:50 PM	3	18	16	13	1	39	37	23	3	6	1	1	0	0	0	0	161	0
2:55 PM	1	16	15	24	0	25	37	38	5	8	0	4	0	0	0	0	173	0
HOURLY TOTALS	Southbound			Westbound			Northbound			Eastbound			Pedestrians By Approach				TOTAL	
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	North	East	South	West	Veh	Peds
12:00 PM	28	311	185	154	7	391	424	314	46	48	12	29	0	0	0	2	1949	2
12:15 PM	28	314	184	154	7	388	420	358	41	61	14	24	0	0	0	2	1993	2
12:30 PM	30	305	181	155	5	389	428	366	42	56	12	23	0	0	0	2	1992	2
12:45 PM	27	337	185	163	8	389	438	370	35	47	13	22	0	0	0	2	2034	2
1:00 PM	25	344	178	174	7	392	435	359	47	46	12	20	0	0	0	1	2039	1
1:15 PM	24	368	175	174	15	391	443	339	52	42	5	19	0	0	0	0	2047	0
1:30 PM	24	380	177	161	14	397	409	330	45	47	4	18	0	0	0	0	2006	0
1:45 PM	22	376	168	165	13	393	405	325	47	46	1	20	0	0	0	0	1981	0
2:00 PM	19	342	159	166	14	376	412	330	44	52	2	22	0	0	1	0	1938	1

INTERSECTION: **NE Hawthorne Ave--/North Costco Driveway--**
PROJECT ID#: **7402**
QC JOB #: **10097605**

START TIME: **12:00 PM**
END TIME: **3:00 PM**
DATE: **6/11/2005**

QC
QUALITY COUNTS
10205 SW 60th Avenue, Ste. 105
Tigard, OR 97224
Phone: 503-620-4242
Fax: 503 620-4545
email: jrw@qualitycounts.net
www.qualitycounts.net

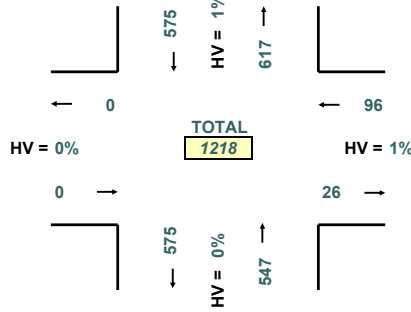
PEAK HOUR TURNING MOVEMENTS



PHF
0.96

PEAK HOUR: **1:15 PM TO 2:15 PM**

PEAK HOUR LINK VOLUMES



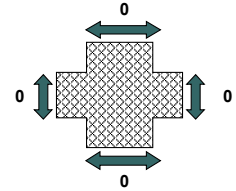
HV = 0%

TOTAL
1218

HV = 1%

PEAK 15 MINUTES: **1:30 PM TO 1:45 PM**

PEAK HOUR PED CROSSING VOLUMES



5-MINUTE COUNT PERIOD BEGINNING AT	NE Hawthorne Ave-- (Southbound)			North Costco Driveway-- (Westbound)			NE Hawthorne Ave-- (Northbound)			N/A-- (Eastbound)			Crosswalk Usage (Peds By Approach)				TOTAL	
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	North	East	South	West	Veh	Peds
12:00 PM	0	42	0	3	0	0	1	29	0	0	0	0	0	0	0	0	75	0
12:05 PM	0	49	0	9	0	0	2	29	0	0	0	0	0	0	0	0	89	0
12:10 PM	0	39	0	8	0	0	5	40	0	0	0	0	0	0	0	0	92	0
12:15 PM	0	43	0	5	0	0	3	52	0	0	0	0	0	0	0	0	103	0
12:20 PM	0	48	0	7	0	0	1	39	0	0	0	0	0	0	0	0	95	0
12:25 PM	0	45	0	6	0	0	2	42	0	0	0	0	0	0	0	0	95	0
12:30 PM	0	38	0	7	0	0	2	31	0	0	0	0	0	0	0	0	78	0
12:35 PM	0	38	0	0	0	0	3	57	0	0	0	0	0	0	0	0	98	0
12:40 PM	0	39	0	8	0	0	0	32	0	0	0	0	0	0	0	0	79	0
12:45 PM	0	58	0	3	0	0	0	33	0	0	0	0	0	0	0	0	94	0
12:50 PM	0	41	0	7	0	0	2	53	0	0	0	0	0	0	0	0	103	0
12:55 PM	0	44	0	8	0	0	2	43	0	0	0	0	0	0	0	0	97	0
1:00 PM	0	35	0	5	0	0	3	46	0	0	0	0	0	0	0	0	89	0
1:05 PM	0	47	0	2	0	0	4	45	0	0	0	0	0	0	0	0	98	0
1:10 PM	0	44	0	9	0	0	3	42	0	0	0	0	0	0	0	0	98	0
1:15 PM	0	41	0	8	0	0	4	52	0	0	0	0	0	0	0	0	105	0
1:20 PM	0	40	0	7	0	0	3	28	0	0	0	0	0	0	0	0	78	0
1:25 PM	0	50	0	12	0	0	2	56	0	0	0	0	0	0	0	0	120	0
1:30 PM	0	40	0	7	0	0	1	53	0	0	0	0	0	0	0	0	101	0
1:35 PM	0	62	0	9	0	0	1	47	0	0	0	0	0	0	0	0	119	0
1:40 PM	0	48	0	9	0	0	1	40	0	0	0	0	0	0	0	0	98	0
1:45 PM	0	46	0	5	0	0	1	45	0	0	0	0	0	0	0	0	97	0
1:50 PM	0	56	0	11	0	0	1	48	0	0	0	0	0	0	0	0	116	0
1:55 PM	0	42	0	6	0	0	3	38	0	0	0	0	0	0	0	0	89	0
2:00 PM	0	40	0	8	0	0	2	34	0	0	0	0	0	0	0	0	84	0
2:05 PM	0	54	0	4	0	0	5	45	0	0	0	0	0	0	0	0	108	0
2:10 PM	0	56	0	10	0	0	2	35	0	0	0	0	0	0	0	0	103	0
2:15 PM	0	57	0	4	0	0	0	45	0	0	0	0	0	0	0	0	106	0
2:20 PM	0	49	0	15	0	0	1	45	0	0	0	0	0	0	0	0	110	0
2:25 PM	0	40	0	4	0	0	3	40	0	0	0	0	0	0	0	0	87	0
2:30 PM	0	47	0	5	0	0	2	30	0	0	0	0	0	0	0	0	84	0
2:35 PM	0	45	0	4	0	0	1	70	0	0	0	0	0	0	0	0	120	0
2:40 PM	0	44	0	7	0	0	3	36	0	0	0	0	0	0	0	0	90	0
2:45 PM	0	25	0	7	0	0	4	39	0	0	0	0	0	0	0	0	75	0
2:50 PM	0	40	0	3	0	0	0	39	0	0	0	0	0	0	0	0	82	0
2:55 PM	0	30	0	4	0	0	1	66	0	0	0	0	0	0	0	0	101	0
HOURLY TOTALS	Southbound			Westbound			Northbound			Eastbound			Pedestrians By Approach				TOTAL	
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	North	East	South	West	Veh	Peds
12:00 PM	0	524	0	71	0	0	23	480	0	0	0	0	0	0	0	0	1098	0
12:15 PM	0	520	0	67	0	0	25	515	0	0	0	0	0	0	0	0	1127	0
12:30 PM	0	515	0	76	0	0	28	518	0	0	0	0	0	0	0	0	1137	0
12:45 PM	0	550	0	86	0	0	26	538	0	0	0	0	0	0	0	0	1200	0
1:00 PM	0	551	0	90	0	0	27	540	0	0	0	0	0	0	0	0	1208	0
1:15 PM	0	575	0	96	0	0	26	521	0	0	0	0	0	0	0	0	1218	0
1:30 PM	0	590	0	92	0	0	21	515	0	0	0	0	0	0	0	0	1218	0
1:45 PM	0	576	0	83	0	0	24	511	0	0	0	0	0	0	0	0	1194	0
2:00 PM	0	527	0	75	0	0	24	524	0	0	0	0	0	0	0	0	1150	0

Attachment E: Salem Costco Trip Distribution Data

Salem Costco - Trip Distribution Estimate based on FY 2014-2016 Salem Costco Sales Data

FY	2014
----	------

FY	2015
----	------

FY	2016
----	------

SV % = Sales Value Percentage

Zip Code	Direction	SV (%)
97392	E*	1.616
97325	E	1.590
97383	E*	1.978
97385	E*	0.980
97358	E*	0.701
97360	E*	0.455
97346	E*	0.166
97342	E*	0.078
97350	E*	0.022
97381	E*	4.099
97375	E*	0.264
97362	E*	0.867
97305	E*	6.965
97026	E*	0.556
97303	E*	7.926
97304	W*	8.893
97114	W*	0.680
97101	W*	0.780
97128	W*	5.100
97371	W*	0.242
97338	W*	4.165
97378	W*	0.709
97344	W*	0.150
97347	W*	0.468
97396	W*	0.308
97108	W*	0.055
97341	W*	0.355
97112	W*	0.148
97122	W*	0.100
97347	W*	0.468
97149	W*	0.136
97368	W*	0.309
97367	W*	0.994
97351*	W	0.836
97351*	E*	0.836
97361*	W	1.006
97361*	E*	1.006
97302*	W	3.120
97302*	W*	3.120
97302*	W*	3.120
97301*	W*	2.206
97301*	W*	2.206
97301*	E*	2.206
97306*	W*	0.680
97306*	W#	1.360
97306*	W	4.760
97317*	W*	0.516
97317*	E	1.290
97317*	E*	3.353

Zip Code	Direction	SV (%)
97392	E*	1.633
97325	E	1.646
97383	E*	2.110
97385	E*	1.026
97358	E*	0.679
97360	E*	0.449
97346	E*	0.170
97342	E*	0.078
97350	E*	0.021
97381	E*	4.359
97375	E*	0.146
97362	E*	0.915
97305	E*	6.998
97026	E*	0.564
97303	E*	8.215
97304	W*	8.889
97114	W*	0.690
97101	W*	0.694
97128	W*	5.085
97371	W*	0.239
97338	W*	4.299
97378	W*	0.773
97344	W*	0.163
97347	W*	0.240
97396	W*	0.317
97108	W*	0.061
97341	W*	0.398
97112	W*	0.211
97122	W*	0.158
97347	W*	0.240
97149	W*	0.125
97368	W*	0.278
97367	W*	1.063
97351*	W	0.859
97351*	W	0.859
97361*	W	1.023
97361*	W	1.023
97302*	W	3.293
97302*	W*	3.293
97302*	W*	3.293
97301*	W*	2.243
97301*	W*	2.243
97301*	E*	2.243
97306*	W*	0.687
97306*	W#	1.373
97306*	W	4.807
97317*	W*	0.540
97317*	E	1.350
97317*	E*	3.511

Zip Code	Direction	SV (%)
97392	E*	1.657
97325	E	1.607
97383	E*	2.079
97385	E*	1.064
97358	E*	0.701
97360	E*	0.488
97346	E*	0.174
97342	E*	0.076
97350	E*	0.024
97381	E*	4.325
97375	E*	0.289
97362	E*	0.955
97305	E*	7.219
97026	E*	0.576
97303	E*	8.588
97304	W*	8.925
97114	W*	0.696
97101	W*	0.671
97128	W*	5.187
97371	W*	0.235
97338	W*	4.391
97378	W*	0.853
97344	W*	0.161
97347	W*	0.196
97396	W*	0.346
97108	W*	0.068
97341	W*	0.360
97112	W*	0.416
97122	W*	0.151
97347	W*	0.196
97149	W*	0.155
97368	W*	0.272
97367	W*	1.315
97351*	W	0.884
97351*	W	0.884
97361*	W	1.033
97361*	W	1.033
97302*	W	3.362
97302*	W*	3.362
97302*	W*	3.362
97301*	W*	2.238
97301*	W*	2.238
97301*	E*	2.238
97306*	W*	0.692
97306*	W#	1.284
97306*	W	4.846
97317*	W*	0.551
97317*	E	1.378
97317*	E*	3.584

1/2 split b/w W and E*
1/2 split b/w W and E*
1/2 split b/w W and E*
1/3 total split b/w W and W*, W*
1/3 total split b/w W and W*, W*
1/3 total split b/w W*, W*, E*
1/3 total split b/w W*, W*, E*
10% W*, 20% W#, 70% W
10% W*, 20% W#, 70% W
10% W*, 25% E, 65% E*
10% W*, 25% E, 65% E*

DIRECTION KEY

E	Continue East on Kuebler
E*	East to I-5 North
E*	East to I-5 South
W	Continue West on Kuebler
W*	West to Commercial (to then go North into Salem)
W#	West to Commercial (to then go South)
W"	West to Battle Creek (to then go North)
W^	West to Battle Creek (to then go South)

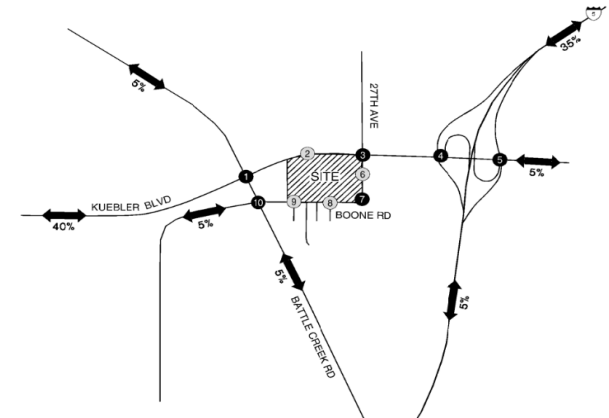
Average of FY2014-2016 Salem
Costco Sales Data

Zip Code	Direction	SV (%)
97392	E*	1.635
97325	E	1.614
97383	E*	2.056
97385	E*	1.023
97358	E*	0.693
97360	E*	0.464
97346	E*	0.170
97342	E*	0.077
97350	E*	0.022
97381	E*	4.261
97375	E*	0.233
97362	E*	0.913
97305	E*	7.061
97026	E*	0.565
97303	E*	8.243
97304	W*	8.903
97114	W*	0.689
97101	W*	0.715
97128	W*	5.124
97371	W*	0.239
97338	W*	4.285
97378	W*	0.778
97344	W*	0.158
97347	W*	0.302
97396	W*	0.324
97108	W*	0.061
97341	W*	0.371
97112	W*	0.258
97122	W*	0.136
97347	W*	0.302
97149	W*	0.138
97368	W*	0.286
97367	W*	1.124
97351	W	0.860
97351	W	0.860
97361	W	1.021
97361	W	1.021
97302*	W	3.258
97302*	W*	3.258
97302*	W*	3.258
97301*	W*	2.229
97301*	W*	2.229
97301*	E*	2.229
97306*	W*	0.686
97306*	W#	1.373
97306*	W	4.804
97317*	W*	0.536
97317*	E	1.340
97317*	E*	3.483

Trip Distribution Summary			
	Total %	Rounded % of trips	PacTrust Retail Trip Distribution from Prior Analysis (for reference only)
E	2.953	5	15
E*	31.494	35	15
E"	1.635	5	5
W	7.019	10	10
W*	29.680	30	10
W#	1.373	5	5
W"	3.258	5	15
W^	1.222	5	10
	78.635	100	85

* 15% distributed to smaller neighborhood roads

NOTE: Of the 45% anticipated to go west towards Commercial, 40% were assumed to utilize Kuebler Blvd and a limited 5% were assumed to utilize Boone Rd, as represented in the Trip Assignment from the May 2018 TIA (shown below)



Attachment F: Fuel Station Queue Data and Analysis Documentation (OR Sites)

Site: Portland, OR

Thursday 2/9	
Min	0
Max	17
Average	3
95th Percentile	10

3:59 PM

Weekday AM (7:20 AM - 8:20 AM)	
Min	0
Max	7
Average	0
95th Percentile	4

Weekday PM (5:15 PM - 6:15 PM)	
Min	0
Max	12
Average	3
95th Percentile	8

Saturday 2/11 & 2/18	
Min	0
Max	21
Average	5
95th Percentile	15

2:19 PM

Weekend Peak (12:30 PM - 1:30 PM)	
Min	2
Max	20
Average	10
95th Percentile	16



7409 SW Tech Center Dr, Ste B150
Tigard, OR 97223
503-620-4242
www.qualitycounts.net

Site Code: 13868207
Location: Portland Costco Fuel Station
Date: 2/9/2017

Time	Queue	Time	Queue
6:00:00 AM	0	8:00:00 AM	1
6:01:00 AM	0	8:01:00 AM	0
6:02:00 AM	0	8:02:00 AM	0
6:03:00 AM	0	8:03:00 AM	0
6:04:00 AM	0	8:04:00 AM	0
6:05:00 AM	0	8:05:00 AM	0
6:06:00 AM	0	8:06:00 AM	0
6:07:00 AM	0	8:07:00 AM	0
6:08:00 AM	0	8:08:00 AM	0
6:09:00 AM	0	8:09:00 AM	0
6:10:00 AM	0	8:10:00 AM	0
6:11:00 AM	0	8:11:00 AM	0
6:12:00 AM	0	8:12:00 AM	0
6:13:00 AM	0	8:13:00 AM	0
6:14:00 AM	0	8:14:00 AM	0
6:15:00 AM	0	8:15:00 AM	0
6:16:00 AM	0	8:16:00 AM	0
6:17:00 AM	0	8:17:00 AM	0
6:18:00 AM	0	8:18:00 AM	0
6:19:00 AM	0	8:19:00 AM	0
6:20:00 AM	0	8:20:00 AM	0
6:21:00 AM	0	8:21:00 AM	0
6:22:00 AM	0	8:22:00 AM	0
6:23:00 AM	0	8:23:00 AM	1
6:24:00 AM	0	8:24:00 AM	2
6:25:00 AM	0	8:25:00 AM	0
6:26:00 AM	0	8:26:00 AM	0
6:27:00 AM	0	8:27:00 AM	0
6:28:00 AM	0	8:28:00 AM	0
6:29:00 AM	0	8:29:00 AM	0
6:30:00 AM	0	8:30:00 AM	0
6:31:00 AM	0	8:31:00 AM	0
6:32:00 AM	0	8:32:00 AM	0
6:33:00 AM	0	8:33:00 AM	0
6:34:00 AM	0	8:34:00 AM	0
6:35:00 AM	0	8:35:00 AM	0
6:36:00 AM	0	8:36:00 AM	0
6:37:00 AM	0	8:37:00 AM	0
6:38:00 AM	0	8:38:00 AM	0
6:39:00 AM	0	8:39:00 AM	0
6:40:00 AM	0	8:40:00 AM	0

Time	Queue	Time	Queue
10:00:00 AM	3	12:00:00 PM	13
10:01:00 AM	4	12:01:00 PM	10
10:02:00 AM	3	12:02:00 PM	8
10:03:00 AM	1	12:03:00 PM	7
10:04:00 AM	1	12:04:00 PM	7
10:05:00 AM	2	12:05:00 PM	15
10:06:00 AM	3	12:06:00 PM	16
10:07:00 AM	7	12:07:00 PM	10
10:08:00 AM	7	12:08:00 PM	7
10:09:00 AM	8	12:09:00 PM	11
10:10:00 AM	7	12:10:00 PM	14
10:11:00 AM	6	12:11:00 PM	6
10:12:00 AM	4	12:12:00 PM	6
10:13:00 AM	1	12:13:00 PM	7
10:14:00 AM	0	12:14:00 PM	6
10:15:00 AM	0	12:15:00 PM	8
10:16:00 AM	1	12:16:00 PM	1
10:17:00 AM	1	12:17:00 PM	4
10:18:00 AM	0	12:18:00 PM	6
10:19:00 AM	1	12:19:00 PM	10
10:20:00 AM	3	12:20:00 PM	7
10:21:00 AM	4	12:21:00 PM	7
10:22:00 AM	1	12:22:00 PM	7
10:23:00 AM	0	12:23:00 PM	4
10:24:00 AM	0	12:24:00 PM	8
10:25:00 AM	1	12:25:00 PM	11
10:26:00 AM	3	12:26:00 PM	10
10:27:00 AM	4	12:27:00 PM	3
10:28:00 AM	3	12:28:00 PM	2
10:29:00 AM	4	12:29:00 PM	6
10:30:00 AM	5	12:30:00 PM	9
10:31:00 AM	2	12:31:00 PM	10
10:32:00 AM	5	12:32:00 PM	4
10:33:00 AM	2	12:33:00 PM	7
10:34:00 AM	5	12:34:00 PM	13
10:35:00 AM	2	12:35:00 PM	8
10:36:00 AM	1	12:36:00 PM	6
10:37:00 AM	0	12:37:00 PM	6
10:38:00 AM	0	12:38:00 PM	2
10:39:00 AM	0	12:39:00 PM	1
10:40:00 AM	1	12:40:00 PM	3

Time	Queue	Time	Queue
2:00:00 PM	3	4:00:00 PM	14
2:01:00 PM	3	4:01:00 PM	14
2:02:00 PM	3	4:02:00 PM	13
2:03:00 PM	8	4:03:00 PM	9
2:04:00 PM	7	4:04:00 PM	9
2:05:00 PM	7	4:05:00 PM	7
2:06:00 PM	7	4:06:00 PM	8
2:07:00 PM	9	4:07:00 PM	7
2:08:00 PM	6	4:08:00 PM	4
2:09:00 PM	5	4:09:00 PM	1
2:10:00 PM	5	4:10:00 PM	3
2:11:00 PM	6	4:11:00 PM	3
2:12:00 PM	2	4:12:00 PM	3
2:13:00 PM	1	4:13:00 PM	2
2:14:00 PM	5	4:14:00 PM	0
2:15:00 PM	9	4:15:00 PM	1
2:16:00 PM	8	4:16:00 PM	0
2:17:00 PM	8	4:17:00 PM	2
2:18:00 PM	7	4:18:00 PM	2
2:19:00 PM	7	4:19:00 PM	2
2:20:00 PM	7	4:20:00 PM	1
2:21:00 PM	3	4:21:00 PM	0
2:22:00 PM	3	4:22:00 PM	0
2:23:00 PM	3	4:23:00 PM	0
2:24:00 PM	1	4:24:00 PM	0
2:25:00 PM	2	4:25:00 PM	0
2:26:00 PM	2	4:26:00 PM	0
2:27:00 PM	4	4:27:00 PM	0
2:28:00 PM	11	4:28:00 PM	0
2:29:00 PM	6	4:29:00 PM	0
2:30:00 PM	9	4:30:00 PM	0
2:31:00 PM	5	4:31:00 PM	0
2:32:00 PM	7	4:32:00 PM	0
2:33:00 PM	4	4:33:00 PM	0
2:34:00 PM	4	4:34:00 PM	1
2:35:00 PM	3	4:35:00 PM	2
2:36:00 PM	1	4:36:00 PM	2
2:37:00 PM	0	4:37:00 PM	1
2:38:00 PM	1	4:38:00 PM	2
2:39:00 PM	2	4:39:00 PM	1
2:40:00 PM	1	4:40:00 PM	1

Time	Queue
6:00:00 PM	6
6:01:00 PM	6
6:02:00 PM	8
6:03:00 PM	8
6:04:00 PM	7
6:05:00 PM	8
6:06:00 PM	12
6:07:00 PM	4
6:08:00 PM	6
6:09:00 PM	5
6:10:00 PM	6
6:11:00 PM	6
6:12:00 PM	5
6:13:00 PM	0
6:14:00 PM	3
6:15:00 PM	9
6:16:00 PM	9
6:17:00 PM	3
6:18:00 PM	4
6:19:00 PM	4
6:20:00 PM	1
6:21:00 PM	2
6:22:00 PM	0
6:23:00 PM	0
6:24:00 PM	0
6:25:00 PM	1
6:26:00 PM	2
6:27:00 PM	2
6:28:00 PM	0
6:29:00 PM	0
6:30:00 PM	0
6:31:00 PM	2
6:32:00 PM	3
6:33:00 PM	5
6:34:00 PM	1
6:35:00 PM	4
6:36:00 PM	3
6:37:00 PM	3
6:38:00 PM	0
6:39:00 PM	0
6:40:00 PM	1

6:41:00 AM	0	8:41:00 AM	0
6:42:00 AM	0	8:42:00 AM	0
6:43:00 AM	0	8:43:00 AM	0
6:44:00 AM	0	8:44:00 AM	0
6:45:00 AM	0	8:45:00 AM	0
6:46:00 AM	0	8:46:00 AM	0
6:47:00 AM	0	8:47:00 AM	0
6:48:00 AM	1	8:48:00 AM	0
6:49:00 AM	0	8:49:00 AM	0
6:50:00 AM	0	8:50:00 AM	0
6:51:00 AM	0	8:51:00 AM	0
6:52:00 AM	1	8:52:00 AM	0
6:53:00 AM	2	8:53:00 AM	0
6:54:00 AM	0	8:54:00 AM	0
6:55:00 AM	0	8:55:00 AM	0
6:56:00 AM	0	8:56:00 AM	1
6:57:00 AM	0	8:57:00 AM	0
6:58:00 AM	0	8:58:00 AM	0
6:59:00 AM	0	8:59:00 AM	0
7:00:00 AM	0	9:00:00 AM	0
7:01:00 AM	0	9:01:00 AM	0
7:02:00 AM	0	9:02:00 AM	0
7:03:00 AM	0	9:03:00 AM	0
7:04:00 AM	0	9:04:00 AM	0
7:05:00 AM	0	9:05:00 AM	1
7:06:00 AM	0	9:06:00 AM	0
7:07:00 AM	0	9:07:00 AM	0
7:08:00 AM	0	9:08:00 AM	0
7:09:00 AM	0	9:09:00 AM	0
7:10:00 AM	0	9:10:00 AM	0
7:11:00 AM	0	9:11:00 AM	2
7:12:00 AM	0	9:12:00 AM	2
7:13:00 AM	0	9:13:00 AM	3
7:14:00 AM	0	9:14:00 AM	4
7:15:00 AM	0	9:15:00 AM	1
7:16:00 AM	0	9:16:00 AM	2
7:17:00 AM	0	9:17:00 AM	2
7:18:00 AM	0	9:18:00 AM	0
7:19:00 AM	0	9:19:00 AM	0
7:20:00 AM	0	9:20:00 AM	3
7:21:00 AM	0	9:21:00 AM	2
7:22:00 AM	0	9:22:00 AM	2
7:23:00 AM	0	9:23:00 AM	3
7:24:00 AM	1	9:24:00 AM	0
7:25:00 AM	4	9:25:00 AM	0
7:26:00 AM	7	9:26:00 AM	0
7:27:00 AM	6	9:27:00 AM	1
7:28:00 AM	4	9:28:00 AM	1
7:29:00 AM	0	9:29:00 AM	1

10:41:00 AM	0	12:41:00 PM	2
10:42:00 AM	5	12:42:00 PM	0
10:43:00 AM	3	12:43:00 PM	1
10:44:00 AM	2	12:44:00 PM	1
10:45:00 AM	1	12:45:00 PM	4
10:46:00 AM	2	12:46:00 PM	2
10:47:00 AM	1	12:47:00 PM	1
10:48:00 AM	2	12:48:00 PM	2
10:49:00 AM	4	12:49:00 PM	2
10:50:00 AM	6	12:50:00 PM	4
10:51:00 AM	6	12:51:00 PM	2
10:52:00 AM	5	12:52:00 PM	0
10:53:00 AM	6	12:53:00 PM	1
10:54:00 AM	6	12:54:00 PM	0
10:55:00 AM	10	12:55:00 PM	2
10:56:00 AM	9	12:56:00 PM	1
10:57:00 AM	6	12:57:00 PM	0
10:58:00 AM	2	12:58:00 PM	1
10:59:00 AM	4	12:59:00 PM	2
11:00:00 AM	4	1:00:00 PM	3
11:01:00 AM	5	1:01:00 PM	2
11:02:00 AM	5	1:02:00 PM	3
11:03:00 AM	4	1:03:00 PM	3
11:04:00 AM	8	1:04:00 PM	2
11:05:00 AM	9	1:05:00 PM	1
11:06:00 AM	8	1:06:00 PM	3
11:07:00 AM	6	1:07:00 PM	2
11:08:00 AM	7	1:08:00 PM	2
11:09:00 AM	4	1:09:00 PM	1
11:10:00 AM	9	1:10:00 PM	0
11:11:00 AM	6	1:11:00 PM	3
11:12:00 AM	4	1:12:00 PM	3
11:13:00 AM	5	1:13:00 PM	3
11:14:00 AM	2	1:14:00 PM	6
11:15:00 AM	2	1:15:00 PM	4
11:16:00 AM	3	1:16:00 PM	3
11:17:00 AM	6	1:17:00 PM	3
11:18:00 AM	7	1:18:00 PM	3
11:19:00 AM	6	1:19:00 PM	2
11:20:00 AM	4	1:20:00 PM	3
11:21:00 AM	1	1:21:00 PM	3
11:22:00 AM	1	1:22:00 PM	6
11:23:00 AM	1	1:23:00 PM	11
11:24:00 AM	0	1:24:00 PM	15
11:25:00 AM	1	1:25:00 PM	11
11:26:00 AM	2	1:26:00 PM	11
11:27:00 AM	3	1:27:00 PM	12
11:28:00 AM	5	1:28:00 PM	11
11:29:00 AM	3	1:29:00 PM	9

2:41:00 PM	0	4:41:00 PM	1
2:42:00 PM	0	4:42:00 PM	0
2:43:00 PM	0	4:43:00 PM	1
2:44:00 PM	0	4:44:00 PM	0
2:45:00 PM	0	4:45:00 PM	0
2:46:00 PM	2	4:46:00 PM	0
2:47:00 PM	1	4:47:00 PM	1
2:48:00 PM	3	4:48:00 PM	1
2:49:00 PM	0	4:49:00 PM	1
2:50:00 PM	0	4:50:00 PM	0
2:51:00 PM	0	4:51:00 PM	2
2:52:00 PM	2	4:52:00 PM	5
2:53:00 PM	0	4:53:00 PM	5
2:54:00 PM	0	4:54:00 PM	7
2:55:00 PM	1	4:55:00 PM	2
2:56:00 PM	3	4:56:00 PM	7
2:57:00 PM	4	4:57:00 PM	10
2:58:00 PM	3	4:58:00 PM	7
2:59:00 PM	1	4:59:00 PM	3
3:00:00 PM	1	5:00:00 PM	5
3:01:00 PM	3	5:01:00 PM	10
3:02:00 PM	2	5:02:00 PM	11
3:03:00 PM	1	5:03:00 PM	8
3:04:00 PM	0	5:04:00 PM	3
3:05:00 PM	0	5:05:00 PM	1
3:06:00 PM	3	5:06:00 PM	4
3:07:00 PM	2	5:07:00 PM	5
3:08:00 PM	1	5:08:00 PM	8
3:09:00 PM	1	5:09:00 PM	1
3:10:00 PM	0	5:10:00 PM	1
3:11:00 PM	0	5:11:00 PM	3
3:12:00 PM	0	5:12:00 PM	3
3:13:00 PM	1	5:13:00 PM	2
3:14:00 PM	2	5:14:00 PM	2
3:15:00 PM	5	5:15:00 PM	5
3:16:00 PM	7	5:16:00 PM	5
3:17:00 PM	3	5:17:00 PM	1
3:18:00 PM	1	5:18:00 PM	1
3:19:00 PM	0	5:19:00 PM	3
3:20:00 PM	3	5:20:00 PM	5
3:21:00 PM	4	5:21:00 PM	0
3:22:00 PM	2	5:22:00 PM	0
3:23:00 PM	2	5:23:00 PM	0
3:24:00 PM	2	5:24:00 PM	4
3:25:00 PM	2	5:25:00 PM	2
3:26:00 PM	4	5:26:00 PM	0
3:27:00 PM	12	5:27:00 PM	0
3:28:00 PM	11	5:28:00 PM	3
3:29:00 PM	9	5:29:00 PM	2

6:41:00 PM	0
6:42:00 PM	0
6:43:00 PM	1
6:44:00 PM	0
6:45:00 PM	0
6:46:00 PM	0
6:47:00 PM	0
6:48:00 PM	0
6:49:00 PM	0
6:50:00 PM	0
6:51:00 PM	0
6:52:00 PM	0
6:53:00 PM	0
6:54:00 PM	0
6:55:00 PM	0
6:56:00 PM	0
6:57:00 PM	0
6:58:00 PM	1
6:59:00 PM	0
7:00:00 PM	0
7:01:00 PM	0
7:02:00 PM	0
7:03:00 PM	0
7:04:00 PM	0
7:05:00 PM	0
7:06:00 PM	1
7:07:00 PM	1
7:08:00 PM	3
7:09:00 PM	2
7:10:00 PM	4
7:11:00 PM	5
7:12:00 PM	1
7:13:00 PM	3
7:14:00 PM	5
7:15:00 PM	4
7:16:00 PM	1
7:17:00 PM	5
7:18:00 PM	3
7:19:00 PM	4
7:20:00 PM	5
7:21:00 PM	4
7:22:00 PM	3
7:23:00 PM	0
7:24:00 PM	3
7:25:00 PM	6
7:26:00 PM	8
7:27:00 PM	2
7:28:00 PM	3
7:29:00 PM	1

7:30:00 AM	0	9:30:00 AM	1
7:31:00 AM	1	9:31:00 AM	1
7:32:00 AM	2	9:32:00 AM	2
7:33:00 AM	0	9:33:00 AM	2
7:34:00 AM	0	9:34:00 AM	1
7:35:00 AM	0	9:35:00 AM	2
7:36:00 AM	0	9:36:00 AM	1
7:37:00 AM	1	9:37:00 AM	1
7:38:00 AM	0	9:38:00 AM	0
7:39:00 AM	0	9:39:00 AM	5
7:40:00 AM	0	9:40:00 AM	2
7:41:00 AM	0	9:41:00 AM	6
7:42:00 AM	0	9:42:00 AM	8
7:43:00 AM	0	9:43:00 AM	6
7:44:00 AM	0	9:44:00 AM	7
7:45:00 AM	0	9:45:00 AM	6
7:46:00 AM	0	9:46:00 AM	10
7:47:00 AM	0	9:47:00 AM	13
7:48:00 AM	0	9:48:00 AM	6
7:49:00 AM	0	9:49:00 AM	6
7:50:00 AM	0	9:50:00 AM	7
7:51:00 AM	0	9:51:00 AM	11
7:52:00 AM	0	9:52:00 AM	12
7:53:00 AM	1	9:53:00 AM	5
7:54:00 AM	1	9:54:00 AM	3
7:55:00 AM	0	9:55:00 AM	5
7:56:00 AM	0	9:56:00 AM	5
7:57:00 AM	0	9:57:00 AM	8
7:58:00 AM	0	9:58:00 AM	5
7:59:00 AM	0	9:59:00 AM	3

11:30:00 AM	2	1:30:00 PM	3
11:31:00 AM	1	1:31:00 PM	4
11:32:00 AM	2	1:32:00 PM	7
11:33:00 AM	2	1:33:00 PM	4
11:34:00 AM	2	1:34:00 PM	6
11:35:00 AM	0	1:35:00 PM	4
11:36:00 AM	0	1:36:00 PM	1
11:37:00 AM	0	1:37:00 PM	0
11:38:00 AM	6	1:38:00 PM	1
11:39:00 AM	2	1:39:00 PM	2
11:40:00 AM	3	1:40:00 PM	0
11:41:00 AM	3	1:41:00 PM	2
11:42:00 AM	5	1:42:00 PM	3
11:43:00 AM	5	1:43:00 PM	3
11:44:00 AM	7	1:44:00 PM	6
11:45:00 AM	8	1:45:00 PM	6
11:46:00 AM	7	1:46:00 PM	8
11:47:00 AM	4	1:47:00 PM	10
11:48:00 AM	6	1:48:00 PM	6
11:49:00 AM	2	1:49:00 PM	5
11:50:00 AM	5	1:50:00 PM	6
11:51:00 AM	9	1:51:00 PM	9
11:52:00 AM	7	1:52:00 PM	5
11:53:00 AM	6	1:53:00 PM	4
11:54:00 AM	11	1:54:00 PM	2
11:55:00 AM	9	1:55:00 PM	4
11:56:00 AM	8	1:56:00 PM	5
11:57:00 AM	8	1:57:00 PM	7
11:58:00 AM	10	1:58:00 PM	8
11:59:00 AM	10	1:59:00 PM	4

3:30:00 PM	10	5:30:00 PM	0
3:31:00 PM	9	5:31:00 PM	0
3:32:00 PM	9	5:32:00 PM	3
3:33:00 PM	14	5:33:00 PM	2
3:34:00 PM	10	5:34:00 PM	3
3:35:00 PM	14	5:35:00 PM	1
3:36:00 PM	13	5:36:00 PM	1
3:37:00 PM	12	5:37:00 PM	4
3:38:00 PM	14	5:38:00 PM	2
3:39:00 PM	8	5:39:00 PM	2
3:40:00 PM	9	5:40:00 PM	0
3:41:00 PM	5	5:41:00 PM	2
3:42:00 PM	8	5:42:00 PM	4
3:43:00 PM	6	5:43:00 PM	1
3:44:00 PM	9	5:44:00 PM	3
3:45:00 PM	8	5:45:00 PM	3
3:46:00 PM	12	5:46:00 PM	1
3:47:00 PM	4	5:47:00 PM	2
3:48:00 PM	4	5:48:00 PM	1
3:49:00 PM	5	5:49:00 PM	0
3:50:00 PM	8	5:50:00 PM	1
3:51:00 PM	9	5:51:00 PM	3
3:52:00 PM	4	5:52:00 PM	4
3:53:00 PM	6	5:53:00 PM	5
3:54:00 PM	7	5:54:00 PM	1
3:55:00 PM	8	5:55:00 PM	2
3:56:00 PM	9	5:56:00 PM	3
3:57:00 PM	10	5:57:00 PM	7
3:58:00 PM	6	5:58:00 PM	8
3:59:00 PM	17	5:59:00 PM	3

7:30:00 PM	3
7:31:00 PM	5
7:32:00 PM	5
7:33:00 PM	5
7:34:00 PM	8
7:35:00 PM	3
7:36:00 PM	4
7:37:00 PM	3
7:38:00 PM	4
7:39:00 PM	4
7:40:00 PM	5
7:41:00 PM	3
7:42:00 PM	0
7:43:00 PM	0
7:44:00 PM	0
7:45:00 PM	0
7:46:00 PM	2
7:47:00 PM	4
7:48:00 PM	1
7:49:00 PM	2
7:50:00 PM	0
7:51:00 PM	1
7:52:00 PM	2
7:53:00 PM	0
7:54:00 PM	0
7:55:00 PM	0
7:56:00 PM	0
7:57:00 PM	0
7:58:00 PM	0
7:59:00 PM	0



7409 SW Tech Center Dr, Ste B150
Tigard, OR 97223
503-620-4242
www.qualitycounts.net

Site Code: 13868208
Location: Portland Costco Fuel Station
Date: 2/11/2017

Time	Queue	Time	Queue
6:00:00 AM	0	8:00:00 AM	0
6:01:00 AM	0	8:01:00 AM	0
6:02:00 AM	0	8:02:00 AM	0
6:03:00 AM	0	8:03:00 AM	0
6:04:00 AM	0	8:04:00 AM	1
6:05:00 AM	0	8:05:00 AM	0
6:06:00 AM	0	8:06:00 AM	0
6:07:00 AM	0	8:07:00 AM	0
6:08:00 AM	0	8:08:00 AM	0
6:09:00 AM	0	8:09:00 AM	0
6:10:00 AM	0	8:10:00 AM	0
6:11:00 AM	0	8:11:00 AM	0
6:12:00 AM	0	8:12:00 AM	0
6:13:00 AM	0	8:13:00 AM	0
6:14:00 AM	0	8:14:00 AM	0
6:15:00 AM	0	8:15:00 AM	0
6:16:00 AM	0	8:16:00 AM	0
6:17:00 AM	0	8:17:00 AM	0
6:18:00 AM	0	8:18:00 AM	0
6:19:00 AM	0	8:19:00 AM	0
6:20:00 AM	0	8:20:00 AM	0
6:21:00 AM	0	8:21:00 AM	1
6:22:00 AM	0	8:22:00 AM	1
6:23:00 AM	0	8:23:00 AM	1
6:24:00 AM	0	8:24:00 AM	0
6:25:00 AM	0	8:25:00 AM	0
6:26:00 AM	0	8:26:00 AM	0
6:27:00 AM	0	8:27:00 AM	2
6:28:00 AM	0	8:28:00 AM	2
6:29:00 AM	0	8:29:00 AM	2
6:30:00 AM	0	8:30:00 AM	0
6:31:00 AM	0	8:31:00 AM	0
6:32:00 AM	0	8:32:00 AM	0
6:33:00 AM	0	8:33:00 AM	0
6:34:00 AM	0	8:34:00 AM	0
6:35:00 AM	0	8:35:00 AM	0
6:36:00 AM	0	8:36:00 AM	0
6:37:00 AM	0	8:37:00 AM	0
6:38:00 AM	0	8:38:00 AM	1

Time	Queue	Time	Queue
10:00:00 AM	6	12:00:00 PM	11
10:01:00 AM	10	12:01:00 PM	7
10:02:00 AM	9	12:02:00 PM	4
10:03:00 AM	5	12:03:00 PM	4
10:04:00 AM	5	12:04:00 PM	3
10:05:00 AM	11	12:05:00 PM	1
10:06:00 AM	10	12:06:00 PM	3
10:07:00 AM	5	12:07:00 PM	3
10:08:00 AM	9	12:08:00 PM	0
10:09:00 AM	13	12:09:00 PM	0
10:10:00 AM	12	12:10:00 PM	1
10:11:00 AM	13	12:11:00 PM	2
10:12:00 AM	8	12:12:00 PM	3
10:13:00 AM	8	12:13:00 PM	8
10:14:00 AM	4	12:14:00 PM	2
10:15:00 AM	3	12:15:00 PM	3
10:16:00 AM	4	12:16:00 PM	6
10:17:00 AM	5	12:17:00 PM	7
10:18:00 AM	3	12:18:00 PM	12
10:19:00 AM	2	12:19:00 PM	9
10:20:00 AM	2	12:20:00 PM	14
10:21:00 AM	4	12:21:00 PM	13
10:22:00 AM	4	12:22:00 PM	13
10:23:00 AM	9	12:23:00 PM	8
10:24:00 AM	14	12:24:00 PM	7
10:25:00 AM	11	12:25:00 PM	6
10:26:00 AM	7	12:26:00 PM	8
10:27:00 AM	6	12:27:00 PM	7
10:28:00 AM	7	12:28:00 PM	2
10:29:00 AM	9	12:29:00 PM	1
10:30:00 AM	11	12:30:00 PM	2
10:31:00 AM	6	12:31:00 PM	3
10:32:00 AM	4	12:32:00 PM	7
10:33:00 AM	5	12:33:00 PM	3
10:34:00 AM	4	12:34:00 PM	5
10:35:00 AM	4	12:35:00 PM	9
10:36:00 AM	3	12:36:00 PM	11
10:37:00 AM	6	12:37:00 PM	10
10:38:00 AM	3	12:38:00 PM	6

Time	Queue
2:00:00 PM	8
2:01:00 PM	7
2:02:00 PM	7
2:03:00 PM	4
2:04:00 PM	1
2:05:00 PM	0
2:06:00 PM	3
2:07:00 PM	2
2:08:00 PM	5
2:09:00 PM	9
2:10:00 PM	13
2:11:00 PM	17
2:12:00 PM	12
2:13:00 PM	11
2:14:00 PM	10
2:15:00 PM	13
2:16:00 PM	13
2:17:00 PM	19
2:18:00 PM	16
2:19:00 PM	21
2:20:00 PM	13
2:21:00 PM	14
2:22:00 PM	9
2:23:00 PM	6
2:24:00 PM	9
2:25:00 PM	4
2:26:00 PM	4
2:27:00 PM	6
2:28:00 PM	8
2:29:00 PM	7
2:30:00 PM	7
2:31:00 PM	10
2:32:00 PM	9
2:33:00 PM	15
2:34:00 PM	11
2:35:00 PM	13
2:36:00 PM	11
2:37:00 PM	14
2:38:00 PM	17

6:39:00 AM	0	8:39:00 AM	0
6:40:00 AM	0	8:40:00 AM	0
6:41:00 AM	0	8:41:00 AM	0
6:42:00 AM	0	8:42:00 AM	0
6:43:00 AM	0	8:43:00 AM	0
6:44:00 AM	0	8:44:00 AM	0
6:45:00 AM	1	8:45:00 AM	0
6:46:00 AM	1	8:46:00 AM	0
6:47:00 AM	1	8:47:00 AM	0
6:48:00 AM	3	8:48:00 AM	0
6:49:00 AM	3	8:49:00 AM	0
6:50:00 AM	3	8:50:00 AM	0
6:51:00 AM	3	8:51:00 AM	0
6:52:00 AM	3	8:52:00 AM	0
6:53:00 AM	4	8:53:00 AM	0
6:54:00 AM	5	8:54:00 AM	0
6:55:00 AM	5	8:55:00 AM	0
6:56:00 AM	3	8:56:00 AM	0
6:57:00 AM	0	8:57:00 AM	0
6:58:00 AM	0	8:58:00 AM	0
6:59:00 AM	0	8:59:00 AM	0
7:00:00 AM	0	9:00:00 AM	1
7:01:00 AM	0	9:01:00 AM	0
7:02:00 AM	0	9:02:00 AM	0
7:03:00 AM	0	9:03:00 AM	0
7:04:00 AM	0	9:04:00 AM	0
7:05:00 AM	0	9:05:00 AM	0
7:06:00 AM	0	9:06:00 AM	1
7:07:00 AM	0	9:07:00 AM	4
7:08:00 AM	0	9:08:00 AM	2
7:09:00 AM	0	9:09:00 AM	3
7:10:00 AM	0	9:10:00 AM	6
7:11:00 AM	0	9:11:00 AM	2
7:12:00 AM	0	9:12:00 AM	1
7:13:00 AM	0	9:13:00 AM	1
7:14:00 AM	4	9:14:00 AM	2
7:15:00 AM	0	9:15:00 AM	2
7:16:00 AM	0	9:16:00 AM	3
7:17:00 AM	0	9:17:00 AM	1
7:18:00 AM	0	9:18:00 AM	0
7:19:00 AM	0	9:19:00 AM	3
7:20:00 AM	0	9:20:00 AM	4
7:21:00 AM	0	9:21:00 AM	3
7:22:00 AM	0	9:22:00 AM	5
7:23:00 AM	0	9:23:00 AM	4
7:24:00 AM	0	9:24:00 AM	7

10:39:00 AM	1	12:39:00 PM	6
10:40:00 AM	1	12:40:00 PM	7
10:41:00 AM	0	12:41:00 PM	9
10:42:00 AM	1	12:42:00 PM	8
10:43:00 AM	1	12:43:00 PM	6
10:44:00 AM	0	12:44:00 PM	5
10:45:00 AM	0	12:45:00 PM	4
10:46:00 AM	1	12:46:00 PM	9
10:47:00 AM	1	12:47:00 PM	5
10:48:00 AM	2	12:48:00 PM	11
10:49:00 AM	2	12:49:00 PM	10
10:50:00 AM	3	12:50:00 PM	9
10:51:00 AM	0	12:51:00 PM	6
10:52:00 AM	0	12:52:00 PM	7
10:53:00 AM	0	12:53:00 PM	10
10:54:00 AM	0	12:54:00 PM	9
10:55:00 AM	2	12:55:00 PM	7
10:56:00 AM	3	12:56:00 PM	9
10:57:00 AM	1	12:57:00 PM	5
10:58:00 AM	1	12:58:00 PM	7
10:59:00 AM	5	12:59:00 PM	10
11:00:00 AM	5	1:00:00 PM	13
11:01:00 AM	2	1:01:00 PM	14
11:02:00 AM	4	1:02:00 PM	16
11:03:00 AM	5	1:03:00 PM	15
11:04:00 AM	4	1:04:00 PM	10
11:05:00 AM	3	1:05:00 PM	11
11:06:00 AM	3	1:06:00 PM	11
11:07:00 AM	1	1:07:00 PM	15
11:08:00 AM	3	1:08:00 PM	16
11:09:00 AM	5	1:09:00 PM	16
11:10:00 AM	4	1:10:00 PM	18
11:11:00 AM	7	1:11:00 PM	20
11:12:00 AM	6	1:12:00 PM	17
11:13:00 AM	7	1:13:00 PM	14
11:14:00 AM	7	1:14:00 PM	14
11:15:00 AM	9	1:15:00 PM	9
11:16:00 AM	6	1:16:00 PM	8
11:17:00 AM	4	1:17:00 PM	7
11:18:00 AM	5	1:18:00 PM	10
11:19:00 AM	2	1:19:00 PM	11
11:20:00 AM	4	1:20:00 PM	7
11:21:00 AM	4	1:21:00 PM	11
11:22:00 AM	3	1:22:00 PM	10
11:23:00 AM	13	1:23:00 PM	5
11:24:00 AM	8	1:24:00 PM	8

2:39:00 PM	15
2:40:00 PM	9
2:41:00 PM	7
2:42:00 PM	7
2:43:00 PM	10
2:44:00 PM	9
2:45:00 PM	7
2:46:00 PM	6
2:47:00 PM	11
2:48:00 PM	17
2:49:00 PM	16
2:50:00 PM	15
2:51:00 PM	12
2:52:00 PM	11
2:53:00 PM	14
2:54:00 PM	11
2:55:00 PM	10
2:56:00 PM	10
2:57:00 PM	10
2:58:00 PM	15
2:59:00 PM	14
3:00:00 PM	13
3:01:00 PM	11
3:02:00 PM	7
3:03:00 PM	8
3:04:00 PM	12
3:05:00 PM	11
3:06:00 PM	11
3:07:00 PM	11
3:08:00 PM	3
3:09:00 PM	9
3:10:00 PM	11
3:11:00 PM	13
3:12:00 PM	15
3:13:00 PM	18
3:14:00 PM	11
3:15:00 PM	11
3:16:00 PM	14
3:17:00 PM	12
3:18:00 PM	14
3:19:00 PM	11
3:20:00 PM	11
3:21:00 PM	15
3:22:00 PM	18
3:23:00 PM	17
3:24:00 PM	19

7:25:00 AM	0	9:25:00 AM	4
7:26:00 AM	0	9:26:00 AM	8
7:27:00 AM	0	9:27:00 AM	7
7:28:00 AM	0	9:28:00 AM	5
7:29:00 AM	0	9:29:00 AM	5
7:30:00 AM	0	9:30:00 AM	10
7:31:00 AM	0	9:31:00 AM	8
7:32:00 AM	0	9:32:00 AM	4
7:33:00 AM	0	9:33:00 AM	4
7:34:00 AM	0	9:34:00 AM	2
7:35:00 AM	1	9:35:00 AM	1
7:36:00 AM	0	9:36:00 AM	0
7:37:00 AM	0	9:37:00 AM	0
7:38:00 AM	0	9:38:00 AM	0
7:39:00 AM	0	9:39:00 AM	0
7:40:00 AM	0	9:40:00 AM	3
7:41:00 AM	0	9:41:00 AM	2
7:42:00 AM	0	9:42:00 AM	1
7:43:00 AM	0	9:43:00 AM	2
7:44:00 AM	0	9:44:00 AM	4
7:45:00 AM	0	9:45:00 AM	4
7:46:00 AM	0	9:46:00 AM	1
7:47:00 AM	0	9:47:00 AM	0
7:48:00 AM	0	9:48:00 AM	0
7:49:00 AM	1	9:49:00 AM	1
7:50:00 AM	0	9:50:00 AM	1
7:51:00 AM	0	9:51:00 AM	2
7:52:00 AM	0	9:52:00 AM	3
7:53:00 AM	0	9:53:00 AM	2
7:54:00 AM	1	9:54:00 AM	0
7:55:00 AM	0	9:55:00 AM	2
7:56:00 AM	0	9:56:00 AM	4
7:57:00 AM	0	9:57:00 AM	2
7:58:00 AM	0	9:58:00 AM	3
7:59:00 AM	0	9:59:00 AM	4

11:25:00 AM	7	1:25:00 PM	8
11:26:00 AM	7	1:26:00 PM	10
11:27:00 AM	4	1:27:00 PM	12
11:28:00 AM	4	1:28:00 PM	7
11:29:00 AM	4	1:29:00 PM	14
11:30:00 AM	11	1:30:00 PM	14
11:31:00 AM	13	1:31:00 PM	13
11:32:00 AM	6	1:32:00 PM	14
11:33:00 AM	1	1:33:00 PM	11
11:34:00 AM	1	1:34:00 PM	9
11:35:00 AM	4	1:35:00 PM	10
11:36:00 AM	3	1:36:00 PM	15
11:37:00 AM	4	1:37:00 PM	17
11:38:00 AM	7	1:38:00 PM	15
11:39:00 AM	5	1:39:00 PM	12
11:40:00 AM	6	1:40:00 PM	11
11:41:00 AM	9	1:41:00 PM	13
11:42:00 AM	10	1:42:00 PM	14
11:43:00 AM	6	1:43:00 PM	11
11:44:00 AM	8	1:44:00 PM	11
11:45:00 AM	11	1:45:00 PM	10
11:46:00 AM	12	1:46:00 PM	5
11:47:00 AM	6	1:47:00 PM	8
11:48:00 AM	6	1:48:00 PM	7
11:49:00 AM	8	1:49:00 PM	6
11:50:00 AM	12	1:50:00 PM	5
11:51:00 AM	9	1:51:00 PM	8
11:52:00 AM	6	1:52:00 PM	13
11:53:00 AM	3	1:53:00 PM	11
11:54:00 AM	7	1:54:00 PM	9
11:55:00 AM	12	1:55:00 PM	11
11:56:00 AM	9	1:56:00 PM	13
11:57:00 AM	9	1:57:00 PM	16
11:58:00 AM	10	1:58:00 PM	9
11:59:00 AM	15	1:59:00 PM	8

3:25:00 PM	18
3:26:00 PM	11
3:27:00 PM	16
3:28:00 PM	12
3:29:00 PM	11
3:30:00 PM	9
3:31:00 PM	8
3:32:00 PM	10
3:33:00 PM	7
3:34:00 PM	8
3:35:00 PM	11
3:36:00 PM	12
3:37:00 PM	10
3:38:00 PM	13
3:39:00 PM	5
3:40:00 PM	5
3:41:00 PM	12
3:42:00 PM	11
3:43:00 PM	8
3:44:00 PM	4
3:45:00 PM	4
3:46:00 PM	7
3:47:00 PM	8
3:48:00 PM	6
3:49:00 PM	6
3:50:00 PM	12
3:51:00 PM	8
3:52:00 PM	10
3:53:00 PM	10
3:54:00 PM	10
3:55:00 PM	15
3:56:00 PM	11
3:57:00 PM	7
3:58:00 PM	11
3:59:00 PM	13



7409 SW Tech Center Dr, Ste B150
Tigard, OR 97223
503-620-4242
www.qualitycounts.net

Site Code: 13868208
Location: Portland Costco Fuel Station
Date: 2/18/2017

Time	Queue	Time	Queue
4:00:00 PM	3	6:00:00 PM	3
4:01:00 PM	2	6:01:00 PM	4
4:02:00 PM	3	6:02:00 PM	5
4:03:00 PM	2	6:03:00 PM	8
4:04:00 PM	0	6:04:00 PM	3
4:05:00 PM	0	6:05:00 PM	4
4:06:00 PM	0	6:06:00 PM	5
4:07:00 PM	4	6:07:00 PM	8
4:08:00 PM	3	6:08:00 PM	4
4:09:00 PM	2	6:09:00 PM	2
4:10:00 PM	1	6:10:00 PM	2
4:11:00 PM	2	6:11:00 PM	2
4:12:00 PM	4	6:12:00 PM	5
4:13:00 PM	5	6:13:00 PM	4
4:14:00 PM	6	6:14:00 PM	5
4:15:00 PM	4	6:15:00 PM	6
4:16:00 PM	5	6:16:00 PM	5
4:17:00 PM	7	6:17:00 PM	2
4:18:00 PM	8	6:18:00 PM	1
4:19:00 PM	3	6:19:00 PM	3
4:20:00 PM	1	6:20:00 PM	5
4:21:00 PM	0	6:21:00 PM	3
4:22:00 PM	2	6:22:00 PM	1
4:23:00 PM	5	6:23:00 PM	0
4:24:00 PM	6	6:24:00 PM	1
4:25:00 PM	3	6:25:00 PM	3
4:26:00 PM	4	6:26:00 PM	4

4:27:00 PM	5	6:27:00 PM	2
4:28:00 PM	4	6:28:00 PM	0
4:29:00 PM	2	6:29:00 PM	1
4:30:00 PM	1	6:30:00 PM	3
4:31:00 PM	1	6:31:00 PM	4
4:32:00 PM	5	6:32:00 PM	5
4:33:00 PM	4	6:33:00 PM	3
4:34:00 PM	4	6:34:00 PM	4
4:35:00 PM	1	6:35:00 PM	5
4:36:00 PM	1	6:36:00 PM	5
4:37:00 PM	2	6:37:00 PM	5
4:38:00 PM	1	6:38:00 PM	4
4:39:00 PM	0	6:39:00 PM	3
4:40:00 PM	0	6:40:00 PM	9
4:41:00 PM	1	6:41:00 PM	13
4:42:00 PM	3	6:42:00 PM	16
4:43:00 PM	2	6:43:00 PM	18
4:44:00 PM	3	6:44:00 PM	17
4:45:00 PM	3	6:45:00 PM	14
4:46:00 PM	6	6:46:00 PM	11
4:47:00 PM	4	6:47:00 PM	7
4:48:00 PM	6	6:48:00 PM	12
4:49:00 PM	8	6:49:00 PM	10
4:50:00 PM	3	6:50:00 PM	9
4:51:00 PM	2	6:51:00 PM	3
4:52:00 PM	2	6:52:00 PM	6
4:53:00 PM	4	6:53:00 PM	6
4:54:00 PM	3	6:54:00 PM	5
4:55:00 PM	0	6:55:00 PM	3
4:56:00 PM	1	6:56:00 PM	1
4:57:00 PM	0	6:57:00 PM	2
4:58:00 PM	4	6:58:00 PM	3
4:59:00 PM	3	6:59:00 PM	1
5:00:00 PM	1	7:00:00 PM	0

5:01:00 PM	6	7:01:00 PM	0
5:02:00 PM	11	7:02:00 PM	0
5:03:00 PM	9	7:03:00 PM	0
5:04:00 PM	6	7:04:00 PM	0
5:05:00 PM	8	7:05:00 PM	0
5:06:00 PM	8	7:06:00 PM	0
5:07:00 PM	11	7:07:00 PM	0
5:08:00 PM	7	7:08:00 PM	0
5:09:00 PM	12	7:09:00 PM	0
5:10:00 PM	15	7:10:00 PM	0
5:11:00 PM	18	7:11:00 PM	0
5:12:00 PM	17	7:12:00 PM	0
5:13:00 PM	20	7:13:00 PM	0
5:14:00 PM	14	7:14:00 PM	0
5:15:00 PM	14	7:15:00 PM	0
5:16:00 PM	17	7:16:00 PM	0
5:17:00 PM	17	7:17:00 PM	0
5:18:00 PM	14	7:18:00 PM	0
5:19:00 PM	11	7:19:00 PM	0
5:20:00 PM	17	7:20:00 PM	0
5:21:00 PM	17	7:21:00 PM	0
5:22:00 PM	21	7:22:00 PM	0
5:23:00 PM	13	7:23:00 PM	0
5:24:00 PM	11	7:24:00 PM	0
5:25:00 PM	20	7:25:00 PM	0
5:26:00 PM	19	7:26:00 PM	0
5:27:00 PM	16	7:27:00 PM	0
5:28:00 PM	10	7:28:00 PM	0
5:29:00 PM	15	7:29:00 PM	0
5:30:00 PM	17	7:30:00 PM	0
5:31:00 PM	16	7:31:00 PM	0
5:32:00 PM	14	7:32:00 PM	0
5:33:00 PM	6	7:33:00 PM	0
5:34:00 PM	7	7:34:00 PM	0

5:35:00 PM	10	7:35:00 PM	0
5:36:00 PM	8	7:36:00 PM	0
5:37:00 PM	8	7:37:00 PM	0
5:38:00 PM	6	7:38:00 PM	0
5:39:00 PM	5	7:39:00 PM	0
5:40:00 PM	7	7:40:00 PM	0
5:41:00 PM	7	7:41:00 PM	0
5:42:00 PM	9	7:42:00 PM	0
5:43:00 PM	3	7:43:00 PM	0
5:44:00 PM	1	7:44:00 PM	0
5:45:00 PM	3	7:45:00 PM	0
5:46:00 PM	2	7:46:00 PM	0
5:47:00 PM	3	7:47:00 PM	0
5:48:00 PM	2	7:48:00 PM	0
5:49:00 PM	4	7:49:00 PM	0
5:50:00 PM	1	7:50:00 PM	0
5:51:00 PM	0	7:51:00 PM	0
5:52:00 PM	4	7:52:00 PM	0
5:53:00 PM	5	7:53:00 PM	0
5:54:00 PM	5	7:54:00 PM	0
5:55:00 PM	3	7:55:00 PM	0
5:56:00 PM	1	7:56:00 PM	0
5:57:00 PM	3	7:57:00 PM	0
5:58:00 PM	6	7:58:00 PM	0
5:59:00 PM	7	7:59:00 PM	0

Site: Wilsonville, OR

Thursday 2/8	
Min	0
Max	16
Average	2
95th Percentile	10

12:00 PM

Peak Hour of Generator
MAX 458 12:20 PM - 1:20 PM
230 in

Weekday AM (6-10 AM)	
Min	0
Max	7
Average	1
95th Percentile	3

Weekday AM (9:00 AM - 10:00 AM)	
Min	0
Max	4
Average	1
95th Percentile	3

119 in
113 out

Weekday PM (4-8 PM)	
Min	0
Max	16
Average	3
95th Percentile	9

Weekday PM (4:00 PM - 5:00 PM)	
Min	0
Max	16
Average	7
95th Percentile	15

220 in
217 out

Saturday 2/10	
Min	0
Max	18
Average	3
95th Percentile	11

11:59 AM

Peak Hour of Generator
MAX 507 11:55AM - 12:05P
254 out

Weekend (11 AM - 3 PM)	
Min	0
Max	18
Average	5
95th Percentile	14

Weekend Peak (11:55 AM - 12:55 PM)	
Min	0
Max	18
Average	5
95th Percentile	15



Site Code: 14620303

Location: Wilsonville Costco Gas Queue

Date: 2/8/2018

	Lane 1 (Nearest to Costco)	Lane 2	Lane 3	Lane 4	Lane 5	Lane 6	Lane 7	Lane 8 (Furthest from Costco)
Time	Queue	Queue	Queue	Queue	Queue	Queue	Queue	Queue
6:00:00 AM	0	0	0	0	0	0	0	0
6:01:00 AM	0	0	0	0	0	0	0	0
6:02:00 AM	0	0	0	0	0	0	0	0
6:03:00 AM	0	0	0	0	0	0	0	0
6:04:00 AM	0	0	0	0	0	0	0	0
6:05:00 AM	0	0	0	0	0	0	0	0
6:06:00 AM	0	0	0	0	0	0	0	0
6:07:00 AM	0	0	0	0	0	0	0	0
6:08:00 AM	0	0	0	0	0	0	0	0
6:09:00 AM	0	0	0	0	0	0	0	0
6:10:00 AM	0	0	0	0	0	0	0	0
6:11:00 AM	0	0	0	0	0	0	0	0
6:12:00 AM	0	0	0	0	0	0	0	0
6:13:00 AM	0	0	0	0	0	1	0	0
6:14:00 AM	0	0	0	0	0	1	0	0
6:15:00 AM	0	0	0	0	0	0	0	0
6:16:00 AM	0	0	0	0	0	0	0	0
6:17:00 AM	0	0	0	0	0	1	0	0
6:18:00 AM	0	0	0	0	0	0	0	0
6:19:00 AM	0	0	0	0	0	0	0	0
6:20:00 AM	0	0	0	0	0	0	0	0
6:21:00 AM	0	0	0	0	0	0	0	0
6:22:00 AM	0	0	0	0	0	1	0	0
6:23:00 AM	0	0	0	0	0	2	0	0
6:24:00 AM	0	0	0	0	0	0	0	0
6:25:00 AM	0	0	0	0	0	0	0	0
6:26:00 AM	0	0	0	0	0	0	0	0
6:27:00 AM	0	0	0	0	0	0	0	0
6:28:00 AM	0	0	0	0	0	0	0	0
6:29:00 AM	0	0	0	0	0	0	0	0
6:30:00 AM	0	0	0	0	0	0	0	0
6:31:00 AM	0	0	0	0	1	0	0	0
6:32:00 AM	0	0	0	0	0	2	0	0
6:33:00 AM	0	0	0	0	0	2	0	0
6:34:00 AM	0	0	0	0	0	0	0	0
6:35:00 AM	0	0	0	0	0	0	0	0
6:36:00 AM	0	0	0	0	0	0	0	0
6:37:00 AM	0	0	0	0	0	0	0	0
6:38:00 AM	0	0	0	0	0	0	0	0
6:39:00 AM	0	0	0	0	0	0	0	0
6:40:00 AM	0	0	0	0	0	1	0	0
6:41:00 AM	0	0	0	0	0	0	0	0
6:42:00 AM	0	0	0	0	0	0	0	0
6:43:00 AM	0	0	0	0	0	1	0	0
6:44:00 AM	0	0	0	0	0	2	0	0
6:45:00 AM	0	0	0	0	0	2	0	0
6:46:00 AM	0	0	0	0	0	0	0	0
6:47:00 AM	0	0	0	0	0	0	0	0
6:48:00 AM	0	0	0	0	1	0	0	0
6:49:00 AM	0	0	0	0	0	0	0	0
6:50:00 AM	0	0	0	0	0	0	0	0
6:51:00 AM	0	0	0	0	0	0	0	0
6:52:00 AM	0	0	0	0	0	0	0	0
6:53:00 AM	0	0	0	0	0	0	0	0
6:54:00 AM	0	0	0	0	0	0	0	0
6:55:00 AM	0	0	0	0	0	0	0	0
6:56:00 AM	0	0	0	0	0	0	0	0

6:57:00 AM	0	0	0	0	0	0	0	0
6:58:00 AM	0	0	0	0	0	0	0	0
6:59:00 AM	0	0	0	0	0	0	0	0
7:00:00 AM	0	0	0	0	0	0	0	0
7:01:00 AM	0	0	0	0	0	0	0	0
7:02:00 AM	0	0	0	0	0	0	0	0
7:03:00 AM	0	0	0	0	0	0	0	0
7:04:00 AM	0	0	0	0	0	0	0	0
7:05:00 AM	0	0	0	1	0	0	0	0
7:06:00 AM	0	0	0	0	0	0	0	0
7:07:00 AM	0	0	0	0	0	0	0	0
7:08:00 AM	0	0	0	0	0	0	0	0
7:09:00 AM	0	0	0	0	0	0	0	0
7:10:00 AM	0	0	0	0	0	1	0	0
7:11:00 AM	0	0	0	0	0	0	0	0
7:12:00 AM	0	0	0	0	0	0	0	0
7:13:00 AM	0	0	0	0	0	0	0	0
7:14:00 AM	0	0	0	0	0	0	0	0
7:15:00 AM	0	0	0	0	0	0	0	0
7:16:00 AM	0	0	0	0	0	0	0	0
7:17:00 AM	0	0	0	0	0	0	0	0
7:18:00 AM	0	0	0	0	0	0	0	0
7:19:00 AM	0	0	0	0	0	1	0	0
7:20:00 AM	0	0	0	0	0	0	0	0
7:21:00 AM	0	0	0	0	0	0	0	0
7:22:00 AM	0	0	0	0	0	0	0	0
7:23:00 AM	0	0	0	0	0	0	0	0
7:24:00 AM	0	0	0	0	0	0	0	0
7:25:00 AM	0	0	0	0	0	0	0	0
7:26:00 AM	0	0	0	0	0	0	0	0
7:27:00 AM	0	0	0	0	0	0	0	0
7:28:00 AM	0	0	0	0	0	0	0	0
7:29:00 AM	0	0	0	1	0	0	0	0
7:30:00 AM	0	0	0	2	0	0	0	0
7:31:00 AM	0	0	1	0	0	0	0	0
7:32:00 AM	0	0	1	0	0	1	0	0
7:33:00 AM	0	0	0	0	0	0	0	0
7:34:00 AM	0	0	0	0	0	0	0	0
7:35:00 AM	0	0	0	0	0	0	0	0
7:36:00 AM	0	0	0	0	0	0	0	0
7:37:00 AM	0	0	0	0	0	0	0	0
7:38:00 AM	0	0	0	0	0	0	0	0
7:39:00 AM	0	0	0	0	0	0	0	0
7:40:00 AM	0	0	0	0	0	0	0	0
7:41:00 AM	0	0	0	0	0	0	0	0
7:42:00 AM	0	0	0	0	0	0	0	0
7:43:00 AM	0	0	0	0	0	0	0	0
7:44:00 AM	0	0	0	0	0	0	0	0
7:45:00 AM	0	0	0	0	0	0	0	0
7:46:00 AM	0	0	0	0	0	0	0	0
7:47:00 AM	0	0	0	0	0	0	0	0
7:48:00 AM	0	0	0	0	0	0	0	0
7:49:00 AM	0	0	0	0	0	0	0	0
7:50:00 AM	0	0	0	0	0	0	0	0
7:51:00 AM	0	0	0	0	0	0	0	0
7:52:00 AM	0	0	0	0	0	0	0	0
7:53:00 AM	0	0	0	0	0	0	0	0
7:54:00 AM	0	0	0	0	0	0	0	0
7:55:00 AM	0	0	0	0	0	0	0	0
7:56:00 AM	0	0	0	1	0	1	0	0
7:57:00 AM	0	0	0	1	0	1	0	0
7:58:00 AM	0	0	0	0	0	1	0	0
7:59:00 AM	0	0	0	0	0	0	0	0
8:00:00 AM	0	0	0	1	0	1	0	0
8:01:00 AM	0	0	0	1	0	1	0	0
8:02:00 AM	0	0	0	0	0	1	0	0
8:03:00 AM	0	0	0	0	0	0	0	0

8:04:00 AM	0	0	0	0	0	0	0	0
8:05:00 AM	0	0	0	0	0	0	0	0
8:06:00 AM	0	0	0	0	0	0	0	0
8:07:00 AM	0	0	0	0	0	0	0	0
8:08:00 AM	0	0	0	0	0	1	0	0
8:09:00 AM	0	0	0	0	0	0	0	0
8:10:00 AM	0	0	0	0	0	0	0	0
8:11:00 AM	0	0	1	0	0	0	0	0
8:12:00 AM	0	0	0	0	0	0	0	0
8:13:00 AM	0	0	0	0	0	0	0	0
8:14:00 AM	0	0	0	0	0	1	0	0
8:15:00 AM	0	0	0	0	0	0	0	0
8:16:00 AM	0	0	0	0	0	0	0	0
8:17:00 AM	0	0	0	0	0	0	0	0
8:18:00 AM	0	0	0	0	0	0	0	0
8:19:00 AM	0	0	0	0	0	0	0	0
8:20:00 AM	0	0	0	0	0	0	0	0
8:21:00 AM	0	0	0	0	0	0	0	0
8:22:00 AM	0	0	0	0	0	0	0	0
8:23:00 AM	0	0	0	0	0	0	0	0
8:24:00 AM	0	0	0	0	0	0	0	0
8:25:00 AM	0	0	0	0	0	0	0	0
8:26:00 AM	0	0	0	0	0	0	0	0
8:27:00 AM	0	0	0	0	0	0	0	0
8:28:00 AM	0	0	0	0	0	0	0	0
8:29:00 AM	0	0	0	0	0	0	0	0
8:30:00 AM	0	0	0	0	0	0	0	0
8:31:00 AM	0	0	0	0	0	0	0	0
8:32:00 AM	0	0	0	0	0	0	0	0
8:33:00 AM	0	0	0	0	0	0	0	0
8:34:00 AM	0	0	1	0	0	0	0	0
8:35:00 AM	0	0	1	1	0	0	0	0
8:36:00 AM	0	0	2	2	0	1	0	0
8:37:00 AM	0	0	0	2	0	2	0	0
8:38:00 AM	0	0	1	1	1	2	0	0
8:39:00 AM	0	0	1	2	2	2	0	0
8:40:00 AM	0	0	1	2	0	0	0	0
8:41:00 AM	0	0	0	2	0	0	0	0
8:42:00 AM	0	0	0	2	0	1	0	0
8:43:00 AM	0	0	0	0	0	1	0	0
8:44:00 AM	0	0	0	1	0	1	0	0
8:45:00 AM	0	0	0	0	0	0	0	0
8:46:00 AM	0	0	0	0	0	0	0	0
8:47:00 AM	0	0	0	0	0	1	0	0
8:48:00 AM	0	0	1	0	0	1	0	0
8:49:00 AM	0	0	1	1	0	1	0	0
8:50:00 AM	0	0	0	2	0	0	0	0
8:51:00 AM	0	0	0	1	0	0	0	0
8:52:00 AM	0	0	0	0	0	0	0	0
8:53:00 AM	0	0	0	0	0	0	0	0
8:54:00 AM	0	0	0	0	0	0	0	0
8:55:00 AM	0	0	0	0	0	0	0	0
8:56:00 AM	0	0	0	0	0	0	0	0
8:57:00 AM	0	0	0	0	0	0	0	0
8:58:00 AM	0	0	0	0	0	0	0	0
8:59:00 AM	0	0	0	0	0	0	0	0
9:00:00 AM	0	0	0	0	0	0	0	0
9:01:00 AM	0	0	0	0	0	0	0	0
9:02:00 AM	0	0	0	0	0	0	0	0
9:03:00 AM	0	0	0	0	0	0	0	0
9:04:00 AM	0	0	0	0	0	0	0	0
9:05:00 AM	0	0	0	0	0	0	0	0
9:06:00 AM	0	0	0	0	0	0	0	0
9:07:00 AM	0	0	0	0	0	0	0	0
9:08:00 AM	0	0	0	0	0	0	0	0
9:09:00 AM	0	0	0	1	0	0	0	0
9:10:00 AM	0	0	0	1	0	0	0	0

9:11:00 AM	0	0	0	0	0	1	0	0
9:12:00 AM	0	0	0	0	0	1	0	0
9:13:00 AM	0	0	0	0	0	0	0	0
9:14:00 AM	0	0	0	0	0	0	0	0
9:15:00 AM	0	0	0	0	0	0	0	0
9:16:00 AM	0	0	0	0	0	0	0	0
9:17:00 AM	0	0	0	0	0	0	0	0
9:18:00 AM	0	0	0	0	0	0	0	0
9:19:00 AM	0	0	0	0	0	0	0	0
9:20:00 AM	0	0	0	0	0	0	0	0
9:21:00 AM	0	0	0	1	0	0	0	0
9:22:00 AM	0	0	0	0	0	0	0	0
9:23:00 AM	0	0	0	0	0	0	0	0
9:24:00 AM	0	0	0	1	0	0	0	0
9:25:00 AM	0	0	0	0	0	2	0	0
9:26:00 AM	0	0	0	1	0	1	0	0
9:27:00 AM	0	0	0	1	0	2	0	0
9:28:00 AM	0	0	0	0	0	2	0	0
9:29:00 AM	0	0	0	0	0	0	0	0
9:30:00 AM	0	0	0	0	0	0	0	0
9:31:00 AM	0	0	0	0	0	1	0	0
9:32:00 AM	0	0	0	0	0	1	0	0
9:33:00 AM	0	0	0	0	0	0	0	0
9:34:00 AM	0	0	0	0	0	0	0	0
9:35:00 AM	0	0	0	0	0	1	0	0
9:36:00 AM	0	0	0	0	0	1	0	0
9:37:00 AM	0	0	0	0	0	0	0	0
9:38:00 AM	0	0	0	0	0	0	0	0
9:39:00 AM	0	0	0	0	0	0	0	0
9:40:00 AM	0	0	0	0	0	0	0	0
9:41:00 AM	0	0	0	0	0	0	0	0
9:42:00 AM	0	0	0	1	0	2	0	0
9:43:00 AM	0	0	0	1	1	2	0	0
9:44:00 AM	0	0	0	1	1	1	0	0
9:45:00 AM	0	0	0	2	0	1	0	0
9:46:00 AM	0	0	0	1	1	1	0	0
9:47:00 AM	0	0	1	0	1	2	0	0
9:48:00 AM	0	0	0	1	0	0	0	0
9:49:00 AM	0	0	1	1	0	1	0	0
9:50:00 AM	0	0	0	0	0	0	0	0
9:51:00 AM	0	0	0	0	0	0	0	0
9:52:00 AM	0	0	0	0	0	0	0	0
9:53:00 AM	0	0	0	0	0	0	0	0
9:54:00 AM	0	0	0	0	0	0	0	0
9:55:00 AM	0	0	0	0	0	0	0	0
9:56:00 AM	0	0	0	0	1	0	0	0
9:57:00 AM	0	0	0	0	0	0	0	0
9:58:00 AM	0	1	0	0	1	0	0	0
9:59:00 AM	0	1	0	0	1	0	0	0
10:00:00 AM	0	1	0	0	0	0	0	0
10:01:00 AM	0	0	0	0	0	0	0	0
10:02:00 AM	0	0	0	0	0	0	0	0
10:03:00 AM	0	0	0	0	0	0	0	0
10:04:00 AM	0	1	0	0	0	0	0	0
10:05:00 AM	0	1	0	0	0	0	0	0
10:06:00 AM	0	0	0	0	0	0	0	0
10:07:00 AM	0	0	0	0	0	0	0	0
10:08:00 AM	0	0	0	0	0	0	0	0
10:09:00 AM	0	0	0	0	0	0	0	0
10:10:00 AM	0	0	0	0	0	0	0	0
10:11:00 AM	0	0	0	0	0	0	0	0
10:12:00 AM	0	0	0	0	0	0	0	0
10:13:00 AM	0	0	0	0	0	0	0	0
10:14:00 AM	0	0	0	0	0	0	0	0
10:15:00 AM	0	0	0	0	0	0	0	0
10:16:00 AM	0	0	0	0	0	0	0	0
10:17:00 AM	0	0	0	0	0	0	0	0

10:18:00 AM	0	0	0	0	0	0	0	0
10:19:00 AM	0	0	0	0	0	0	0	0
10:20:00 AM	0	0	0	0	0	0	0	0
10:21:00 AM	0	1	0	0	0	0	0	0
10:22:00 AM	0	0	0	0	0	0	0	0
10:23:00 AM	0	1	0	0	0	0	0	0
10:24:00 AM	0	0	0	0	0	0	0	0
10:25:00 AM	0	0	0	0	0	0	0	0
10:26:00 AM	0	0	0	0	0	0	0	0
10:27:00 AM	0	0	0	0	0	0	0	0
10:28:00 AM	0	0	0	0	0	0	0	0
10:29:00 AM	0	1	0	0	0	0	0	0
10:30:00 AM	0	1	0	1	0	0	0	0
10:31:00 AM	0	1	0	0	0	0	0	0
10:32:00 AM	0	0	0	0	0	0	0	0
10:33:00 AM	0	0	0	0	0	0	0	0
10:34:00 AM	0	0	1	0	0	0	0	0
10:35:00 AM	0	0	1	0	0	0	0	0
10:36:00 AM	1	0	0	0	0	0	0	0
10:37:00 AM	0	0	0	0	0	0	0	0
10:38:00 AM	1	0	0	0	0	1	0	0
10:39:00 AM	0	0	0	0	0	1	0	0
10:40:00 AM	0	1	0	0	0	0	0	0
10:41:00 AM	0	0	0	0	0	0	0	0
10:42:00 AM	0	0	0	0	0	0	0	0
10:43:00 AM	0	0	0	0	0	0	0	0
10:44:00 AM	0	0	0	0	0	0	0	0
10:45:00 AM	0	0	0	0	0	1	0	0
10:46:00 AM	0	0	0	0	0	0	0	0
10:47:00 AM	0	0	0	0	1	0	0	0
10:48:00 AM	0	1	1	1	0	1	0	0
10:49:00 AM	0	1	1	2	0	2	0	0
10:50:00 AM	1	0	0	0	1	3	0	0
10:51:00 AM	0	0	0	0	1	0	0	0
10:52:00 AM	0	1	1	0	1	0	0	0
10:53:00 AM	0	2	2	2	1	1	0	0
10:54:00 AM	0	0	0	2	0	1	0	0
10:55:00 AM	0	0	0	2	0	0	0	0
10:56:00 AM	0	0	0	0	0	0	0	0
10:57:00 AM	0	0	0	0	0	0	0	0
10:58:00 AM	0	0	0	0	0	0	0	0
10:59:00 AM	0	0	0	0	0	0	0	0
11:00:00 AM	0	0	0	0	0	0	0	0
11:01:00 AM	0	0	0	0	0	0	0	0
11:02:00 AM	0	0	0	0	0	0	0	0
11:03:00 AM	0	0	0	0	0	0	0	0
11:04:00 AM	0	0	0	0	0	0	0	0
11:05:00 AM	0	0	0	0	0	0	0	0
11:06:00 AM	0	0	0	0	0	0	0	0
11:07:00 AM	0	0	0	0	0	0	0	0
11:08:00 AM	0	0	0	0	0	0	0	0
11:09:00 AM	0	0	0	0	0	0	0	0
11:10:00 AM	0	0	0	0	0	0	0	0
11:11:00 AM	1	0	0	0	0	0	0	0
11:12:00 AM	1	0	1	0	0	0	0	0
11:13:00 AM	1	0	1	0	0	0	0	0
11:14:00 AM	0	0	1	0	0	0	0	0
11:15:00 AM	0	0	1	0	0	0	0	0
11:16:00 AM	1	2	2	1	0	0	0	0
11:17:00 AM	1	0	0	1	0	0	0	0
11:18:00 AM	1	0	0	0	0	0	0	0
11:19:00 AM	0	0	0	0	0	0	0	0
11:20:00 AM	0	1	0	0	0	0	0	0
11:21:00 AM	0	2	0	0	0	0	0	0
11:22:00 AM	0	0	0	0	0	0	0	0
11:23:00 AM	0	0	0	0	0	0	0	0
11:24:00 AM	0	0	0	0	0	0	0	0

11:25:00 AM	0	0	0	1	0	0	0	0
11:26:00 AM	0	1	0	2	0	0	0	0
11:27:00 AM	1	1	0	1	0	1	0	0
11:28:00 AM	1	0	0	2	0	1	0	0
11:29:00 AM	1	1	1	0	0	1	0	0
11:30:00 AM	0	1	0	1	0	0	0	0
11:31:00 AM	0	2	0	1	0	0	0	0
11:32:00 AM	0	1	0	0	0	0	0	0
11:33:00 AM	0	0	0	1	0	0	0	0
11:34:00 AM	0	0	0	1	0	0	0	0
11:35:00 AM	0	0	0	1	0	0	0	0
11:36:00 AM	0	0	0	0	0	0	0	0
11:37:00 AM	0	0	0	0	0	0	0	0
11:38:00 AM	0	0	0	0	0	0	0	0
11:39:00 AM	0	0	0	0	0	0	0	0
11:40:00 AM	0	0	0	0	0	0	0	0
11:41:00 AM	0	0	0	0	0	0	0	0
11:42:00 AM	0	1	1	1	0	0	0	0
11:43:00 AM	0	2	1	1	1	1	0	0
11:44:00 AM	0	0	0	0	1	1	0	0
11:45:00 AM	0	0	0	0	1	1	0	0
11:46:00 AM	0	0	0	0	0	0	0	0
11:47:00 AM	1	1	0	1	0	0	0	0
11:48:00 AM	1	1	1	0	1	2	0	0
11:49:00 AM	0	2	2	0	2	2	0	0
11:50:00 AM	1	2	2	0	2	0	0	0
11:51:00 AM	2	2	0	2	0	0	0	0
11:52:00 AM	2	2	0	1	2	2	0	0
11:53:00 AM	2	2	1	0	2	2	0	0
11:54:00 AM	1	1	1	1	2	0	0	0
11:55:00 AM	1	0	0	1	2	1	0	0
11:56:00 AM	1	2	1	2	0	1	0	0
11:57:00 AM	1	2	2	1	2	1	0	0
11:58:00 AM	0	0	2	2	2	1	0	0
11:59:00 AM	2	2	2	3	3	1	0	0
12:00:00 PM	2	3	2	4	3	2	0	0
12:01:00 PM	2	3	2	1	2	0	0	0
12:02:00 PM	1	3	2	1	3	0	0	0
12:03:00 PM	1	1	2	2	3	0	0	0
12:04:00 PM	2	2	0	2	3	1	0	0
12:05:00 PM	1	2	2	2	2	2	0	0
12:06:00 PM	1	3	2	1	1	2	0	0
12:07:00 PM	1	1	2	1	2	0	0	0
12:08:00 PM	0	1	0	2	2	1	0	0
12:09:00 PM	0	1	0	1	2	1	0	0
12:10:00 PM	0	1	0	0	0	0	0	0
12:11:00 PM	0	0	0	0	0	0	0	0
12:12:00 PM	0	0	0	0	0	0	0	0
12:13:00 PM	0	0	0	0	0	0	0	0
12:14:00 PM	0	0	0	0	0	0	0	0
12:15:00 PM	0	0	0	0	0	0	0	0
12:16:00 PM	0	0	0	0	0	0	0	0
12:17:00 PM	0	0	0	0	0	0	0	0
12:18:00 PM	0	0	0	0	0	0	0	0
12:19:00 PM	0	0	0	0	0	0	0	0
12:20:00 PM	0	0	0	0	0	0	0	0
12:21:00 PM	0	0	0	0	0	0	0	0
12:22:00 PM	0	0	0	0	0	0	0	0
12:23:00 PM	0	0	0	0	0	0	0	0
12:24:00 PM	1	1	1	0	0	0	0	0
12:25:00 PM	0	0	1	1	1	0	0	0
12:26:00 PM	0	0	0	0	1	0	0	0
12:27:00 PM	0	0	0	0	0	0	0	0
12:28:00 PM	0	0	0	0	0	0	0	0
12:29:00 PM	0	0	0	0	1	0	0	0
12:30:00 PM	0	0	0	0	0	0	0	0
12:31:00 PM	2	0	0	0	0	0	0	0

12:32:00 PM	0	0	1	1	1	2	0	0
12:33:00 PM	1	1	1	1	2	2	0	0
12:34:00 PM	1	0	2	1	1	2	0	0
12:35:00 PM	1	0	0	0	0	2	0	0
12:36:00 PM	0	2	1	1	1	2	0	0
12:37:00 PM	0	2	0	1	1	1	0	0
12:38:00 PM	0	2	1	2	1	1	0	0
12:39:00 PM	0	0	1	1	1	1	0	0
12:40:00 PM	0	0	0	1	0	2	0	0
12:41:00 PM	0	0	0	0	0	0	0	0
12:42:00 PM	0	1	0	1	0	0	0	0
12:43:00 PM	0	0	1	2	1	2	0	0
12:44:00 PM	1	1	0	0	1	0	0	0
12:45:00 PM	0	1	0	1	1	1	0	0
12:46:00 PM	0	1	0	0	0	1	0	0
12:47:00 PM	0	0	0	0	0	1	0	0
12:48:00 PM	0	0	0	0	0	0	0	0
12:49:00 PM	0	0	1	0	0	0	0	0
12:50:00 PM	0	0	0	0	0	1	0	0
12:51:00 PM	0	1	0	0	0	1	0	0
12:52:00 PM	0	2	0	0	0	1	0	0
12:53:00 PM	1	0	0	0	0	0	0	0
12:54:00 PM	1	1	0	2	0	0	0	0
12:55:00 PM	0	0	0	1	0	1	0	0
12:56:00 PM	0	1	0	1	0	1	0	0
12:57:00 PM	0	0	0	0	1	0	0	0
12:58:00 PM	0	0	0	0	0	0	0	0
12:59:00 PM	0	0	0	2	1	0	0	0
1:00:00 PM	0	0	1	1	1	0	0	0
1:01:00 PM	1	0	0	0	3	1	0	0
1:02:00 PM	1	2	1	0	1	1	0	0
1:03:00 PM	1	2	0	1	1	1	0	0
1:04:00 PM	0	2	1	1	1	0	0	0
1:05:00 PM	0	2	1	1	1	0	0	0
1:06:00 PM	1	1	2	0	1	1	0	0
1:07:00 PM	0	3	0	2	1	2	0	0
1:08:00 PM	1	3	1	2	2	3	0	0
1:09:00 PM	0	0	1	1	0	0	0	0
1:10:00 PM	1	1	1	0	0	0	0	0
1:11:00 PM	1	1	1	1	1	2	0	0
1:12:00 PM	1	2	1	2	2	3	0	0
1:13:00 PM	1	3	2	2	0	0	0	0
1:14:00 PM	2	2	2	2	1	2	0	0
1:15:00 PM	0	0	0	1	2	2	0	0
1:16:00 PM	0	0	0	1	1	2	0	0
1:17:00 PM	0	0	0	0	2	2	0	0
1:18:00 PM	1	1	1	0	0	0	0	0
1:19:00 PM	0	0	0	0	0	1	0	0
1:20:00 PM	0	0	0	0	0	1	0	0
1:21:00 PM	0	1	0	0	0	1	0	0
1:22:00 PM	0	1	0	0	0	0	0	0
1:23:00 PM	0	0	0	0	0	0	0	0
1:24:00 PM	0	0	1	1	0	0	0	0
1:25:00 PM	1	1	1	1	0	0	0	0
1:26:00 PM	1	2	1	0	0	2	0	0
1:27:00 PM	1	0	0	1	2	0	0	0
1:28:00 PM	1	2	1	2	2	0	0	0
1:29:00 PM	0	0	1	1	2	0	0	0
1:30:00 PM	0	1	0	1	0	1	0	0
1:31:00 PM	0	0	1	1	1	1	0	0
1:32:00 PM	0	0	0	0	1	1	0	0
1:33:00 PM	0	0	0	1	1	1	0	0
1:34:00 PM	0	1	0	1	0	0	0	0
1:35:00 PM	0	2	0	0	0	0	0	0
1:36:00 PM	1	0	0	1	0	0	0	0
1:37:00 PM	1	0	0	0	1	0	0	0
1:38:00 PM	0	0	0	0	0	0	0	0

1:39:00 PM	0	0	0	0	0	0	0	0
1:40:00 PM	1	0	0	0	1	0	0	0
1:41:00 PM	1	0	2	0	0	0	0	0
1:42:00 PM	0	0	2	1	1	1	0	0
1:43:00 PM	0	2	0	0	1	1	0	0
1:44:00 PM	0	0	0	1	0	0	0	0
1:45:00 PM	0	1	1	2	0	2	0	0
1:46:00 PM	1	2	2	0	0	2	0	0
1:47:00 PM	0	2	0	0	0	1	0	0
1:48:00 PM	0	0	0	0	0	0	0	0
1:49:00 PM	0	0	0	0	0	0	0	0
1:50:00 PM	0	1	0	0	0	0	0	0
1:51:00 PM	1	0	0	0	0	0	0	0
1:52:00 PM	1	1	0	0	0	0	0	0
1:53:00 PM	1	0	0	1	0	0	0	0
1:54:00 PM	0	1	0	1	0	0	0	0
1:55:00 PM	0	0	0	0	0	0	0	0
1:56:00 PM	0	1	0	0	0	0	0	0
1:57:00 PM	0	0	0	0	0	0	0	0
1:58:00 PM	0	0	0	0	0	0	0	0
1:59:00 PM	0	0	0	0	0	0	0	0
2:00:00 PM	0	0	0	0	0	0	0	0
2:01:00 PM	0	1	1	1	1	0	0	0
2:02:00 PM	1	1	0	1	1	0	0	0
2:03:00 PM	1	1	1	1	0	0	0	0
2:04:00 PM	1	1	0	0	0	0	0	0
2:05:00 PM	0	1	1	1	0	0	0	0
2:06:00 PM	0	1	1	2	0	0	0	0
2:07:00 PM	0	3	0	2	0	0	0	0
2:08:00 PM	3	3	0	2	0	0	0	0
2:09:00 PM	2	1	0	1	0	0	0	0
2:10:00 PM	1	1	1	1	0	0	0	0
2:11:00 PM	1	2	0	0	1	0	0	0
2:12:00 PM	2	3	2	2	2	0	0	0
2:13:00 PM	3	4	2	1	0	0	0	0
2:14:00 PM	2	2	2	2	0	0	0	0
2:15:00 PM	3	2	2	4	0	0	0	0
2:16:00 PM	3	2	2	3	1	0	0	0
2:17:00 PM	3	2	3	3	1	0	0	0
2:18:00 PM	3	2	3	3	0	0	0	0
2:19:00 PM	3	2	3	1	1	0	0	0
2:20:00 PM	0	3	3	3	2	0	0	0
2:21:00 PM	2	3	2	3	2	0	0	0
2:22:00 PM	2	3	2	3	3	0	0	0
2:23:00 PM	2	1	2	2	1	0	0	0
2:24:00 PM	2	1	2	1	1	0	1	0
2:25:00 PM	2	1	2	1	1	0	1	0
2:26:00 PM	0	2	2	1	1	0	2	0
2:27:00 PM	0	2	2	2	0	0	0	0
2:28:00 PM	1	0	1	0	0	0	0	0
2:29:00 PM	0	1	0	0	0	0	0	0
2:30:00 PM	0	1	0	2	0	0	0	0
2:31:00 PM	0	0	0	0	0	0	0	0
2:32:00 PM	0	1	0	2	0	0	2	0
2:33:00 PM	0	1	1	3	0	0	0	0
2:34:00 PM	1	1	1	3	1	0	0	0
2:35:00 PM	1	2	3	1	0	1	0	0
2:36:00 PM	1	2	1	0	0	0	0	0
2:37:00 PM	0	2	2	2	1	0	0	0
2:38:00 PM	0	3	2	3	2	0	0	0
2:39:00 PM	1	3	2	3	2	0	0	0
2:40:00 PM	2	3	0	3	0	0	0	0
2:41:00 PM	2	3	0	3	1	0	0	0
2:42:00 PM	2	3	0	1	0	0	0	0
2:43:00 PM	0	3	1	1	2	0	0	0
2:44:00 PM	0	3	1	2	0	0	0	0
2:45:00 PM	1	1	1	1	0	0	2	0

2:46:00 PM	1	1	0	2	2	0	0	0
2:47:00 PM	1	1	0	1	2	0	0	0
2:48:00 PM	1	1	1	2	2	0	0	0
2:49:00 PM	0	0	2	2	0	0	0	0
2:50:00 PM	0	0	0	2	0	0	0	0
2:51:00 PM	0	0	0	2	1	0	0	0
2:52:00 PM	1	2	0	1	0	0	0	0
2:53:00 PM	1	2	0	0	0	0	0	0
2:54:00 PM	0	2	0	1	0	0	0	0
2:55:00 PM	0	2	0	2	0	0	0	0
2:56:00 PM	0	0	0	0	0	0	0	0
2:57:00 PM	0	0	0	0	0	0	0	0
2:58:00 PM	0	0	0	0	0	0	0	0
2:59:00 PM	1	0	0	0	0	0	0	0
3:00:00 PM	0	1	0	0	0	0	0	0
3:01:00 PM	0	1	0	1	0	0	0	0
3:02:00 PM	0	3	0	3	0	0	0	0
3:03:00 PM	2	1	0	0	0	0	0	0
3:04:00 PM	2	2	0	2	1	0	0	0
3:05:00 PM	2	3	0	3	3	0	0	0
3:06:00 PM	2	3	2	0	1	0	0	0
3:07:00 PM	2	3	2	2	2	0	0	0
3:08:00 PM	1	3	0	2	1	0	0	0
3:09:00 PM	1	3	1	2	2	2	0	0
3:10:00 PM	1	1	1	0	0	2	0	0
3:11:00 PM	1	2	1	2	2	2	0	0
3:12:00 PM	2	3	2	2	2	0	0	0
3:13:00 PM	2	2	0	2	2	1	0	0
3:14:00 PM	0	2	2	0	2	2	0	0
3:15:00 PM	0	2	2	0	0	2	0	0
3:16:00 PM	1	2	2	1	1	0	0	0
3:17:00 PM	2	2	2	1	2	1	0	0
3:18:00 PM	2	2	1	2	2	2	0	0
3:19:00 PM	0	2	2	2	2	3	0	0
3:20:00 PM	1	2	2	0	0	3	0	0
3:21:00 PM	2	2	2	3	1	0	0	0
3:22:00 PM	2	2	0	3	1	3	0	0
3:23:00 PM	2	2	0	2	1	3	0	0
3:24:00 PM	2	0	0	1	1	2	0	0
3:25:00 PM	2	2	0	1	0	2	0	0
3:26:00 PM	0	2	0	1	0	0	0	0
3:27:00 PM	1	2	1	0	0	1	0	0
3:28:00 PM	1	2	1	0	0	2	0	0
3:29:00 PM	2	0	2	2	0	2	0	0
3:30:00 PM	2	2	2	2	0	2	0	0
3:31:00 PM	1	1	0	1	0	0	0	0
3:32:00 PM	0	1	1	0	0	0	0	0
3:33:00 PM	0	2	1	1	0	1	0	0
3:34:00 PM	0	0	0	0	0	1	0	0
3:35:00 PM	0	2	0	1	1	1	0	0
3:36:00 PM	0	2	0	1	0	1	0	0
3:37:00 PM	0	1	0	0	0	0	0	0
3:38:00 PM	2	1	1	0	0	0	0	0
3:39:00 PM	1	0	0	1	0	0	0	0
3:40:00 PM	0	1	0	1	1	2	0	0
3:41:00 PM	1	2	1	2	2	2	0	0
3:42:00 PM	2	3	0	0	0	0	0	0
3:43:00 PM	3	0	2	0	1	1	0	0
3:44:00 PM	2	0	0	1	0	1	0	0
3:45:00 PM	0	0	0	1	0	1	0	0
3:46:00 PM	0	1	0	2	1	0	0	0
3:47:00 PM	0	0	0	0	0	0	0	0
3:48:00 PM	0	0	0	0	0	0	0	0
3:49:00 PM	0	1	0	1	0	2	0	0
3:50:00 PM	0	1	0	0	0	0	0	0
3:51:00 PM	0	1	0	0	0	0	0	0
3:52:00 PM	0	0	0	0	0	0	0	0

3:53:00 PM	0	0	0	0	0	0	0	0
3:54:00 PM	0	0	0	0	0	0	0	0
3:55:00 PM	0	0	0	0	0	0	0	0
3:56:00 PM	0	0	0	0	0	0	0	0
3:57:00 PM	0	1	0	1	0	1	0	0
3:58:00 PM	1	0	0	0	1	1	0	0
3:59:00 PM	0	0	1	0	1	1	0	0
4:00:00 PM	0	0	0	0	0	0	0	0
4:01:00 PM	0	0	0	0	0	0	0	0
4:02:00 PM	0	1	0	0	0	0	0	0
4:03:00 PM	0	1	0	1	0	0	0	0
4:04:00 PM	1	2	1	2	0	3	0	0
4:05:00 PM	0	1	2	0	0	0	0	0
4:06:00 PM	0	1	0	2	1	1	0	0
4:07:00 PM	0	3	0	2	0	2	0	0
4:08:00 PM	1	2	1	2	1	2	0	0
4:09:00 PM	3	2	2	0	1	1	0	0
4:10:00 PM	3	2	0	1	2	1	0	0
4:11:00 PM	3	3	2	2	2	3	0	0
4:12:00 PM	3	3	3	2	1	3	0	0
4:13:00 PM	0	1	3	0	1	3	0	0
4:14:00 PM	0	2	1	0	1	0	0	0
4:15:00 PM	1	2	2	1	2	1	0	0
4:16:00 PM	1	2	2	2	2	2	0	0
4:17:00 PM	0	2	2	2	1	3	0	0
4:18:00 PM	1	3	2	0	2	0	0	0
4:19:00 PM	1	2	1	0	1	3	0	0
4:20:00 PM	2	2	2	0	2	3	0	0
4:21:00 PM	3	2	2	2	2	4	0	0
4:22:00 PM	2	2	2	2	3	4	0	0
4:23:00 PM	2	3	2	2	3	4	0	0
4:24:00 PM	2	3	0	0	0	1	0	0
4:25:00 PM	3	0	1	1	0	1	0	0
4:26:00 PM	3	1	1	1	1	2	0	0
4:27:00 PM	3	1	1	1	2	2	0	0
4:28:00 PM	1	2	1	2	2	0	0	0
4:29:00 PM	2	0	1	3	2	1	0	0
4:30:00 PM	1	2	0	0	0	1	0	0
4:31:00 PM	1	2	1	2	1	2	0	0
4:32:00 PM	1	2	2	2	1	3	0	0
4:33:00 PM	0	2	2	2	1	1	0	0
4:34:00 PM	1	2	0	2	0	2	0	0
4:35:00 PM	2	1	2	2	0	2	0	0
4:36:00 PM	2	1	2	1	0	0	0	0
4:37:00 PM	1	1	2	1	0	0	0	0
4:38:00 PM	0	0	2	1	0	1	0	0
4:39:00 PM	0	2	2	0	0	1	0	0
4:40:00 PM	0	0	0	0	0	0	0	0
4:41:00 PM	0	1	0	1	0	0	0	0
4:42:00 PM	0	2	1	2	0	2	0	0
4:43:00 PM	0	0	0	2	1	2	0	0
4:44:00 PM	0	1	0	0	1	0	0	0
4:45:00 PM	1	1	0	0	1	0	0	0
4:46:00 PM	1	0	0	1	0	1	0	0
4:47:00 PM	1	0	1	1	1	1	0	0
4:48:00 PM	1	2	1	1	1	1	0	0
4:49:00 PM	1	2	0	2	1	1	0	0
4:50:00 PM	0	2	0	3	2	2	0	0
4:51:00 PM	0	0	1	1	0	2	0	0
4:52:00 PM	0	2	1	1	0	0	0	0
4:53:00 PM	0	2	1	2	0	0	0	0
4:54:00 PM	1	2	0	2	0	1	0	0
4:55:00 PM	0	0	0	1	0	2	0	0
4:56:00 PM	0	1	0	0	0	0	0	0
4:57:00 PM	0	1	1	0	0	0	0	0
4:58:00 PM	0	1	1	1	0	1	0	0
4:59:00 PM	1	1	0	1	2	1	0	0

5:00:00 PM	0	0	0	0	1	0	0	0
5:01:00 PM	0	0	0	0	0	0	0	0
5:02:00 PM	2	0	0	0	0	0	0	0
5:03:00 PM	1	0	1	0	0	0	0	0
5:04:00 PM	1	0	0	1	0	0	0	0
5:05:00 PM	1	0	0	0	0	1	0	0
5:06:00 PM	0	0	1	0	0	2	0	0
5:07:00 PM	0	1	1	1	0	0	0	0
5:08:00 PM	2	1	1	0	1	1	0	0
5:09:00 PM	2	1	0	0	1	0	0	0
5:10:00 PM	0	2	0	0	1	1	0	0
5:11:00 PM	1	1	1	2	1	0	0	0
5:12:00 PM	1	1	1	2	0	0	0	0
5:13:00 PM	1	1	1	1	0	1	0	0
5:14:00 PM	2	2	2	1	0	2	0	0
5:15:00 PM	0	2	2	1	0	2	0	0
5:16:00 PM	1	0	0	1	0	0	0	0
5:17:00 PM	1	0	0	0	1	0	0	0
5:18:00 PM	1	0	1	0	2	2	0	0
5:19:00 PM	2	0	1	0	0	2	0	0
5:20:00 PM	0	0	0	1	0	2	0	0
5:21:00 PM	1	2	0	0	0	0	0	0
5:22:00 PM	1	0	0	0	0	0	0	0
5:23:00 PM	0	0	1	0	1	0	0	0
5:24:00 PM	0	1	1	1	0	2	0	0
5:25:00 PM	0	2	0	1	0	1	0	0
5:26:00 PM	0	0	0	1	0	1	0	0
5:27:00 PM	0	0	0	0	1	1	0	0
5:28:00 PM	0	0	0	0	1	0	0	0
5:29:00 PM	0	0	0	0	0	0	0	0
5:30:00 PM	0	0	0	0	0	0	0	0
5:31:00 PM	0	0	0	0	0	0	0	0
5:32:00 PM	0	0	0	0	0	0	0	0
5:33:00 PM	0	1	0	0	0	0	0	0
5:34:00 PM	0	1	0	0	0	0	0	0
5:35:00 PM	1	0	1	1	0	1	0	0
5:36:00 PM	0	0	0	0	1	1	0	0
5:37:00 PM	0	0	0	0	0	0	0	0
5:38:00 PM	0	1	0	0	0	0	0	0
5:39:00 PM	0	1	1	0	1	0	0	0
5:40:00 PM	0	0	1	1	1	1	0	0
5:41:00 PM	0	0	1	1	1	2	0	0
5:42:00 PM	0	0	0	0	1	0	0	0
5:43:00 PM	0	0	0	0	0	0	0	0
5:44:00 PM	0	0	0	0	0	1	0	0
5:45:00 PM	0	0	0	1	1	1	0	0
5:46:00 PM	0	1	1	1	0	0	0	0
5:47:00 PM	1	1	1	0	1	0	0	0
5:48:00 PM	1	1	1	0	0	1	0	0
5:49:00 PM	1	0	1	0	0	1	0	0
5:50:00 PM	0	0	0	1	0	1	0	0
5:51:00 PM	0	0	1	0	1	2	0	0
5:52:00 PM	0	0	0	0	0	0	0	0
5:53:00 PM	0	0	1	0	1	0	0	0
5:54:00 PM	1	0	0	1	1	0	0	0
5:55:00 PM	0	0	0	0	1	1	0	0
5:56:00 PM	0	0	0	0	1	1	0	0
5:57:00 PM	0	0	1	0	1	0	0	0
5:58:00 PM	1	0	0	0	0	0	0	0
5:59:00 PM	1	0	0	0	0	1	0	0
6:00:00 PM	1	0	0	0	0	1	0	0
6:01:00 PM	0	1	0	1	0	2	0	0
6:02:00 PM	0	1	1	0	0	2	0	0
6:03:00 PM	0	1	1	1	0	0	0	0
6:04:00 PM	0	0	1	1	0	0	0	0
6:05:00 PM	0	1	0	1	1	0	0	0
6:06:00 PM	0	1	0	1	1	0	0	0

6:07:00 PM	0	1	0	0	1	2	0	0
6:08:00 PM	0	1	0	0	0	2	0	0
6:09:00 PM	0	0	0	0	0	2	0	0
6:10:00 PM	0	0	0	0	0	0	0	0
6:11:00 PM	0	0	0	0	0	0	0	0
6:12:00 PM	0	0	0	0	0	0	0	0
6:13:00 PM	0	0	0	0	0	0	0	0
6:14:00 PM	0	0	0	0	0	0	0	0
6:15:00 PM	0	0	0	0	0	0	0	0
6:16:00 PM	0	0	0	0	0	0	0	0
6:17:00 PM	0	0	0	1	0	0	0	0
6:18:00 PM	0	0	0	1	0	0	0	0
6:19:00 PM	0	0	0	0	0	0	0	0
6:20:00 PM	0	0	0	0	0	0	0	0
6:21:00 PM	0	0	0	0	0	0	0	0
6:22:00 PM	1	1	0	0	0	0	0	0
6:23:00 PM	1	1	0	0	0	0	0	0
6:24:00 PM	1	2	0	0	0	0	0	0
6:25:00 PM	0	3	0	0	0	0	0	0
6:26:00 PM	0	0	0	1	0	0	0	0
6:27:00 PM	0	0	0	0	0	0	0	0
6:28:00 PM	0	0	0	0	0	0	0	0
6:29:00 PM	0	0	0	0	0	0	0	0
6:30:00 PM	0	0	0	0	0	0	0	0
6:31:00 PM	0	0	0	0	0	0	0	0
6:32:00 PM	0	0	0	0	0	0	0	0
6:33:00 PM	0	1	0	0	0	0	0	0
6:34:00 PM	0	1	0	1	0	1	0	0
6:35:00 PM	0	0	0	0	0	1	0	0
6:36:00 PM	0	0	0	0	0	1	0	0
6:37:00 PM	0	0	0	0	0	2	0	0
6:38:00 PM	0	0	0	0	0	0	0	0
6:39:00 PM	0	0	0	0	0	0	0	0
6:40:00 PM	0	0	0	0	0	0	0	0
6:41:00 PM	0	0	0	0	0	0	0	0
6:42:00 PM	0	0	0	0	0	0	0	0
6:43:00 PM	0	0	0	0	0	0	0	0
6:44:00 PM	0	0	0	0	0	0	0	0
6:45:00 PM	0	0	0	0	0	0	0	0
6:46:00 PM	0	0	0	0	0	0	0	0
6:47:00 PM	0	0	0	0	0	0	0	0
6:48:00 PM	0	0	0	0	0	0	0	0
6:49:00 PM	0	0	0	0	0	0	0	0
6:50:00 PM	0	0	0	0	0	0	0	0
6:51:00 PM	0	0	0	0	0	0	0	0
6:52:00 PM	0	0	0	0	0	0	0	0
6:53:00 PM	0	0	0	0	0	0	0	0
6:54:00 PM	0	0	0	0	0	0	0	0
6:55:00 PM	0	0	0	0	0	0	0	0
6:56:00 PM	0	0	0	0	0	0	0	0
6:57:00 PM	0	0	0	0	0	0	0	0
6:58:00 PM	0	0	0	0	0	0	0	0
6:59:00 PM	0	0	0	0	0	0	0	0
7:00:00 PM	0	1	0	0	0	0	0	0
7:01:00 PM	0	1	0	0	0	0	0	0
7:02:00 PM	0	1	0	0	0	0	0	0
7:03:00 PM	0	1	0	1	0	1	0	0
7:04:00 PM	0	1	0	0	0	0	0	0
7:05:00 PM	0	1	0	0	0	0	0	0
7:06:00 PM	0	0	0	0	0	0	0	0
7:07:00 PM	0	0	0	0	0	0	0	0
7:08:00 PM	0	0	0	0	0	0	0	0
7:09:00 PM	0	0	0	0	0	0	0	0
7:10:00 PM	0	0	0	0	0	0	0	0
7:11:00 PM	0	0	0	0	0	0	0	0
7:12:00 PM	0	0	0	0	0	0	0	0
7:13:00 PM	0	0	0	0	0	0	0	0

7:14:00 PM	0	0	0	0	0	0	0	0
7:15:00 PM	0	0	0	0	0	0	0	0
7:16:00 PM	0	0	0	0	0	0	0	0
7:17:00 PM	0	0	0	0	0	0	0	0
7:18:00 PM	0	1	0	1	0	0	0	0
7:19:00 PM	0	1	0	0	0	0	0	0
7:20:00 PM	1	1	0	0	0	1	0	0
7:21:00 PM	1	1	0	0	0	2	0	0
7:22:00 PM	1	2	0	1	0	0	0	0
7:23:00 PM	0	0	0	0	0	0	0	0
7:24:00 PM	1	0	0	1	0	0	0	0
7:25:00 PM	0	0	0	1	0	0	0	0
7:26:00 PM	0	1	0	1	0	0	0	0
7:27:00 PM	0	1	0	0	0	0	0	0
7:28:00 PM	0	0	0	0	0	0	0	0
7:29:00 PM	0	0	0	0	0	0	0	0
7:30:00 PM	0	0	0	0	0	0	0	0
7:31:00 PM	0	0	0	0	0	0	0	0
7:32:00 PM	0	0	0	0	0	0	0	0
7:33:00 PM	0	0	1	0	0	0	0	0
7:34:00 PM	0	0	0	0	0	0	0	0
7:35:00 PM	0	0	0	0	0	0	0	0
7:36:00 PM	0	0	0	0	0	0	0	0
7:37:00 PM	0	0	0	0	0	0	0	0
7:38:00 PM	0	0	0	0	0	0	0	0
7:39:00 PM	0	0	0	0	0	0	0	0
7:40:00 PM	0	0	0	0	0	0	0	0
7:41:00 PM	0	0	0	0	0	0	0	0
7:42:00 PM	0	0	0	0	0	0	0	0
7:43:00 PM	0	1	0	0	0	0	0	0
7:44:00 PM	0	2	1	0	0	0	0	0
7:45:00 PM	0	0	0	0	0	0	0	0
7:46:00 PM	0	0	0	0	0	0	0	0
7:47:00 PM	0	0	0	0	0	0	0	0
7:48:00 PM	0	2	1	1	0	0	0	0
7:49:00 PM	0	2	1	2	0	0	0	0
7:50:00 PM	0	2	2	1	0	0	0	0
7:51:00 PM	0	2	1	2	0	0	0	0
7:52:00 PM	0	0	0	2	0	0	0	0
7:53:00 PM	0	1	0	2	0	0	0	0
7:54:00 PM	1	1	0	2	0	0	0	0
7:55:00 PM	1	2	0	1	0	0	0	0
7:56:00 PM	1	2	0	1	0	0	0	0
7:57:00 PM	0	2	0	1	0	0	0	0
7:58:00 PM	0	1	0	1	0	0	0	0
7:59:00 PM	0	0	1	1	0	0	0	0



Site Code: 14620304

Location: Wilsonville Costco Gas Queue

Date: 2/10/2018

	Lane 1 (Nearest to Costco)	Lane 2	Lane 3	Lane 4	Lane 5	Lane 6	Lane 7	Lane 8 (Furthest from Costco)
Time	Queue	Queue	Queue	Queue	Queue	Queue	Queue	Queue
6:00:00 AM	0	0	0	0	0	0	0	0
6:01:00 AM	0	0	0	0	0	0	0	0
6:02:00 AM	0	0	0	0	0	0	0	0
6:03:00 AM	0	0	0	0	0	0	0	0
6:04:00 AM	0	0	0	0	0	0	0	0
6:05:00 AM	0	0	0	0	0	0	0	0
6:06:00 AM	0	0	0	0	0	0	0	0
6:07:00 AM	0	0	0	0	0	0	0	0
6:08:00 AM	0	0	0	0	0	0	0	0
6:09:00 AM	0	0	0	0	0	0	0	0
6:10:00 AM	0	0	0	0	0	0	0	0
6:11:00 AM	0	0	0	0	0	0	0	0
6:12:00 AM	0	0	0	0	0	0	0	0
6:13:00 AM	0	0	0	0	0	0	0	0
6:14:00 AM	0	0	0	0	0	0	0	0
6:15:00 AM	0	0	0	0	0	0	0	0
6:16:00 AM	0	0	0	0	0	0	0	0
6:17:00 AM	0	0	0	0	0	0	0	0
6:18:00 AM	0	0	0	0	0	0	0	0
6:19:00 AM	0	0	0	0	0	0	0	0
6:20:00 AM	0	0	0	0	0	0	0	0
6:21:00 AM	0	0	0	0	0	0	0	0
6:22:00 AM	0	0	0	0	0	0	0	0
6:23:00 AM	0	0	0	0	0	0	0	0
6:24:00 AM	0	0	0	0	0	0	0	0
6:25:00 AM	0	0	0	0	0	0	0	0
6:26:00 AM	0	0	0	0	0	0	0	0
6:27:00 AM	0	0	0	0	0	0	0	0
6:28:00 AM	0	0	0	0	0	0	0	0
6:29:00 AM	0	0	0	0	0	0	0	0
6:30:00 AM	0	0	0	0	0	0	0	0
6:31:00 AM	0	0	0	0	0	0	0	0
6:32:00 AM	0	0	0	0	0	0	0	0
6:33:00 AM	0	0	0	0	0	0	0	0
6:34:00 AM	0	0	0	0	0	0	0	0
6:35:00 AM	0	0	0	0	0	0	0	0
6:36:00 AM	0	0	0	0	0	0	0	0
6:37:00 AM	0	0	0	0	0	0	0	0
6:38:00 AM	0	0	0	0	0	0	0	0
6:39:00 AM	0	0	0	0	0	0	0	0
6:40:00 AM	0	0	0	0	0	0	0	0
6:41:00 AM	0	0	0	0	0	0	0	0
6:42:00 AM	0	1	0	0	0	0	0	0
6:43:00 AM	0	0	0	0	0	0	0	0
6:44:00 AM	0	0	0	0	0	0	0	0
6:45:00 AM	0	0	0	0	0	0	0	0
6:46:00 AM	0	0	0	0	0	0	0	0
6:47:00 AM	0	0	0	0	0	0	0	0
6:48:00 AM	0	0	0	0	0	0	0	0
6:49:00 AM	0	0	0	0	0	0	0	0
6:50:00 AM	0	0	0	0	0	0	0	0
6:51:00 AM	0	0	0	0	0	0	0	0
6:52:00 AM	0	0	0	0	0	0	0	0
6:53:00 AM	0	0	0	1	0	0	0	0
6:54:00 AM	0	0	0	0	0	0	0	0
6:55:00 AM	0	0	0	0	0	0	0	0
6:56:00 AM	0	0	0	0	0	0	0	0

6:57:00 AM	0	0	0	0	0	0	0	0
6:58:00 AM	0	0	0	0	0	0	0	0
6:59:00 AM	0	0	0	0	0	0	0	0
7:00:00 AM	0	0	0	0	0	0	0	0
7:01:00 AM	0	0	0	0	0	0	0	0
7:02:00 AM	0	0	0	0	0	0	0	0
7:03:00 AM	0	0	0	0	0	0	0	0
7:04:00 AM	0	0	0	0	0	0	0	0
7:05:00 AM	0	0	0	0	0	0	0	0
7:06:00 AM	0	0	0	0	0	0	0	0
7:07:00 AM	0	0	0	0	0	0	0	0
7:08:00 AM	0	0	0	0	0	0	0	0
7:09:00 AM	0	0	0	0	0	0	0	0
7:10:00 AM	0	0	0	0	0	0	0	0
7:11:00 AM	0	0	0	0	0	0	0	0
7:12:00 AM	0	0	0	0	0	0	0	0
7:13:00 AM	0	0	0	0	0	0	0	0
7:14:00 AM	0	0	0	0	0	0	0	0
7:15:00 AM	0	0	0	0	0	0	0	0
7:16:00 AM	0	0	0	0	0	0	0	0
7:17:00 AM	0	0	0	0	0	0	0	0
7:18:00 AM	0	0	0	0	0	0	0	0
7:19:00 AM	0	0	0	0	0	0	0	0
7:20:00 AM	0	0	0	0	0	0	0	0
7:21:00 AM	0	0	0	0	0	0	0	0
7:22:00 AM	0	0	0	0	0	0	0	0
7:23:00 AM	0	0	0	0	0	0	0	0
7:24:00 AM	0	0	0	0	0	0	0	0
7:25:00 AM	0	0	0	0	0	0	0	0
7:26:00 AM	0	0	0	0	0	0	0	0
7:27:00 AM	0	0	0	0	0	0	0	0
7:28:00 AM	0	0	0	0	0	0	0	0
7:29:00 AM	0	0	0	0	0	0	0	0
7:30:00 AM	0	0	0	0	0	0	0	0
7:31:00 AM	0	0	0	0	0	0	0	0
7:32:00 AM	0	0	0	0	0	0	0	0
7:33:00 AM	0	0	0	0	0	0	0	0
7:34:00 AM	0	0	0	0	0	0	0	0
7:35:00 AM	0	0	0	0	0	0	0	0
7:36:00 AM	0	0	0	0	0	0	0	0
7:37:00 AM	0	0	0	0	0	0	0	0
7:38:00 AM	0	0	0	0	0	0	0	0
7:39:00 AM	0	0	0	0	0	0	0	0
7:40:00 AM	0	0	0	0	0	0	0	0
7:41:00 AM	0	0	0	0	0	0	0	0
7:42:00 AM	0	0	0	0	0	0	0	0
7:43:00 AM	0	0	0	1	0	0	0	0
7:44:00 AM	0	0	0	0	0	0	0	0
7:45:00 AM	0	0	0	0	0	0	0	0
7:46:00 AM	0	0	0	0	0	0	0	0
7:47:00 AM	0	0	0	0	0	0	0	0
7:48:00 AM	0	0	0	0	0	0	0	0
7:49:00 AM	0	0	0	0	0	0	0	0
7:50:00 AM	0	0	0	0	0	0	0	1
7:51:00 AM	0	0	0	0	0	0	0	0
7:52:00 AM	0	0	0	0	0	0	0	0
7:53:00 AM	0	0	0	0	0	0	0	0
7:54:00 AM	0	0	0	0	0	0	0	1
7:55:00 AM	0	0	0	0	0	0	0	1
7:56:00 AM	0	0	0	0	0	0	0	0
7:57:00 AM	0	0	0	0	0	0	0	0
7:58:00 AM	0	0	0	0	0	0	0	0
7:59:00 AM	0	0	0	0	0	0	0	0
8:00:00 AM	0	0	0	0	0	0	0	0
8:01:00 AM	0	0	0	0	0	0	0	0
8:02:00 AM	0	0	0	0	0	0	0	0
8:03:00 AM	0	0	0	0	0	0	0	0

8:04:00 AM	0	0	0	0	0	0	0	0
8:05:00 AM	0	0	0	0	0	0	0	0
8:06:00 AM	0	0	0	0	0	0	0	0
8:07:00 AM	0	0	0	0	0	0	0	0
8:08:00 AM	0	0	0	0	0	0	0	0
8:09:00 AM	0	0	0	0	0	0	0	0
8:10:00 AM	0	0	0	0	0	0	0	0
8:11:00 AM	0	0	0	0	0	0	0	0
8:12:00 AM	0	0	0	0	0	0	0	0
8:13:00 AM	0	0	0	0	0	0	0	0
8:14:00 AM	0	0	0	1	0	0	0	0
8:15:00 AM	0	0	0	0	0	0	0	0
8:16:00 AM	0	0	0	0	0	0	0	0
8:17:00 AM	0	0	0	0	0	0	0	0
8:18:00 AM	0	0	0	0	0	0	0	0
8:19:00 AM	0	0	0	0	0	0	0	0
8:20:00 AM	0	0	0	0	0	0	0	0
8:21:00 AM	0	0	0	0	0	0	0	0
8:22:00 AM	0	0	0	0	0	0	0	0
8:23:00 AM	0	0	0	0	0	0	0	0
8:24:00 AM	0	0	0	0	0	0	0	0
8:25:00 AM	0	0	0	1	0	0	0	1
8:26:00 AM	0	0	0	0	0	0	0	0
8:27:00 AM	0	0	0	0	0	0	0	0
8:28:00 AM	0	0	0	0	0	0	0	0
8:29:00 AM	0	0	0	0	0	0	0	0
8:30:00 AM	0	0	0	0	0	0	0	0
8:31:00 AM	0	0	0	0	0	0	0	0
8:32:00 AM	0	0	0	0	0	0	0	0
8:33:00 AM	0	0	0	0	0	0	0	0
8:34:00 AM	0	0	0	0	0	0	0	0
8:35:00 AM	0	0	0	0	0	0	0	0
8:36:00 AM	0	0	0	0	0	0	0	0
8:37:00 AM	0	0	0	1	0	0	0	0
8:38:00 AM	0	0	0	0	0	0	0	0
8:39:00 AM	0	0	0	0	0	0	0	0
8:40:00 AM	0	0	0	0	0	0	0	0
8:41:00 AM	0	0	0	0	0	0	0	0
8:42:00 AM	0	0	0	0	0	0	0	0
8:43:00 AM	0	0	0	0	0	0	0	0
8:44:00 AM	0	0	0	0	0	0	0	0
8:45:00 AM	0	0	0	0	0	0	0	0
8:46:00 AM	0	0	0	0	0	0	0	0
8:47:00 AM	0	0	0	0	0	0	0	0
8:48:00 AM	0	0	0	0	0	0	0	0
8:49:00 AM	0	0	0	0	0	0	0	0
8:50:00 AM	0	0	0	0	0	0	0	0
8:51:00 AM	0	0	0	0	0	0	0	0
8:52:00 AM	0	0	0	0	0	0	0	0
8:53:00 AM	0	0	0	0	0	0	0	0
8:54:00 AM	0	0	0	0	0	0	0	0
8:55:00 AM	0	0	0	0	0	0	0	0
8:56:00 AM	0	0	0	0	0	0	0	0
8:57:00 AM	0	0	0	0	0	0	0	0
8:58:00 AM	0	0	0	0	0	0	0	0
8:59:00 AM	0	0	0	0	0	0	0	0
9:00:00 AM	0	0	0	0	0	0	0	0
9:01:00 AM	0	0	0	0	0	0	0	0
9:02:00 AM	0	0	0	0	0	0	0	0
9:03:00 AM	0	0	0	0	0	0	0	0
9:04:00 AM	0	0	0	0	1	0	0	0
9:05:00 AM	0	0	1	0	1	0	0	0
9:06:00 AM	0	0	1	0	0	0	0	0
9:07:00 AM	0	0	0	0	0	0	0	0
9:08:00 AM	0	0	0	0	0	1	0	0
9:09:00 AM	0	0	0	0	1	0	0	0
9:10:00 AM	0	0	1	1	1	1	0	0

9:11:00 AM	0	0	1	2	1	1	0	0
9:12:00 AM	0	0	2	2	2	1	0	0
9:13:00 AM	0	0	1	2	2	0	0	0
9:14:00 AM	0	0	0	0	1	0	0	0
9:15:00 AM	0	0	0	0	1	0	0	0
9:16:00 AM	0	1	0	0	1	0	0	0
9:17:00 AM	0	1	0	0	0	0	0	0
9:18:00 AM	0	1	0	1	0	0	0	0
9:19:00 AM	0	1	0	1	0	1	0	0
9:20:00 AM	0	0	0	0	0	0	0	1
9:21:00 AM	0	0	0	0	0	0	0	1
9:22:00 AM	0	0	0	0	0	0	0	1
9:23:00 AM	0	0	0	0	0	0	0	1
9:24:00 AM	0	0	0	0	0	0	0	1
9:25:00 AM	0	0	0	0	0	0	0	1
9:26:00 AM	0	0	0	0	0	0	0	1
9:27:00 AM	0	1	0	0	1	1	0	1
9:28:00 AM	1	1	0	2	0	2	0	1
9:29:00 AM	1	1	1	2	0	2	0	1
9:30:00 AM	1	0	1	2	0	2	0	1
9:31:00 AM	0	0	1	2	0	2	0	1
9:32:00 AM	0	0	0	1	0	0	0	1
9:33:00 AM	0	0	1	1	0	0	0	1
9:34:00 AM	0	0	0	1	0	0	0	1
9:35:00 AM	0	0	0	0	0	0	0	1
9:36:00 AM	0	0	0	0	0	0	0	1
9:37:00 AM	0	0	0	0	0	0	0	1
9:38:00 AM	0	0	0	0	0	0	0	1
9:39:00 AM	0	1	0	0	0	0	0	1
9:40:00 AM	0	0	0	0	0	0	0	1
9:41:00 AM	0	0	0	0	0	0	0	1
9:42:00 AM	0	0	0	0	0	0	0	1
9:43:00 AM	0	1	0	0	0	0	0	1
9:44:00 AM	0	1	0	0	0	0	0	1
9:45:00 AM	0	0	0	0	0	0	0	1
9:46:00 AM	0	0	0	0	0	0	0	1
9:47:00 AM	0	0	0	0	0	0	0	1
9:48:00 AM	0	0	0	0	0	0	0	1
9:49:00 AM	0	0	0	0	0	0	0	1
9:50:00 AM	0	0	0	1	0	0	0	1
9:51:00 AM	0	1	0	0	0	0	0	1
9:52:00 AM	0	1	0	1	0	1	0	1
9:53:00 AM	0	0	0	1	1	1	0	1
9:54:00 AM	1	2	1	1	1	0	0	1
9:55:00 AM	1	2	2	2	0	1	0	1
9:56:00 AM	0	1	0	0	2	1	0	1
9:57:00 AM	0	0	0	0	0	2	0	1
9:58:00 AM	0	1	1	1	0	2	0	1
9:59:00 AM	0	1	1	2	0	2	0	1
10:00:00 AM	0	1	1	0	0	0	0	1
10:01:00 AM	0	0	0	1	0	1	0	1
10:02:00 AM	0	0	0	0	0	1	0	1
10:03:00 AM	0	1	0	0	0	1	0	1
10:04:00 AM	0	0	0	0	0	1	0	1
10:05:00 AM	1	0	0	1	0	1	0	1
10:06:00 AM	1	2	1	1	1	2	0	1
10:07:00 AM	0	0	1	1	1	0	0	1
10:08:00 AM	1	1	0	1	0	1	0	1
10:09:00 AM	1	1	0	2	0	1	0	1
10:10:00 AM	1	2	1	3	1	1	0	1
10:11:00 AM	1	2	1	1	1	2	0	1
10:12:00 AM	0	2	1	2	2	2	0	1
10:13:00 AM	0	0	2	2	1	3	0	1
10:14:00 AM	0	2	0	2	0	2	0	1
10:15:00 AM	0	2	0	2	0	0	0	1
10:16:00 AM	0	1	1	0	0	1	0	1
10:17:00 AM	0	2	1	2	2	1	0	1

10:18:00 AM	0	2	2	2	2	3	0	1
10:19:00 AM	2	1	2	2	2	3	0	1
10:20:00 AM	2	2	0	2	2	3	0	1
10:21:00 AM	3	2	2	0	1	0	0	1
10:22:00 AM	3	2	2	0	1	2	0	1
10:23:00 AM	1	0	2	0	2	2	0	1
10:24:00 AM	0	0	2	0	2	2	0	1
10:25:00 AM	1	0	1	1	1	2	0	1
10:26:00 AM	1	0	0	0	1	2	0	1
10:27:00 AM	1	0	0	0	0	0	0	1
10:28:00 AM	2	1	0	1	0	0	0	1
10:29:00 AM	0	1	0	1	0	0	0	1
10:30:00 AM	0	1	1	0	0	0	0	1
10:31:00 AM	0	1	1	1	0	0	0	1
10:32:00 AM	0	2	0	1	0	1	0	1
10:33:00 AM	0	0	0	1	0	2	0	1
10:34:00 AM	0	0	1	1	0	2	0	1
10:35:00 AM	0	0	0	0	0	2	0	1
10:36:00 AM	0	1	0	0	0	2	0	1
10:37:00 AM	0	1	0	1	0	1	0	1
10:38:00 AM	0	0	0	0	0	0	0	1
10:39:00 AM	0	0	0	0	0	0	0	1
10:40:00 AM	0	0	0	0	0	0	0	1
10:41:00 AM	0	1	0	0	0	0	0	1
10:42:00 AM	0	1	0	0	0	0	0	1
10:43:00 AM	1	2	1	2	1	2	0	1
10:44:00 AM	1	3	2	2	2	2	0	1
10:45:00 AM	2	2	2	2	0	3	0	1
10:46:00 AM	0	2	0	1	0	0	0	0
10:47:00 AM	1	1	1	1	1	0	0	0
10:48:00 AM	1	1	2	1	2	1	0	0
10:49:00 AM	2	2	2	2	2	2	0	0
10:50:00 AM	2	2	1	3	1	3	0	0
10:51:00 AM	0	1	0	3	1	3	0	0
10:52:00 AM	0	1	0	2	2	2	0	0
10:53:00 AM	0	1	1	1	0	2	0	0
10:54:00 AM	0	0	1	1	0	2	0	0
10:55:00 AM	0	1	1	1	2	2	0	0
10:56:00 AM	0	1	1	3	2	1	0	0
10:57:00 AM	0	2	0	3	0	1	0	0
10:58:00 AM	0	2	0	3	1	1	0	0
10:59:00 AM	0	0	1	1	1	3	0	0
11:00:00 AM	0	1	1	0	2	3	0	0
11:01:00 AM	2	1	0	0	2	1	0	0
11:02:00 AM	2	2	0	1	2	1	0	0
11:03:00 AM	2	2	1	0	0	0	0	0
11:04:00 AM	2	2	1	1	0	1	0	0
11:05:00 AM	0	0	1	2	1	1	0	0
11:06:00 AM	0	0	0	2	1	0	0	0
11:07:00 AM	1	1	0	2	0	1	0	0
11:08:00 AM	1	3	1	0	1	2	0	0
11:09:00 AM	1	3	2	1	1	2	0	0
11:10:00 AM	0	2	2	2	1	3	0	0
11:11:00 AM	2	2	2	4	1	3	0	0
11:12:00 AM	2	2	0	1	1	2	0	0
11:13:00 AM	2	2	1	2	1	3	0	0
11:14:00 AM	2	2	1	3	1	2	0	0
11:15:00 AM	2	3	2	3	1	3	0	0
11:16:00 AM	2	1	2	1	2	3	0	0
11:17:00 AM	2	3	2	1	2	4	0	0
11:18:00 AM	2	3	2	2	2	4	0	0
11:19:00 AM	2	3	2	3	3	4	0	0
11:20:00 AM	2	3	3	2	4	3	0	0
11:21:00 AM	1	3	0	2	3	2	0	0
11:22:00 AM	4	3	0	3	2	2	0	0
11:23:00 AM	3	2	1	3	1	2	0	0
11:24:00 AM	3	2	2	3	1	2	0	0

11:25:00 AM	1	2	2	3	1	1	0	0
11:26:00 AM	2	2	1	2	1	2	0	0
11:27:00 AM	3	3	2	3	0	2	0	0
11:28:00 AM	3	0	2	3	0	3	0	0
11:29:00 AM	2	3	2	3	1	0	0	0
11:30:00 AM	2	3	2	0	1	2	0	0
11:31:00 AM	2	3	0	1	2	1	0	0
11:32:00 AM	2	1	2	1	2	2	0	0
11:33:00 AM	2	2	2	1	1	0	0	0
11:34:00 AM	2	2	3	2	2	0	0	0
11:35:00 AM	2	2	0	1	2	2	0	0
11:36:00 AM	2	1	0	1	2	3	0	0
11:37:00 AM	2	1	1	1	0	3	0	0
11:38:00 AM	2	1	1	0	1	0	0	0
11:39:00 AM	2	1	0	1	1	2	0	0
11:40:00 AM	1	3	2	2	0	3	0	0
11:41:00 AM	1	1	1	2	0	3	0	0
11:42:00 AM	2	3	0	2	1	1	0	0
11:43:00 AM	1	3	2	1	1	1	0	0
11:44:00 AM	2	3	1	1	2	1	0	0
11:45:00 AM	1	2	1	2	2	3	0	0
11:46:00 AM	2	2	2	2	0	1	0	0
11:47:00 AM	2	2	2	2	1	2	0	0
11:48:00 AM	2	2	1	1	1	2	0	0
11:49:00 AM	3	1	1	1	1	2	0	0
11:50:00 AM	0	2	1	1	2	0	0	0
11:51:00 AM	1	2	1	1	0	1	0	0
11:52:00 AM	2	2	2	2	2	3	0	0
11:53:00 AM	2	0	0	2	2	3	0	0
11:54:00 AM	2	0	1	2	2	1	0	0
11:55:00 AM	0	0	1	2	2	1	0	0
11:56:00 AM	0	1	1	1	0	2	0	0
11:57:00 AM	0	0	3	1	2	2	0	0
11:58:00 AM	1	2	3	2	2	3	0	0
11:59:00 AM	2	3	3	3	3	4	0	0
12:00:00 PM	1	3	3	3	3	3	0	0
12:01:00 PM	1	3	0	2	0	3	0	0
12:02:00 PM	1	3	0	2	0	3	0	0
12:03:00 PM	3	3	2	3	1	3	0	0
12:04:00 PM	3	3	2	1	2	1	0	0
12:05:00 PM	3	3	1	2	1	1	0	0
12:06:00 PM	3	3	2	2	2	2	0	0
12:07:00 PM	3	0	2	3	2	3	0	0
12:08:00 PM	3	2	3	2	2	2	0	0
12:09:00 PM	1	2	3	1	2	2	0	0
12:10:00 PM	2	3	0	2	2	3	0	0
12:11:00 PM	3	1	2	2	2	1	0	0
12:12:00 PM	3	2	2	2	1	1	0	1
12:13:00 PM	0	2	0	2	0	0	0	1
12:14:00 PM	1	2	0	2	0	2	0	2
12:15:00 PM	2	2	2	3	0	2	0	2
12:16:00 PM	3	2	2	3	0	0	1	0
12:17:00 PM	2	0	2	0	1	0	0	1
12:18:00 PM	0	1	0	0	1	0	0	1
12:19:00 PM	0	0	1	1	0	0	0	1
12:20:00 PM	1	1	1	0	0	1	0	1
12:21:00 PM	1	0	1	0	0	1	0	0
12:22:00 PM	1	0	0	0	0	0	0	0
12:23:00 PM	1	1	0	0	0	0	0	0
12:24:00 PM	0	1	0	0	0	0	0	0
12:25:00 PM	1	1	1	1	0	0	0	0
12:26:00 PM	0	0	0	0	0	1	0	1
12:27:00 PM	1	0	0	0	0	1	0	1
12:28:00 PM	0	1	0	0	0	1	0	1
12:29:00 PM	0	1	1	1	0	1	0	1
12:30:00 PM	0	2	0	0	0	0	1	0
12:31:00 PM	0	0	0	1	1	1	1	0

12:32:00 PM	0	0	0	0	2	1	0	0
12:33:00 PM	0	0	0	0	0	0	0	1
12:34:00 PM	0	0	0	0	0	0	0	0
12:35:00 PM	0	0	0	1	0	0	0	0
12:36:00 PM	0	0	0	0	0	1	0	0
12:37:00 PM	0	0	0	0	0	0	0	0
12:38:00 PM	0	0	0	0	0	0	0	0
12:39:00 PM	0	0	1	0	0	0	0	0
12:40:00 PM	0	0	1	0	0	0	0	0
12:41:00 PM	0	0	0	0	0	0	0	0
12:42:00 PM	0	0	0	0	0	0	0	0
12:43:00 PM	0	0	0	0	0	0	0	0
12:44:00 PM	0	0	0	0	0	0	0	0
12:45:00 PM	0	0	0	0	0	0	0	0
12:46:00 PM	0	0	0	0	0	0	0	0
12:47:00 PM	0	0	0	1	0	0	0	0
12:48:00 PM	0	0	0	0	0	0	0	0
12:49:00 PM	1	0	0	0	0	0	0	0
12:50:00 PM	1	0	0	0	0	0	0	0
12:51:00 PM	0	0	0	0	0	0	0	0
12:52:00 PM	0	0	0	0	0	0	0	0
12:53:00 PM	0	1	0	0	0	0	0	0
12:54:00 PM	0	1	0	0	0	1	0	0
12:55:00 PM	1	1	1	2	0	1	0	0
12:56:00 PM	1	1	0	2	1	1	0	0
12:57:00 PM	0	0	0	0	1	2	0	0
12:58:00 PM	0	0	0	0	0	0	0	0
12:59:00 PM	0	1	0	1	0	1	0	0
1:00:00 PM	2	2	0	1	1	2	0	0
1:01:00 PM	3	2	0	0	1	2	0	0
1:02:00 PM	0	0	0	1	1	0	0	0
1:03:00 PM	0	1	1	2	2	1	0	0
1:04:00 PM	1	1	1	1	2	2	0	0
1:05:00 PM	2	2	1	1	2	1	0	0
1:06:00 PM	2	0	2	1	2	2	0	0
1:07:00 PM	1	1	2	1	1	2	0	0
1:08:00 PM	2	0	2	1	1	0	0	0
1:09:00 PM	2	2	2	1	0	0	0	0
1:10:00 PM	2	1	0	1	1	2	0	0
1:11:00 PM	1	1	0	2	1	2	0	0
1:12:00 PM	2	1	1	0	1	0	0	0
1:13:00 PM	2	1	1	1	1	0	0	0
1:14:00 PM	1	2	0	0	0	2	0	0
1:15:00 PM	1	0	0	0	0	2	0	0
1:16:00 PM	0	1	0	0	0	2	0	0
1:17:00 PM	0	1	0	2	0	1	0	0
1:18:00 PM	1	1	2	2	0	2	0	0
1:19:00 PM	3	3	0	0	0	3	0	0
1:20:00 PM	2	3	1	2	1	2	0	0
1:21:00 PM	2	3	1	2	2	3	0	0
1:22:00 PM	2	1	1	2	2	2	0	0
1:23:00 PM	2	3	1	1	2	3	0	0
1:24:00 PM	0	3	1	1	1	3	0	0
1:25:00 PM	2	2	0	1	1	3	0	0
1:26:00 PM	2	1	0	1	1	0	0	0
1:27:00 PM	2	2	2	1	2	2	0	0
1:28:00 PM	0	2	2	2	0	2	0	0
1:29:00 PM	0	0	2	2	1	3	0	0
1:30:00 PM	1	0	0	2	1	0	0	0
1:31:00 PM	1	0	0	2	1	0	0	0
1:32:00 PM	1	0	1	2	1	2	0	0
1:33:00 PM	1	0	1	1	2	2	0	0
1:34:00 PM	0	0	1	0	2	0	0	0
1:35:00 PM	0	0	0	1	2	0	0	0
1:36:00 PM	1	1	1	1	1	0	0	0
1:37:00 PM	1	0	0	1	0	0	0	0
1:38:00 PM	0	0	1	0	1	0	0	0

1:39:00 PM	1	2	2	2	1	0	0	0
1:40:00 PM	2	2	3	2	1	3	0	0
1:41:00 PM	3	2	0	3	0	0	0	0
1:42:00 PM	3	2	2	3	1	2	0	0
1:43:00 PM	3	2	2	0	3	2	0	0
1:44:00 PM	3	2	2	2	3	1	0	0
1:45:00 PM	3	0	0	2	1	1	0	0
1:46:00 PM	0	0	2	0	0	0	0	0
1:47:00 PM	0	0	0	1	0	0	0	0
1:48:00 PM	0	0	0	0	0	0	0	0
1:49:00 PM	0	0	0	0	0	0	0	0
1:50:00 PM	0	0	0	0	0	0	0	0
1:51:00 PM	0	0	0	0	0	0	0	0
1:52:00 PM	0	0	0	0	0	0	0	0
1:53:00 PM	0	0	0	0	0	0	0	0
1:54:00 PM	0	0	0	0	0	0	0	0
1:55:00 PM	0	0	0	0	0	0	0	0
1:56:00 PM	0	0	0	0	0	0	0	0
1:57:00 PM	0	1	0	0	0	0	0	0
1:58:00 PM	1	0	0	1	0	0	0	0
1:59:00 PM	1	1	0	0	0	0	0	0
2:00:00 PM	0	0	0	0	0	0	0	0
2:01:00 PM	0	1	0	0	0	1	0	0
2:02:00 PM	0	2	0	0	0	0	0	0
2:03:00 PM	2	0	0	0	0	1	0	0
2:04:00 PM	1	1	0	0	0	1	0	0
2:05:00 PM	0	1	0	1	0	1	0	0
2:06:00 PM	0	1	0	0	0	1	0	0
2:07:00 PM	0	0	0	0	0	0	0	0
2:08:00 PM	0	1	0	0	0	0	0	0
2:09:00 PM	0	1	0	0	0	0	0	1
2:10:00 PM	0	0	0	0	0	0	0	0
2:11:00 PM	0	0	0	0	0	0	0	0
2:12:00 PM	0	0	0	0	0	0	0	0
2:13:00 PM	0	0	0	0	0	0	0	0
2:14:00 PM	0	0	0	0	0	1	0	0
2:15:00 PM	0	0	0	0	0	0	0	1
2:16:00 PM	0	0	0	0	0	0	0	1
2:17:00 PM	0	0	0	0	0	0	0	1
2:18:00 PM	0	0	0	0	0	0	0	0
2:19:00 PM	0	0	0	0	0	0	0	0
2:20:00 PM	0	0	0	0	0	0	0	0
2:21:00 PM	0	0	0	0	1	0	0	0
2:22:00 PM	0	0	0	0	0	0	0	0
2:23:00 PM	0	0	0	0	0	0	0	0
2:24:00 PM	0	0	0	0	0	0	0	0
2:25:00 PM	0	1	0	0	0	0	0	0
2:26:00 PM	0	1	1	0	0	0	0	0
2:27:00 PM	0	0	0	1	0	1	0	0
2:28:00 PM	0	0	0	0	0	1	0	0
2:29:00 PM	0	0	0	0	0	0	0	0
2:30:00 PM	0	2	0	0	0	0	0	0
2:31:00 PM	0	2	0	0	0	0	0	0
2:32:00 PM	0	2	0	0	0	1	0	0
2:33:00 PM	0	0	0	0	0	0	0	0
2:34:00 PM	0	0	0	1	0	1	0	1
2:35:00 PM	0	1	0	1	0	1	0	0
2:36:00 PM	0	0	0	0	0	0	0	0
2:37:00 PM	0	0	0	0	0	0	0	0
2:38:00 PM	0	0	0	0	0	0	0	0
2:39:00 PM	1	0	0	0	0	0	0	0
2:40:00 PM	0	0	0	0	0	1	0	0
2:41:00 PM	0	0	0	0	0	0	0	0
2:42:00 PM	0	0	0	0	0	0	0	0
2:43:00 PM	0	0	0	0	0	0	0	0
2:44:00 PM	1	0	0	0	0	0	0	0
2:45:00 PM	0	0	1	0	0	0	0	0

2:46:00 PM	0	0	0	0	0	1	0	0
2:47:00 PM	0	0	0	0	0	0	0	0
2:48:00 PM	0	0	0	0	0	0	0	0
2:49:00 PM	0	0	0	0	0	0	0	0
2:50:00 PM	0	0	0	0	0	0	0	0
2:51:00 PM	0	0	0	0	0	1	0	0
2:52:00 PM	1	1	0	0	0	0	0	0
2:53:00 PM	1	0	0	0	0	0	0	0
2:54:00 PM	1	0	0	0	0	0	0	0
2:55:00 PM	0	0	0	0	0	0	0	0
2:56:00 PM	0	0	0	0	0	0	0	0
2:57:00 PM	0	0	0	0	0	1	0	0
2:58:00 PM	0	0	0	0	0	0	0	0
2:59:00 PM	0	0	0	0	0	0	0	0
3:00:00 PM	0	0	0	0	0	0	0	0
3:01:00 PM	0	0	0	0	0	0	0	0
3:02:00 PM	0	0	0	0	0	0	0	0
3:03:00 PM	0	1	0	0	0	0	0	0
3:04:00 PM	0	0	0	0	0	0	0	0
3:05:00 PM	0	0	0	0	0	0	0	0
3:06:00 PM	0	1	0	0	0	0	0	0
3:07:00 PM	0	1	0	0	0	0	0	0
3:08:00 PM	0	0	1	0	0	0	0	0
3:09:00 PM	0	0	1	0	0	0	0	0
3:10:00 PM	0	0	0	0	0	0	0	0
3:11:00 PM	0	0	0	0	0	0	0	0
3:12:00 PM	0	0	0	0	0	0	0	0
3:13:00 PM	0	0	0	0	0	0	0	0
3:14:00 PM	0	0	0	0	0	0	0	0
3:15:00 PM	0	0	0	0	0	0	0	0
3:16:00 PM	0	0	0	0	0	0	0	0
3:17:00 PM	0	0	0	0	0	0	0	0
3:18:00 PM	0	0	0	0	0	0	0	0
3:19:00 PM	0	0	0	1	0	0	0	0
3:20:00 PM	0	0	0	1	0	1	0	0
3:21:00 PM	0	0	0	0	0	0	0	0
3:22:00 PM	0	0	0	0	0	0	0	0
3:23:00 PM	0	0	0	0	0	0	0	0
3:24:00 PM	0	0	0	0	0	0	0	0
3:25:00 PM	0	0	0	0	0	0	0	0
3:26:00 PM	0	0	0	0	0	0	0	0
3:27:00 PM	0	0	0	0	0	1	0	0
3:28:00 PM	0	0	0	1	0	1	0	0
3:29:00 PM	0	0	0	1	0	2	0	0
3:30:00 PM	0	0	0	0	0	0	0	0
3:31:00 PM	0	0	0	0	0	1	0	0
3:32:00 PM	0	0	0	1	0	0	0	0
3:33:00 PM	0	0	0	0	0	0	0	0
3:34:00 PM	0	0	0	0	0	0	0	0
3:35:00 PM	1	0	1	0	1	0	0	0
3:36:00 PM	2	0	0	0	1	0	0	0
3:37:00 PM	1	0	0	0	0	0	0	0
3:38:00 PM	0	0	0	0	0	0	0	0
3:39:00 PM	0	0	0	0	0	0	0	0
3:40:00 PM	0	1	0	0	0	0	0	0
3:41:00 PM	0	0	0	1	0	0	0	0
3:42:00 PM	0	0	0	1	0	0	0	0
3:43:00 PM	0	0	1	1	0	0	0	0
3:44:00 PM	0	1	0	0	0	0	0	0
3:45:00 PM	0	1	0	0	0	0	0	0
3:46:00 PM	0	0	0	0	0	1	0	0
3:47:00 PM	0	0	1	1	0	0	0	0
3:48:00 PM	0	2	1	0	0	0	0	0
3:49:00 PM	0	2	1	0	0	0	0	0
3:50:00 PM	0	0	0	0	0	0	0	0
3:51:00 PM	0	0	0	1	0	0	0	0
3:52:00 PM	0	1	0	0	1	0	0	0

3:53:00 PM	1	1	0	0	1	0	0	1
3:54:00 PM	2	1	0	0	1	0	0	1
3:55:00 PM	0	0	0	0	1	0	0	0
3:56:00 PM	0	0	0	0	0	0	0	0
3:57:00 PM	0	0	0	1	0	0	0	0
3:58:00 PM	0	1	0	0	0	0	0	0
3:59:00 PM	0	0	0	0	0	0	0	0
4:00:00 PM	0	0	0	0	0	0	0	0
4:01:00 PM	0	0	0	0	0	0	0	0
4:02:00 PM	0	0	0	0	0	0	0	0
4:03:00 PM	0	0	0	1	0	0	0	0
4:04:00 PM	0	1	0	1	0	1	0	0
4:05:00 PM	0	1	0	0	0	0	0	0
4:06:00 PM	0	1	0	0	0	0	0	0
4:07:00 PM	0	0	0	0	0	0	0	0
4:08:00 PM	0	0	0	0	0	0	0	0
4:09:00 PM	0	0	0	1	0	0	0	0
4:10:00 PM	0	0	0	0	0	0	0	0
4:11:00 PM	0	0	0	0	0	0	0	0
4:12:00 PM	0	0	0	0	0	0	0	0
4:13:00 PM	0	0	0	0	0	0	0	0
4:14:00 PM	0	0	0	0	1	0	0	0
4:15:00 PM	0	2	0	0	0	0	0	1
4:16:00 PM	0	1	1	0	0	1	0	0
4:17:00 PM	0	0	1	1	0	0	0	0
4:18:00 PM	0	2	0	0	0	0	0	0
4:19:00 PM	1	1	0	0	0	0	0	0
4:20:00 PM	0	1	0	0	0	0	0	0
4:21:00 PM	0	0	0	1	0	0	0	0
4:22:00 PM	0	1	0	0	0	0	0	0
4:23:00 PM	0	1	0	1	0	0	0	0
4:24:00 PM	0	0	0	0	0	0	0	0
4:25:00 PM	0	0	0	0	0	1	0	0
4:26:00 PM	0	0	0	0	0	1	0	0
4:27:00 PM	0	0	0	0	0	0	0	0
4:28:00 PM	0	0	0	0	0	0	0	0
4:29:00 PM	0	0	0	0	0	0	0	0
4:30:00 PM	0	2	0	1	0	0	0	1
4:31:00 PM	0	0	0	1	0	0	0	1
4:32:00 PM	0	0	0	0	0	0	0	1
4:33:00 PM	0	1	0	0	0	0	0	0
4:34:00 PM	0	0	0	0	0	0	0	0
4:35:00 PM	0	0	0	0	0	0	0	0
4:36:00 PM	0	0	0	0	0	0	0	0
4:37:00 PM	0	2	0	1	0	2	0	0
4:38:00 PM	0	0	0	0	0	0	0	0
4:39:00 PM	0	0	0	0	0	0	0	0
4:40:00 PM	0	0	0	0	0	0	0	0
4:41:00 PM	0	0	0	0	0	0	0	0
4:42:00 PM	0	0	0	0	0	0	0	0
4:43:00 PM	0	0	0	0	0	0	0	0
4:44:00 PM	0	1	0	0	0	0	0	0
4:45:00 PM	0	0	0	0	0	0	0	0
4:46:00 PM	0	0	0	0	0	0	0	0
4:47:00 PM	0	0	0	0	0	0	0	0
4:48:00 PM	0	0	0	0	0	0	0	0
4:49:00 PM	0	1	0	0	0	0	0	0
4:50:00 PM	0	1	0	0	0	1	0	0
4:51:00 PM	0	2	1	1	0	0	0	0
4:52:00 PM	0	0	0	0	0	0	0	0
4:53:00 PM	0	0	0	0	0	0	0	0
4:54:00 PM	0	1	0	0	0	1	0	0
4:55:00 PM	1	1	0	2	0	1	0	1
4:56:00 PM	1	2	2	2	0	1	0	1
4:57:00 PM	0	0	0	0	1	0	0	0
4:58:00 PM	0	0	0	0	0	0	0	0
4:59:00 PM	1	1	0	0	0	0	0	0

5:00:00 PM	1	1	0	1	0	0	0	1
5:01:00 PM	0	0	1	0	0	1	0	1
5:02:00 PM	0	0	0	0	1	0	0	0
5:03:00 PM	0	0	0	0	0	0	0	0
5:04:00 PM	0	0	0	0	0	0	0	0
5:05:00 PM	0	0	0	0	0	0	0	0
5:06:00 PM	0	0	0	0	0	0	0	1
5:07:00 PM	0	1	0	0	0	0	0	1
5:08:00 PM	0	0	0	0	0	0	0	0
5:09:00 PM	0	1	0	0	0	0	0	0
5:10:00 PM	0	1	1	0	0	0	0	0
5:11:00 PM	0	1	1	0	0	0	0	0
5:12:00 PM	0	0	1	0	0	0	0	0
5:13:00 PM	0	0	0	0	0	0	0	0
5:14:00 PM	0	0	0	0	0	0	0	0
5:15:00 PM	0	0	0	0	0	0	0	0
5:16:00 PM	0	0	0	0	0	0	0	0
5:17:00 PM	0	0	0	0	0	0	0	0
5:18:00 PM	0	0	0	0	0	0	0	0
5:19:00 PM	0	0	0	0	0	0	0	0
5:20:00 PM	0	0	0	0	0	0	0	0
5:21:00 PM	0	1	0	0	0	0	0	0
5:22:00 PM	0	1	1	1	1	1	0	0
5:23:00 PM	1	0	1	0	1	2	0	0
5:24:00 PM	0	0	0	0	0	2	0	0
5:25:00 PM	0	0	0	1	0	2	0	0
5:26:00 PM	0	1	0	1	0	0	0	0
5:27:00 PM	1	1	0	2	1	0	0	0
5:28:00 PM	1	0	0	0	1	0	0	0
5:29:00 PM	1	0	0	0	0	0	0	0
5:30:00 PM	0	0	0	1	0	0	0	0
5:31:00 PM	0	0	0	1	0	0	0	0
5:32:00 PM	0	0	0	0	0	0	0	0
5:33:00 PM	0	0	0	0	0	0	0	0
5:34:00 PM	0	0	0	0	0	0	0	0
5:35:00 PM	0	0	0	0	0	0	0	0
5:36:00 PM	0	0	0	0	0	0	0	0
5:37:00 PM	0	0	0	0	0	0	0	0
5:38:00 PM	0	0	0	0	0	0	0	0
5:39:00 PM	0	0	0	0	0	0	0	0
5:40:00 PM	0	0	0	0	0	1	0	0
5:41:00 PM	0	0	0	0	0	2	0	0
5:42:00 PM	0	0	0	1	0	2	0	0
5:43:00 PM	0	0	0	1	0	0	0	0
5:44:00 PM	0	0	0	3	0	0	0	0
5:45:00 PM	0	0	1	0	2	1	0	0
5:46:00 PM	0	0	3	1	2	2	0	0
5:47:00 PM	0	0	0	1	3	2	0	0
5:48:00 PM	0	0	0	2	3	0	0	0
5:49:00 PM	0	0	1	2	0	1	0	0
5:50:00 PM	0	0	1	2	1	1	0	0
5:51:00 PM	0	0	1	3	0	2	0	0
5:52:00 PM	0	0	1	0	0	1	0	0
5:53:00 PM	0	0	1	0	1	1	0	0
5:54:00 PM	0	0	1	1	0	1	0	0
5:55:00 PM	0	0	3	2	3	2	0	0
5:56:00 PM	0	0	0	0	3	0	0	0
5:57:00 PM	0	0	0	1	3	0	0	0
5:58:00 PM	0	0	0	1	3	0	0	0
5:59:00 PM	0	0	0	1	0	1	0	0
6:00:00 PM	0	0	0	1	0	1	0	0
6:01:00 PM	0	0	1	0	1	1	0	0
6:02:00 PM	0	0	1	1	1	0	0	0
6:03:00 PM	0	0	1	0	0	1	0	0
6:04:00 PM	0	0	1	0	0	0	0	0
6:05:00 PM	0	0	2	1	1	0	0	0
6:06:00 PM	0	0	0	0	1	1	0	0

6:07:00 PM	0	0	0	0	1	1	0	0
6:08:00 PM	0	0	0	0	0	0	0	0
6:09:00 PM	0	0	0	0	0	0	0	0
6:10:00 PM	0	0	0	0	0	1	0	0
6:11:00 PM	0	0	0	1	0	1	0	0
6:12:00 PM	0	0	0	1	0	2	0	0
6:13:00 PM	0	0	1	0	0	0	0	0
6:14:00 PM	0	0	0	0	0	0	0	0
6:15:00 PM	0	0	1	0	0	0	0	0
6:16:00 PM	0	0	0	0	0	0	0	0
6:17:00 PM	0	0	0	0	0	0	0	0
6:18:00 PM	0	0	0	1	0	0	0	0
6:19:00 PM	0	0	0	1	0	1	0	0
6:20:00 PM	0	0	1	1	0	3	0	0
6:21:00 PM	0	0	2	0	0	3	0	0
6:22:00 PM	0	0	2	0	0	0	0	0
6:23:00 PM	0	0	1	1	1	0	0	0
6:24:00 PM	0	0	1	2	0	0	0	0
6:25:00 PM	0	0	1	0	0	0	0	0
6:26:00 PM	0	0	0	0	0	0	0	0
6:27:00 PM	0	0	0	0	0	1	0	0
6:28:00 PM	0	0	0	1	0	0	0	0
6:29:00 PM	0	0	0	0	0	0	0	0
6:30:00 PM	0	0	0	0	0	0	0	0
6:31:00 PM	0	0	0	1	0	0	0	0
6:32:00 PM	0	0	0	2	0	0	0	0
6:33:00 PM	0	0	0	0	0	0	0	0
6:34:00 PM	0	0	0	0	0	0	0	0
6:35:00 PM	0	0	0	0	0	0	0	0
6:36:00 PM	0	0	0	0	0	0	0	0
6:37:00 PM	0	0	0	0	0	0	0	0
6:38:00 PM	0	0	0	0	0	0	0	0
6:39:00 PM	0	0	0	1	0	1	0	0
6:40:00 PM	0	0	0	1	0	0	0	0
6:41:00 PM	0	0	0	1	0	0	0	0
6:42:00 PM	0	0	0	1	0	0	0	0
6:43:00 PM	0	0	0	0	0	0	0	0
6:44:00 PM	0	0	0	1	0	0	0	0
6:45:00 PM	0	0	0	1	0	1	0	0
6:46:00 PM	0	0	1	1	0	0	0	0
6:47:00 PM	0	0	0	1	0	0	0	0
6:48:00 PM	0	0	0	0	0	0	0	0
6:49:00 PM	0	0	0	0	0	0	0	0
6:50:00 PM	0	0	0	0	0	0	0	0
6:51:00 PM	0	0	0	1	0	0	0	0
6:52:00 PM	0	0	0	0	0	0	0	0
6:53:00 PM	0	0	0	0	0	0	0	0
6:54:00 PM	0	0	0	0	0	0	0	0
6:55:00 PM	0	0	0	0	0	0	0	0
6:56:00 PM	0	0	0	0	0	0	0	0
6:57:00 PM	0	0	0	0	0	0	0	0
6:58:00 PM	0	0	0	1	0	0	0	0
6:59:00 PM	0	0	0	0	0	0	0	0
7:00:00 PM	0	0	0	0	0	0	0	0
7:01:00 PM	0	0	0	0	0	0	0	0
7:02:00 PM	0	0	0	0	0	0	0	0
7:03:00 PM	0	0	0	0	0	0	0	0
7:04:00 PM	0	0	0	0	0	0	0	0
7:05:00 PM	0	0	0	0	0	0	0	0
7:06:00 PM	0	0	0	0	0	0	0	0
7:07:00 PM	0	0	0	0	0	0	0	0
7:08:00 PM	0	0	0	0	0	0	0	0
7:09:00 PM	0	0	0	0	0	0	0	0
7:10:00 PM	0	0	0	0	0	0	0	0
7:11:00 PM	0	0	0	0	0	0	0	0
7:12:00 PM	0	0	0	0	0	0	0	0
7:13:00 PM	0	0	0	0	0	0	0	0

7:14:00 PM	0	0	0	0	0	0	0	0
7:15:00 PM	0	0	0	0	0	0	0	0
7:16:00 PM	0	0	0	0	0	0	0	0
7:17:00 PM	0	0	0	0	0	0	0	0
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7:19:00 PM	0	0	0	0	0	0	0	0
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7:24:00 PM	0	0	0	0	0	0	0	0
7:25:00 PM	0	0	0	0	0	0	0	0
7:26:00 PM	0	0	0	0	0	0	0	0
7:27:00 PM	0	0	0	0	0	0	0	0
7:28:00 PM	0	0	0	0	0	0	0	0
7:29:00 PM	0	0	0	0	0	0	0	0
7:30:00 PM	0	0	0	0	0	0	0	0
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7:32:00 PM	0	0	0	0	0	0	0	0
7:33:00 PM	0	0	0	0	0	0	0	0
7:34:00 PM	0	0	0	0	0	0	0	0
7:35:00 PM	0	0	0	0	0	0	0	0
7:36:00 PM	0	0	0	0	0	0	0	0
7:37:00 PM	0	0	0	0	0	0	0	0
7:38:00 PM	0	0	0	0	0	0	0	0
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7:40:00 PM	0	0	0	0	0	0	0	0
7:41:00 PM	0	0	0	0	0	0	0	0
7:42:00 PM	0	0	0	0	0	0	0	0
7:43:00 PM	0	0	0	0	0	0	0	0
7:44:00 PM	0	0	0	0	0	0	0	0
7:45:00 PM	0	0	0	0	0	0	0	0
7:46:00 PM	0	0	0	0	0	0	0	0
7:47:00 PM	0	0	0	0	0	0	0	0
7:48:00 PM	0	0	0	0	0	0	0	0
7:49:00 PM	0	0	0	0	0	0	0	0
7:50:00 PM	0	0	0	0	0	0	0	0
7:51:00 PM	0	0	0	0	0	0	0	0
7:52:00 PM	0	0	0	0	0	0	0	0
7:53:00 PM	0	0	0	0	0	0	0	0
7:54:00 PM	0	0	0	0	0	0	0	0
7:55:00 PM	0	0	0	0	0	0	0	0
7:56:00 PM	0	0	0	0	0	0	0	0
7:57:00 PM	0	0	0	0	0	0	0	0
7:58:00 PM	0	0	0	0	0	0	0	0
7:59:00 PM	0	0	0	0	0	0	0	0

Attachment G: RTOR Data

Right-turn On Red (RTOR) Data Summary from December 2017 Video Footage

12/7/2017 Video Date		PM Peak Hour					
Time	RTOR Vehicles				Count*	%	
	Cycle 1	Cycle 2	Cycle 3	Total			
5:05 - 5:10	11	14	8	33	86	38%	
5:10 - 5:15	17	23	22	62	99	63%	
5:15 - 5:20	2	13	16	31	113	27%	
				Average =	43%		

*Count from QC Count Data (network tool summary sheet for Int 6)

12/9/2017 Video Date		Saturday Midday								
Time	RTOR Vehicles							Count	%	
	Cycle 1	Cycle 2	Cycle 3	Cycle 4	Cycle 5	Cycle 6	Cycle 7			
1:00 - 1:05	12	5	6	9	5			37	56	66%
1:05 - 1:10	4	4	4	5	5	10	5	37	60	62%
1:10 - 1:15	2	5	1	4	11			23	59	39%
				Average =	56%					



MG2 Corporation
1101 Second Ave, Ste 100
Seattle, WA 98101

206 962 6500
MG2.com

August 10, 2020

To Whom it may concern
City of Salem
555 Liberty St SE
Salem, OR 97301

Re: Salem Kuebler Costco Shopping Center

Subject: Set Aside Area if 8 Significant Oaks Remained in Place

To Whom it may concern:

This letter is written to confirm the amount of land that would be required to be set aside for the protection of 8 "significant" white oak trees if they were to remain in place on the subject CR zoned land located at 2531 and 2521 Boone Rd. SE, Salem OR, 97306. MG2 is the architect of record for the Salem Kuebler Costco Shopping Center to be developed at this location and created the site plans for the shopping center. I have calculated the required set aside area from the site plan submitted for the "site plan option" with the Costco warehouse in the NW corner of the site. The area that would be required to be set aside if the 8 significant oak trees were to remain in place and the property were to be developed around them, is 65,000 SF (1.4921 acres – round to 1.5 acres) or 7.1% of total project site.

Should you require any additional information regarding this matter, please contact me at 206-962-6614.
Thank you.

Sincerely,



Steve Bullock, AICP
Senior Associate

SFB



WEISMAN**DESIGN**GROUP

August 11, 2020

To Whom it may concern
City of Salem
555 Liberty St SE
Salem, Oregon

Re: Salem Kuebler Costco Shopping Center

Re: Set Aside Area if 8 Significant Oaks Remained in Place

This letter is written to confirm the amount of land that would be required to be set aside for the protection of 8 "significant" white oak trees if they were to remain in place on the subject CR zoned land located at 2531 and 2521 Boone Rd. SE, Salem OR, 97306. WDG is the landscape architect of record for the Salem Kuebler Costco Shopping Center to be developed at this location, and along with the architect MG2 we prepared the landscape plans for the shopping center. We have calculated the required set aside area from our landscape renderings submitted for the "site plan option" with the Costco warehouse in the NW corner of the site. The area that would be required to be set aside if the 8 significant oak trees were to remain in place and the property were to be developed around them, is 65,000 SF (1.4921 acres – round to 1.5 acres) or 7.1% of total project site.

Sincerely,

A handwritten signature in black ink, appearing to read "Andy Rasmussen", with a long horizontal flourish extending to the right.

Andy Rasmussen, ASLA, LEED AP
Principal
WEISMAN DESIGN GROUP, INC. P.S.

Zachery Cardoso

From: Wendie Kellington <wk@klgpc.com>
Sent: Wednesday, August 12, 2020 4:23 PM
To: Aaron Panko; Planning Comments
Cc: Shari Reed (sharir@pactrust.com); Sarah Mitchell
Subject: SPR-DAP18-15; Remand (PacTrust/Costco) Part 5 of several
Attachments: Attachment 6 22051_Kuebler Gateway Shopping Center_Response to Adtl Remand Response OTHER Comments.pdf

Hi Aaron,

Attached please find for the record Part 5 of several of the Applicants' final rebuttal evidentiary submittal. Please confirm your receipt. Thank you for your courtesies. Best, Wendie



Wendie L. Kellington | Attorney at Law.

525 3rd Street, STE 200

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Lake Oswego Or

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MEMORANDUM

Date: August 12, 2020 Project #: 22051

To: Tony Martin, City of Salem

Cc: Shari Reed & Matt Oyen, Pacific Realty Associates, L.P. (PacTrust)
Peter Kahn, AVP, Costco Wholesale Corporation

From: Andy Daleiden, PE, Claire Dougherty, and Anthony Yi, PE, Kittelson & Associates, Inc.

Project: Kuebler Gateway Shopping Center

Subject: Response to Additional Remand Response Comments

This memorandum responds to several Remand Response Comments related to the Kittelson & Associates, Inc. (KAI) May 31, 2018 Traffic Study for the Kuebler Gateway Shopping Center. Please note that responses to the *Salem Costco Remand Memorandum* from Greenlight Engineering, which is also referenced in the *Karl G Anuta Comments on Remand*, both dated July 28, 2020 are handled under separate cover. This response memorandum specifically responds to comments from the following sources:

- An email from danka8@juno.com dated July 26, 2020,
- A letter from Bill Worchester dated March 18, 2020, and
- A letter from Bill and Roslyn Worcester dated July 24, 2020.

This remainder of memorandum summarizes the specific comments received from each source in *italics* and provides our response in standard text, organized by topic. Please note that we have addressed **many of these specific comments in previous KAI memoranda responding to Greenlight Engineering comments.** We apologize for any duplication.

Furthermore, it is worth reiterating that the May 31, 2018 Traffic Study and supplemental documents prepared by KAI have been reviewed and approved by traffic professionals at the City of Salem. Also, ODOT has informed both the City and applicant that the materials and analyses KAI provided in response to its comments is adequate to resolve ODOT's concerns.

DANKA8 EMAIL COMMENTS AND RESPONSES

Traffic Growth

Danka8 Comment - 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... *From the 2007 Kittelson 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%.

Response: When traffic volumes were collected in year 2006 at the Kuebler Boulevard/Battle Creek Road intersection, Kuebler Boulevard was a two-lane facility (1 travel lane in each direction). Between years 2007 and 2018, significant improvements were constructed along Kuebler Boulevard between I-5 and Commercial Street, including additional travel lanes in both eastbound and westbound directions. These major improvements increased the overall capacity of Kuebler Boulevard and the ability to accommodate much higher levels of traffic, and as would be expected, traffic counts taken in 2018 post-improvements should yield much higher volumes. **As such, applying a growth rate based on these two data sets is inaccurate and misleading.** Furthermore, the change in volume for a single movement with only two data points cannot be used to represent a background regional growth rate trend. Additionally, two single day counts separated by 11 years should not be solely used as a basis to estimate regional traffic growth, as daily traffic volumes vary and, more significantly, the difference in the counts separated by many years may not just demonstrate regional traffic growth but also reflect changes in travel patterns due to capacity enhancing public works projects, which occurred at the Kuebler Blvd/Battle Creek Road intersection, and the I-5/Kuebler Blvd interchange, between 2007 and 2018. These types of projects would be expected to impact regional travel patterns. This growth rate topic has been previously addressed in other KAI memoranda and a detailed description is provided in KAI's *Response to July 2, 2020 Greenlight Engineering Comments*. The 1% growth rate used is appropriate.

Development Size and Trip Generation Methodology

Danka8 Comment - The proposed establishment is larger than most Costco. It is planned to accommodate up to 30 fueling stations. How were the trip numbers computed for a facility just as this?

Response: The project team has previously provided detailed explanations of the trip generation methodology utilized for the proposed site and have most recently included the raw data and analysis summaries in the *Response to July 28, 2020 Remand Response Comments* memorandum. Please reference this directly material regarding the Costco trip generation methodology and supporting data.

Neighborhood Traffic

Danka8 Comment – *Drivers avoid the Kuebler/Battle Creek intersection by cutting through my neighborhood. They often exceed 25 mph and ignore the intersection stop signs. Even Kittelson 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.”*

Response: As specified in the May 2018 Traffic Study, the 2007 Decision’s Conditions of Approvals require transportation infrastructure that will be constructed in conjunction with the proposed development, to include intersection capacity improvements at the Kuebler Blvd/Battle Creek intersection. Capacity enhancements at the Kuebler Blvd/Battle Creek intersection are expected to improve that intersection such that drivers that may have historically avoided the Kuebler Blvd/Battle Creek intersection, will instead choose to use it. Additionally, while traffic west of Battle Creek Road can be expected to increase with development in the area generally, the trip distribution for the proposed development estimates that only 5 percent of trips associated with the development will continue westbound on Boone Road to access the residential neighborhoods west of Battle Creek Road. As explained in other memoranda, the only relevant transportation infrastructure in question is the “safe, orderly, and efficient circulation of traffic into and out of the proposed development”. That standard is met, and this comment does not inform that standard. Lastly, note that CPC/ZC06-6 included a Condition of Approval addressing the adjacent residential neighborhoods, which states “ (6) The developer shall commit up to \$5,000 for traffic calming devices (such as speed humps or other traffic calming measures) to be used in the residential neighborhood south of the proposed development if a need is identified. The Neighborhood Traffic Management Program is the process used to identify traffic calming needs”. As part of the Request for Remand (Exhibit F), applicant provided a plan identifying the proposed locations of speed humps in the adjacent neighborhood in addition to a pedestrian refuge on Boone Rd to assist with traffic calming. The estimated cost of these traffic calming improvements is \$65,000.

BILL WORCESTER MARCH 18, 2020 & JULY 24, 2020 COMMENTS AND RESPONSES

Trip Generation Methodology

Bill Worcester Comment (March 18, 2020) – *I believe the Kittelson & Associates’ traffic impact analysis (TIA) for the proposed Costco relocation underestimated 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....My conclusions: Kittelson’s estimated daily trip net new trips = 7,210 = 10.3 daily trips per peak hour trips. The eight other studies average 12.2 daily trips per peak hour trip. $701 \times 2.2 = 8,552$ 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% 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.

Bill Worchester Comment (July 24, 2020) – ...the original TIA, which significantly underestimates trip generation and ignores the aggregate impacts of ancillary retail outlets on the site.

Response: The information presented by Mr. Worchester mis-calculates and mis-interprets how to prepare a trip generation estimate for a Costco site. Mr. Worchester's conclusions and calculations include two Walmart sites, which have significantly different site trip generation characteristics than a Costco and do not serve as comparable data points.

Although this comment refers to daily trip generation rate, it should be noted that the City of Salem and ODOT have operating standards based on an intersection peak hour analysis. The intersection peak hour analysis (weekday PM peak hour and Saturday midday peak hour) is included in the May 2018 Traffic Study and subsequent Kittelson responses to City and ODOT comments. This analysis is based on a trip generation estimate for the proposed Costco warehouse and fuel station that is derived from actual data collected at the existing Salem Costco warehouse and fuel station and is corroborated by other sites – a detailed trip generation explanation and supporting data is most recently provided in KAI's *Response to July 28, 2020 Remand Response Comments*.

To properly compare the trip generation estimates at the six Costco sites Mr. Worchester presents and the proposed Salem Costco, one needs to identify the daily total trips and the trip reductions that were applied for each site to arrive at net new trips. Table 1 summarizes the daily trip rate and total trips reported for each of the six Costco sites and the proposed Salem Costco.

Table 1. Total Daily Trip Generation Comparison

Site Location	Size	Daily Trip Rate	Total Daily Trips
Salem (Proposed), OR	168,550	75.86	12,138
Elk Grove, CA	150,548	72.92	10,978
Central Point, OR	160,000	75.88	12,140
E Vancouver, WA	154,700	75.86	11,736
Ukiah, CA	148,000	75.70	11,204
San Marcos, CA	148,200	80.00	11,856
Roseburg, OR	148,797	58.13	8,650

As shown in Table 1, the total daily trip generation rate used in the Salem Costco Traffic Study is 75.86, which is consistent with the other daily trip generation rates (ranged between 58.13 and 80.00) for the Elk Grove, Central Point, E Vancouver, Ukiah, San Marcos and Roseburg sites. Based on this assessment, the daily trip generation estimate for the proposed Salem Costco is consistent with other Costco projects.

Furthermore, the Mr. Worcester refers to a variance for the net new trips between the proposed Salem Costco and the six other Costco sites. This section provides reasoning behind the variance and confirms that the daily net new trip generation estimate for the proposed Salem Costco is consistent with TIA practices for other Costco projects.

The net new trip generation estimates for the other Costco sites that were reported by Mr. Worcester had several restrictions and/or footnotes on how the trip generation was calculated, which need to be incorporated here to be able to get to an accurate comparison between the different sites. Below is a description for each of the sites:

- **Elk Grove, CA site** – The daily trip rate was based on 27 Costco warehouses and fuel stations located throughout the US. Due to previous planning work completed for this site, the scope of the Traffic Impact Analysis (TIA) was focused on an evaluation of the site access intersections to ensure appropriate sizing, queue storage bays, intersection control, and safety. Based on direction and objectives relayed by City staff, the daily trip generation estimate reported on page 18 of *The Ridge and Costco Transportation Impact Analysis* analyzed the site access points using trip generation that included net new trips plus pass-by trips minus internal trips for the site. In the table and analysis, a reduction for pass-by trips was not utilized because there was no analysis of off-site intersections, as was analyzed here (both driveway access and intersections were analyzed here). If the Elk Grove TIA evaluated off-site intersections, a pass-by trip reduction (estimated as 3,923 trips) would have been applied to estimate net new trips on the transportation system. As required and appropriate in the case of the proposed Salem Costco, the net new trips for the Elk Grove site would have been reported as 7,055 net new trips, which is comparable to the reported net new trips of 7,210 for the proposed Salem Costco.
- **Central Point, OR site** – The trip generation estimate for the Central Point Costco Development applied a lower pass-by trip percentage, which resulted in a lower net new trips presented in the *Central Point Costco Development Transportation Impact Analysis*. A pass-by trip is a trip that exists on the roadway adjacent to the site prior to the new development being built. Once the new development is operational, this trip makes an intermediate stop to access the development. Pass-by trips occur at the development driveways, but do not add trips to the transportation system. For pass-by trips to be used in a traffic analysis, there needs to be an existing roadway adjacent to the site with traffic volumes. The pass-by trip percentage applied in the traffic analysis will vary based on the level of traffic volumes on that roadway. Roadways with higher traffic volumes adjacent to a site, such is the case with Kuebler Boulevard, allow for higher pass-by percentages to be applied to the trip generation estimate consistent with ITE Trip Generation Handbook, 3rd Edition. As stated in Central Point Costco Development TIA, the adjacent streets to the site carry low traffic volumes, so pass-by trips were constrained to no more than 15% of the adjacent street volume. This approach resulted in pass-by rates of only 7-15% presented in

Table 7 of this TIA. The total daily trips were estimated at 12,140 trips and if the typical pass-by trip rate percentage of 30 to 35% for Costco was applied because Costco Stores are typically established on higher volume streets like Kuebler Boulevard and Mission Street in Salem, the net new daily trips would have been reported as 8,498 to 7,891 trips. This number is slightly higher than the proposed Salem Costco development net new trips of 7,210 due to not including a reduction for internal trips. In the case of the proposed Salem Costco, the 30 to 35% pass-by rates utilized in the May 31, 2018 Traffic Study is appropriate considering the high traffic volumes on Kuebler Boulevard. The 10% internal trip reduction utilized in the May 31, 2018 Traffic Study is appropriate considering the other land uses on-site (retail pads and medical office buildings).

- **E Vancouver, WA site** - The trip generation estimate for the E Vancouver Costco included a combination of internal, pass-by, and diverted trip types, of which subtracting the internal and pass-by trips would result in net new trips that are an accurate comparison to the proposed Salem Costco trip generation. The *East Vancouver Costco Transportation Impact Analysis* reported 11,736 daily trips, 242 internal trips, and 3,678 pass-by trips. Using these numbers to be consistent with the trip generation approach for the proposed Salem Costco, the total net new trips for the E Vancouver Costco are 7,816 trips, which is similar to the net new trips of 7,210 for the proposed Salem Costco.
- **Ukiah, CA site** – The trip generation reported in the *Costco DEIR Traffic & Circulation Report for the City of Ukiah* excluded applying a pass-by trip rate for daily trips. The TIA reported 11,204 daily trips. If the typical pass-by trip rate percentage of 30-35% was applied to this site, the net new daily trips would have been reported as 7,843 to 7,283 trips. This number is slightly higher than the Salem Costco development net new trips of 7,210 due to not including a reduction for internal trips. In the case of the proposed Salem Costco, the 30 - 35% pass-by rates utilized in the May 2018 Traffic Study is appropriate considering the Kuebler Blvd traffic volumes and the 10% internal trip reduction utilized in the May 2018 Traffic Study is appropriate considering the other land uses on-site (retail pads and medical office buildings).
- **San Marcos, CA site** - The trip generation estimate for the San Marcos Costco included pass-by trips and applied a lower pass-by percentage of 22% based on the requirements of the local jurisdiction. The *Costco Wholesale Specific Plan Traffic Impact Analysis Report* reported 11,856 daily trips. If the typical pass-by trip rate percentage of 30-35% was applied to this site, the net new daily trips would have been reported as 8,299 to 7,706 trips. This number is slightly higher than the Salem Costco development net new trips of 7,210 due to not including a reduction for internal trips. In the case of the proposed Salem Costco, the 10% internal trip reduction utilized in the May 2018 Traffic Study is appropriate considering the other land uses on-site (retail pads and medical office buildings).
- **Roseburg, OR site** - The trip generation estimate for the Roseburg Costco included a combination of internal, pass-by, and diverted trip types, of which subtracting the internal

and pass-by trips would result in net new trips that are lower than the proposed Salem Costco trip generation. The *Roseburg Costco Transportation Impact Analysis* reported 8,650 daily trips, 275 internal trips, 2,500 pass-by trips. Using these numbers to be consistent with the trip generation approach for the proposed Salem Costco, the total net new trips for the Roseburg Costco are 5,875 trips, which is lower than the net new trips of 7,210 for the proposed Salem Costco.

As noted above, the daily trip generation estimate for the proposed Salem Costco is consistent with TIA practices for other Costco projects.

Neighborhood Traffic

Bill Worcester Comment (March 18, 2020) – *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.*

Response: The October 23, 2018, Staff Decision correctly concludes that the May 31, 2018 Traffic Study area is adequate. Recall, that the analysis area selected is required to demonstrate compliance with SRC 220.005(f)(3)(B) and (C). As such, the traffic study here, which was designed to confirm the assumptions and results of the traffic study performed for the 2007 Decision were still valid and establish compliance with SRC 220.005(f)(3)(B) and (C) began with a study area coordinated with City Public Works staff as part of the traffic study scoping process. The 2006 TIA supporting the 2007 Council Decision established the appropriate analysis area for a plan amendment and zone change and completely mitigated for all project transportation impacts of a much larger shopping center in that analysis area. The KAI analysis for this Site Review is not designed to establish a plan amendment and zone change's compliance with the TPR and other standards as were at issue in the Council's 2007 Decision, which is the final predicate decision for this Site Review. The analysis area selected for this **Class 3 site review** was approved by traffic professionals at the City of Salem as recorded in the Decision, is appropriate and is reasonably calculated to both confirm the continuing validity of the 2006 study as well as to determine whether there are any additional transportation impacts in the affected area requiring additional mitigation due to the particular anchor tenant proposed.

In Process Developments

Bill Worcester Comment (March 18, 2020) – *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.*

Bill Worcester Comment (July 24, 2020) – *To our knowledge, Kittelson has not addresses 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.*

Response: Page 12 of the May 2018 Traffic Study provides details of the in-process developments and the approach KAI used to account for in-process developments in the traffic study, an approach coordinated and approved by City Public Works staff. The referenced Boone Ridge retirement facility was included as an in-process development. As explained in other submittals, the referenced Amazon facility would not be included in this or any project transportation analysis because it was not specified by the city to do so, and because its transportation impacts have been fully anticipated and mitigated through the Mill Creek Industrial Area Master Plan (Plan), which was adopted in 2005, nearly two years before the City Council approved the subject property for a shopping center in December 2007. Any impacts associated with the Plan were considered and mitigated as the City deemed appropriate in its 2007 decision approving the property for a shopping center. The Amazon facility will have no independent unmitigated transportation impacts. In fact, the Amazon facility was not required to provide its own TIA for its site review because it generates fewer than 200 trips beyond those anticipated and mitigated in the Plan.

Existing Queuing

Bill Worcester Comment (March 18, 2020) – *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 commuter-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?*

Response: As specified in the May 2018 Traffic Study, the 2007 Decision Conditions of Approvals require traffic infrastructure improvements be constructed in conjunction with the proposed development, and funded by the Applicant, that include intersection capacity enhancements at the Kuebler Blvd/Battle Creek and Kuebler Blvd/27th Ave intersections and signalization of the Boone Rd/Battle Creek Rd intersection. As repeatedly demonstrated in the May 2018 Traffic Study and subsequent analyses in response to comments, with the planned intersection improvements in place, all study intersections will meet the applicable City or ODOT operating standard and the 95th percentile queues will be accommodated.





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September 10, 2020

Via Electronic Mail
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RE: Final Written Argument on Remand – Case Number SPR-DAP18-15

Dear Honorable Mayor Bennett and Members of the City Council:

This letter represents the Applicants’¹ final written argument on remand in the above referenced matter. Please include it in the record of this matter.

Executive Summary

A. Summary of LUBA’s Remand

LUBA acknowledged that the site review application seeks a “limited land use decision” for a shopping center, and that the shopping center is a use permitted outright in the Commercial Retail (CR) Zone. That alone means that site plan review cannot be used to deny the shopping center. ORS 197.015(12) (a limited land use decision is a use “permitted outright”).

LUBA specifically remanded for the City to consider Applicants’ vested right to develop the subject 20.6-acre property pursuant to the City’s 2007 comprehensive plan change and zone change (2007 CPC/ZC Decision or 2007 Decision). The 2007 Decision approved a 299,000 Gross Leasable Area (GLA) shopping center and imposed numerous conditions to mitigate for a shopping center of that size, including all of its traffic. Applicants propose to construct a significantly smaller shopping center than the 2007 Decision approved and that the Applicants are required by the City to mitigate for. The proposal’s site-generated traffic volumes (no matter how you count them), are well within the volumes that Applicants have already mitigated for, as required by the 2007 Decision. It is beyond reasonable dispute that the Applicants have been required to mitigate for all of the impacts, including traffic impacts, for a much larger shopping

¹ Applicants are M & T Partners, Inc. and Pacific Realty Associates, L.P., hereinafter “Applicants” or “PacTrust” for ease of reference.

center. It would be illegal, unfair, and wrong to require that the Applicants mitigate for more impacts than are attributable to their proposed use.

LUBA anticipated that Applicants may have a vested right to approval of their shopping center. As such, LUBA said that on remand, the City need not consider traffic issues raised by the opponents. LUBA also anticipated that if the Applicants have a vested right to approval of their application, the tree issue cannot be used to deny the shopping center as it has been proposed by the Applicants.

B. Summary of the Applicant's Recommendations for the Manner in Which the City Should Respond to LUBA's Remand.

The response to the remand should address all issues raised and be as thorough as possible. If issues raised exceed the scope of LUBA's remand and are not specifically to be addressed in the City's remand decision, then the City's remand should explain that such is the case and why, in its findings.

The City should conclude that the Applicants have a vested right to the approval of their application for site plan review of a shopping center, which application is entirely consistent with the shopping center the City approved in the 2007 Decision. The City should determine that Applicants' vested right means the City's site review standards either cannot be applied at all or cannot be applied to deny the proposed shopping center as it is laid out and reflected in the application. The City should determine that, as a result, it need not, and chooses not to address, opponents' traffic issues, because they are irrelevant since Applicants' vested rights permits a volume of traffic for a shopping center up to 299,000 gross leasable area (GLA), which is greater than the traffic associated with the current proposal. The City should also determine that the tree ordinance cannot be applied to deny the shopping center because the vested right includes the right to develop a shopping center consistent with the general layout of the shopping center that the City expressly determined in the 2007 Decision did not have any natural resources that would affect development approval. 2007 Decision, p. 7.²

² The 2007 Decision states:

“Further, the Applicant has submitted site plan examples as well as other evidence for the proposed use establishing that the Applicant's proposed use requires a parcel size larger than the 18.4 acres that is the Subject Property because it plans to develop the property in conjunction with the Abutting Property.” 2007 Decision, p. 7.

And also states:

“The Subject Property is primarily a vacant field. *There are no identified significant natural resources on the Subject Property.* Development of vacant urban land is expected. The proposed change will have no significant negative impact on the quality of the land.” 2007 Decision, p. 19. (Emphasis supplied.)

Please understand that the City should **also** conclude, in the alternative, that the proposed use meets the city's site plan review traffic standard. That standard asks a modest question: whether "circulation of traffic into and out of the proposed development" is "safe, orderly, and efficient" and negative impacts have been mitigated. UDC 220.005(f)(3)(B). As the Oregon Supreme Court has explained, this type of standard requires evaluation only of access into and out of the development and the adequacy of the streets that immediately abut the development. *Siporen v. City of Medford*, 349 Or 47, 263-65, 243 P3d 776 (2010). There can be no reasonable dispute that the proposal meets that modest standard.

In this regard, the Public Works Director's memoranda dated March 27, 2020 correctly concludes that the conditions imposed by the 2007 Decision demonstrate that the proposed shopping center is already required to provide the facilities necessary to accommodate the shopping center's traffic impacts. Accordingly, the Public Works Director properly determined that, under the express terms of UDC 803.015(d), the site plan review application is exempt from having to provide a new Traffic Impact Analysis of the type contemplated under the City's Administrative Rule/Public Works Standards.³

The City should also find, in the alternative, that: (1) the Applicants' proposal to transplant the protected white oak trees (preserving 70% of their root systems in the process), sufficiently establishes that the trees are likely to survive and therefore the City's tree ordinance is either not triggered by the proposed site plan or not violated if it is triggered; and (2) Applicants have demonstrated that it is not possible to develop the shopping center to which the Applicants have a vested right and also maintain the trees in place, meeting the UDC standard for removal of the trees, in any event.

C. Summary of the Applicants' Vested Right

It cannot be disputed that the Applicants have a vested right. Both the City and opponents conceded at LUBA that the Applicants had a vested right. They argued only about what that vested right meant. LUBA explained that if Applicants have a vested right, "the city may not be able to apply site review criteria that would prohibit approval of the application."

The Applicants have vested their right to build the proposed shopping center depicted in their site plan review application, by investing at least \$13,367,367 to date to satisfy the 2007 Decision conditions of approval and to take steps to develop the approved shopping center.⁴

Opponents' assertions that the City Council in 2007 did not review proposed site plans as part of the plan and zone change proceedings are contradicted by the 2007 Decision's findings. *See*, Anuta July 28, 2020 letter, p. 3.

³ While the Applicants' 2018 Kittelson traffic study is captioned a "traffic impact study", the Director correctly concluded its scope was limited as he described, and that a TIA under UDC 803 that met all of the comprehensive standards in the Salem Administrative Rules ("SARs") was unnecessary.

⁴ *See*, Request for Remand Proceeding Exhibit G (PacTrust June 15, 2020 letter) (listing expenditures).

After the 2007 Decision and in reliance on that decision, Applicants obtained City approvals, development permits, and statements of satisfaction of the original conditions of approval in 2008, 2009, 2010, 2012, 2013, 2015 and 2016, all at considerable expense. *See*, LUBA Record-7087-88.⁵ The Applicants performed a great deal of other work in reliance on the 2007 Decision toward developing their property with the approved shopping center. For example, they performed property surveys, designed storm systems, delineated wetlands, and performed environmental studies for the development, in 2011. LUBA Record 1476-1484; 2264. They performed fill and removal work under permits in 2013-2014. LUBA Record 1500-04. In 2014 they obtained City subdivision approval (SUB14-01). LUBA Record 2141, 2144-60. They took traffic counts for the 2018 Kittelson traffic study in 2017. LUBA Record 2231. They performed water hydrologic studies in 2017. LUBA Record 4119-4123, 4153, 4186, 4187-4269, 5007-5011. They conducted soils studies in 2017. LUBA Record 4279. They performed geologic studies in 2017. LUBA Record 4135. They performed additional survey work in 2017. LUBA Record 5892. Applicants also began fulfilling many of the conditions of approval required by the 2007 Decision, making significant expenditures. Among those expenditures, at the request of the City in 2015, Applicants prefunded \$3 million to satisfy a condition of approval in the 2007 Decision to widen the south side of Kuebler Boulevard, which constituted about 94% of the total project public improvements budget and, which the City has now completed.⁶ Why wouldn't PacTrust, as a responsible member of the community, cooperate with the City's timeline for infrastructure improvements? It simply meant satisfying one of seventeen conditions of approval that moved closer to realizing the project that the City approved in the 2007 Decision. These expenditures furthered implementation of the 2007 Decision and established the Applicants' vested right to approval of this site review for the shopping center approved in 2007 Decision.

A vested right entitles the holder to proceed with the vested development regardless of new regulations adopted after the approval decision. Here, the 2007 Decision restricted the use of the subject property to a shopping center of up to 299,000 GLA; the 2007 Decision did not allow anything else to be developed on the property. Because the City did not have a "site review process" in 2007,⁷ the 2007 Decision comprehensively dealt with development issues, like traffic and even natural resources.⁸ The 2007 Decision expressly established the specific subsequent reviews necessary for the Applicants to establish a shopping center of up to 299,000

⁵ References to the Record are to the LUBA Record following the original decision. References to the documents submitted on remand are to the party name and date of document.

⁶ Request for Remand Proceeding, Exhibit G (PacTrust June 15, 2020 letter, p. 2); (\$3 million / \$3.21 million = .09375 or 9.375%). *See also*, First Open Record Exhibit 4 (Promissory Note).

⁷ Site review was adopted by the City for the first time in 2008 and became effective on January 1, 2009. *See*, First Open Record Exhibit 2 (Legislative History of City Site Plan Review Ordinance, p. 1).

⁸ With regard to natural resources, the 2007 Decision determined that there were no significant natural resources on the property. 2007 Decision, p 19. With regard to transportation, the 2007 Decision determined that with the required mitigation, all transportation standards would be met on the date of opening – thought to be 2009 –and that the development would not make traffic worse in 2025, when the shopping center was fully developed. 2007 Decision p. 25.

GLA on the subject property.⁹ Consequently, Applicants' compliance with the conditions of the 2007 Decision means that the Applicants either have a vested right to build the shopping center without having to comply with the later adopted City site review standards, or that the current site review standards cannot be applied in a manner that denies the shopping center as it is proposed by the Applicants.

D. Summary Conclusion

Applicants respectfully submit that the voluminous record in this matter shows that the Applicants have a vested right to a shopping center of 299,000 square feet gross leasable area on the subject property, that traffic impacts were determined and resolved in the 2007 Decision and its conditions, and that it is impossible to enjoy that vested right and maintain the 8 significant oak trees in-place. Regardless, **the Applicants will transplant those trees to a suitable location on the subject property, rather than remove them**, which is a preservation strategy contemplated by the City's tree ordinance. This means the City's tree ordinance regarding significant trees is not violated, because no significant trees will be "removed" per the express terms of the City's code.

I. Specific Issue – The Applicant Will Not Remove Any Significant Trees

In the June 16, 2020 request for remand, Applicants explained that the proposal has been supplemented to include transplanting all eight of the "significant" oak trees on the subject property, at an estimated cost in excess of \$450,000, to the southeastern portion of the property. The Arborist Report provided in Exhibit B to the request for remand letter, analyzes the current condition of the trees and explains the manner in which the tree transplanting will be completed. That letter was supplemented by additional arborist reports dated July 24, 2020 and August 12, 2020. The transplant means the Applicants are not "removing" those significant trees.

UDC 808.015 prohibits the "removal" of significant trees. UDC 808.005 defines "Tree removal" to mean:

"to cut down a tree or remove 30 percent or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline or die.
***."

The proposal to transplant the eight "significant" trees does not "remove" the trees as defined in UDC 808.005. The proposal does not cut the trees down, does not remove more than 30% of the crowns, trunks or root systems, and will be done with the care and experience outlined in the arborist reports such that it will not "damage the trees so as to cause them to decline or die." *See, e.g., Applicants' Rebuttal, Attachment 3, p. 2.*

Despite opponents' claim of mere semantics, there is in fact a substantive difference between "removing" and "transplanting" the trees. The City's tree ordinance expressly reflects

⁹ The subsequent reviews that were contemplated, were expressly identified by the 2007 Decision. 2007 Decision p. 38.

the reality that certain actions designed to save trees do not constitute “removal.” *See State v. Couch*, 341 Or 610, 617, 147 P3d 322 (2006) (when a code or statute provides an express definition of a term, then that definition is controlling). Here, the UDC limits “removal” to cutting down a tree, removing 30 percent or more of important components of the tree, or otherwise damaging a tree causing it to decline or die. A transplant is none of those things – the tree is not “cut down,” there is no removal of crown, trunk or root, and the tree is not mortally damaged (to the contrary, it continues to live).¹⁰

Moreover, **to accept opponents’ interpretation would have the perverse result of discouraging efforts to save significant trees; very few developers would consider the much more expensive option of transplant over removal, if either action required the same removal permit.** Fortunately, the City code encourages careful efforts to transplant significant trees, and Applicants are not proposing to “remove” the eight white oak trees as that term is expressly defined by the UDC. By specifically defining “removal” as it does, the City’s tree code expressly contemplates the situation here – that trees can be transplanted and, therefore, not “removed.”

The City should also recognize that Applicants’ proposal to transplant the trees is voluntary. Applicants have a vested right to remove those trees and, regardless, they can be removed under the City’s tree code because it is necessary to do so to allow the shopping center approved by the 2007 Decision, proposed here. However, as a show of good faith, Applicants are willing to voluntarily incur significant expense to preserve a City resource that would otherwise be lost.

Certain opponents have argued (without supporting evidence), that transplanting the trees will adversely affect their “ecosystem.” *See*, e.g., Dalton e-mail dated August 12, 2020. Monarch Tree Services directly addressed this issue in their August 12, 2020 rebuttal. *See*, Applicants’ Rebuttal, Attachment 3, p. 4. Monarch noted that, “there is nothing unusual or unique about the area within which the trees at issue survive. They can be transplanted to the proposed location on the property with the reasonable expectations of their survival that we explained in our report.” Monarch further explained that the trees’ ecosystem will not be adversely affected because the transplanting will occur on the same property where the trees now exist. Monarch ultimately concluded that, “The best protection for these trees is for a careful effort to relocate them to a sustainable portion of the property, by competent, experienced arborists, such as ourselves, in the mindful manner we have proposed.” Applicants’ Rebuttal, Attachment 3, p. 4.

Other opponents have argued (also without evidence), that it is not possible for old trees to be transplanted and survive. *See*, e.g., Aiello e-mail dated July 23, 2020. Applicants’ arborist has successfully transplanted trees of the size found on the subject property and the arborist is

¹⁰ One of the eight trees will have a lesser chance of survival upon transplant than the other seven, but that tree is already expected to die in its current location, and the transplant will not reduce its chances of survival. *See* Request for Remand, Exhibit A, p. 1, and Exhibit B (Monarch Report, p. 11 (“Maintaining this tree in a developed environmental condition is not sustainable and thus recommended for relocation as its best chance for survival.”)).

confident that they can transplant the trees as they have described. Applicants' Rebuttal, Attachment 3, p. 3-4. The City Council should rely on the professional opinion of an ISA Certified Arborist, not baseless speculation of a non-expert.

II. Specific Issue – There are no “Heritage Trees” on the Subject Property

Opponents repeatedly misrepresent the eight Oregon White Oak Trees on the property and assert that they are “Heritage Trees” under the Salem Code. *See, e.g.,* Anuta Letter, July 28, 2020, p. 3, 10, 12, 15; Meisner e-mail dated August 11, 2020. The assertion is factually and legally incorrect. As expressly defined by UDC 808.005, the Oregon White Oak Trees are “Significant trees”, but they are certainly not “Heritage trees”.¹¹ The term “Heritage tree” is specifically defined by UDC 808.005 and 010(a). No tree on the subject property meets the definition of “Heritage tree” under the City code definition. A “Heritage tree” requires the (1) nomination of the property owner that a particular tree be considered a “Heritage tree”, and (2) a specific designation of the nominated tree as a “Heritage tree” by the City Council must also occur. Neither has occurred. The claim that any tree on the subject property is a “Heritage tree” is wrong and lacks any support in the record.

In addition, while largely irrelevant, some opponents assert that the Oregon White Oak Trees are “ancient” or “200-300” years old. *See, e.g.,* Anuta Letter, July 10, 2020 p. 2 (ancient); Walker e-mail dated July 27, 2020 (200-300 years old); Rohrs e-mail dated July 27, 2020 (200-300 years old). Monarch Tree Services, based upon a simple math formula it explains, establishes that the oldest onsite “Significant” tree is approximately 188 years old and the youngest is 140 years old. Monarch Letter, August 12, 2020, p. 4. Opponents’ characterizations are wrong and serve no purpose, although they do illustrate the persistent pattern of misstating facts and making assertions devoid of supporting evidence, that is evident throughout the opponents’ case.

The City Council should (1) reject opponent claims that the trees on the property are “Heritage trees”; (2) determine the Applicants’ vested right means that the City cannot apply the City tree ordinance to deny the proposal as it has been submitted; (3) that regardless, the Applicants’ transplant program will not “remove” the Significant trees, per the express terms of the City’s tree ordinance; and (4) regardless, that it is necessary to remove the trees to allow this commercial development to proceed. Applicants will accept a condition of approval that provides:

¹¹ UDC 808.005 provides, in relevant part:

“Heritage tree means a tree designated as a heritage tree pursuant to UDC 808.010(a).

* * * * *

Significant tree means rare, threatened, or endangered trees of any size, as defined or designated under state or federal law and included in the tree and vegetation technical manual, and Oregon white oaks (*Quercus garryana*) with a dbh of 24 inches or greater.”

“The eight (8) ‘significant’ white oak trees on the subject property shall be transplanted and maintained after transplant, consistent with the recommendations of the PacTrust Remand Letter, Exhibit B, Arborist’s Report.”

III. Specific Issue – Details About the Applicants’ Vested Right

a. Applicants’ have a Vested Right to Approval of the Development Authorized by the 2007 Decision

As noted in the Executive Summary, a vested right allows development that may not and need not conform to presently applicable regulations. Here, the Applicants have a vested right to develop the site in the manner approved by the 2007 Decision.

The 2007 Decision is unusual in many respects. The decision changed the plan designation and zoning classification for the subject property, which every decision of that type does. But it also expressly identified a single use (a shopping center), that is the only use allowed and further recognized that the subject property would likely be developed as a unified shopping center. Furthermore, the 2007 Decision specifically imposed limits as to the scale of the only allowed use, imposing exactions based upon the maximum impacts of that use. All of the above was supported by express findings about the lack of natural resources on the subject property and the design considerations subsequent development proposals would be subject to. As a result, the 2007 Decision was not a typical site-specific plan and zone change that leaves most development considerations to subsequent land use applications, as would likely occur today. It was instead a comprehensive approval, much more specific in what it reviewed and allowed, which made sense given that, at the time, the City lacked any site or design review processes to later apply. Furthermore, the specific types of subsequent reviews contemplated for the approved shopping center were expressly identified in the 2007 Decision.¹²

Applicants’ vested right is to the development authorized in the 2007 Decision – a shopping center up to 299,000 GLA, as the Applicants have laid it out. This proposal falls well within the approved development parameters and contains no impacts that exceed those expressly contemplated, mitigated, and authorized by the 2007 Decision. Under vested rights law, the City cannot apply standards that would otherwise now apply, to deny the application. With respect to trees, the 2007 Decision expressly approved development of 299,000 square feet of GLA and its required parking, which would occupy the entire subject property – all trees would have to be removed. This is the reason for the City Council’s findings in the 2007 Decision explaining that there were no significant natural resources on the property.¹³ Regarding transportation facilities, the evidence in the record plainly demonstrates that the City exacted transportation improvements in the 2007 Decision, many of which have been completed, to mitigate for a greater volume of transportation trips and related impacts than will be generated by the proposed shopping center. Thus, any evidence of potential problems with the City’s transportation system is not “caused” by the proposed development and any further

¹² 2007 Decision, p. 38.

¹³ 2007 Decision, p. 19.

transportation exactions imposed on the Applicants raise significant Constitutional takings issues, because they would be mitigating for the impacts of others, not the proposed development.

b. Vested Rights Legal Framework

Applicants presented a detailed discussion of the vested rights legal framework in their letter requesting remand. For purposes of brevity, the bulk of that analysis will only be summarized here. However, Applicants refer the City Council to the request for remand letter should any Councilors have further questions about vested rights.

The seminal case concerning vested rights in Oregon is *Clackamas Co. v. Holmes*, 265 Or 193, 508 P2d 190 (1973), where the Oregon Supreme Court set forth seven factors it considered in determining whether the expenditures in furtherance of development established a vested right to complete the development. Several years later, the Court of Appeals in *Ecklund v. Clackamas County*, 36 Or App 73, 583 P2d 567 (1978), summarized the main *Holmes* factors, consolidating them into four main areas of focus, explaining:

“The Supreme Court in *Holmes* identified four essential factors to be considered in asserting the evidence of a nonconforming use; (1) the ratio of prior expenditures to the total cost of the project, (2) the good faith of the landowner in making the prior expenditures, (3) whether the expenditures have any relationship to the completed project or could apply to various other uses of the land, and (4) the nature of the project, its location and ultimate cost. None of these factors is predominant; they are merely guidelines in assessing the evidence and deciding the issue.” 36 Or App at 81.

The Court of Appeals has subsequently reiterated the last of the above points – that not all *Holmes* factors will come into play in any particular case. *Union Oil Co. v. Board of Co. Comm. of Clack. Co.*, 81 Or App 1, 8, 724 P2d 341 (1986).

Much attention has been paid to the “ratio of expenditures” factor in numerous cases. In determining whether claimed expenditures are properly considered under this factor, LUBA has held that several other *Holmes* factors are relevant and include: (1) identifying the time at which the expenditures were made; (2) analyzing whether the expenditures were made in good faith and were lawful when made; and (3) determining whether the expenditures were directly related to the proposed use of the property. *DLCD v. Curry County*, 19 Or LUBA 249, 255 (1990).

The *Holmes* court also showed concern about the “substantiality” of the expenditures. The Court explained:

“in order for a landowner to have acquired a vested right * * * the commencement of the construction must have been substantial, or substantial costs towards completion of the job must have been incurred.” 265 Or at 197.

In response to that issue, nearly 40 years after *Holmes*, the Oregon Supreme Court revisited that case and noted that given the changing nature of land use laws and the significant up-front costs that landowners are required to incur, “We cannot lose sight of those changes in applying the factors identified in *Holmes* to current conditions.” *Friends of Yamhill County v. Bd. of Com’rs of Yamhill County*, 351 Or 219, 237-38 (2011). The Court explained that “when the ultimate cost of a project runs into millions of dollars, an expenditure may be substantial even though it’s only a small percentage of the projected cost.” *Id.* at 248. That is the context presented here. As the evidence in the record demonstrates, Applicants have spent millions of dollars implementing the 2007 Decision as required by that decision.

With that background in mind, Applicants turn to the *Holmes* factors as they apply to this proceeding.

1. Applicants Have A Vested Right To Develop Under The *Holmes* Factors

Applicants’ June 16, 2020 Request for Remand and the accompanying exhibits thoroughly addressed the *Holmes* factors based both on the original record and on the additional evidence submitted on remand. The final argument below incorporates those arguments by reference and summarizes and supplements them.

a. Ratio of Expenditures to Total Costs

The evidence in the record shows that the Applicants have expended at least \$13.3 million towards completing the 299,000 square feet of GLA development the City approved in the 2007 Decision. *See* PacTrust June 15, 2020 letter (Request for Remand Proceedings, Exhibit G). The expected total cost for the approved development, to include the above expenditures, is approximately \$61.4 million. The ratio of expenditures to total costs is roughly 1:4.5, meaning approximately 22% of the total cost of the project has been spent – significantly within the expenditure ratio the *Holmes* court concluded granted the petitioner in that case a vested right to develop.

The Applicants have already expended \$3,765,190 of the anticipated \$6.25 million in transportation exaction costs imposed by the 2007 Decision’s conditions of approval. As summarized in the Request for Remand, other expenses incurred to implement the 2007 Decision include: mass grading costs for the western portion of the property; construction of the Salem Clinic medical center building and tenant improvements; costs related to the development and leasing of the second medical office building; mass grading costs for the shopping center property; waterline improvements in Kuebler Boulevard; and additional shopping center design, transportation design, application material costs, and more. Applicants’ expenditures also include PacTrust’s dedication of land to the City, estimated at approximately \$80,000, for transportation improvements.

The sheer amount of the above expenditures meets the *Holmes* significant expenditure requirement, as explained in *Friends of Yamhill County*, and the ratio of expenditures to costs weighs greatly in the Applicants’ favor.

b. Good Faith of the Landowner

As discussed in the Request for Remand, there is no basis to conclude that the Applicants did not proceed with all of the above expenditures in good faith. In the proceedings that resulted in the 2007 Decision, PacTrust openly presented its plan for the unified development on the 18.4-acre parcel that was the subject of the application and the adjacent 10-acre parcel. The 2007 Decision itself repeatedly recognizes this. For example, Condition 14 included the development of the adjacent 10 acres in reaching the 299,000 square feet of GLA limitation. More significantly, the decision used the scale of the unified development as a basis for imposing the conditions of approval, which exacted the estimated \$6.25 million for public improvements to existing transportation facilities discussed above.

The Applicants' good faith is further exemplified by the 2009 application and City approval for the zone change to the medical center property, which is consistent with the 2007 Decision. In 2012, the City approved development of part of the unified project approved in the 2007 Decision when the City approved the site plan review for the medical clinic and office building. The City expressly referred to that portion of the development as "Phase I" of the larger project approved in 2007. Thus, the City's approvals throughout the years provided PacTrust a reasonable basis to believe that the City authorized the entire development proposal through the 2007 Decision and conditions of approval. Stated differently, PacTrust would not have willingly made those expenditures if it had any reason to believe that its ability to develop the shopping center was in jeopardy. As the 2007 Decision recognized, development of the medical and office buildings alone was not a sustainable proposition. The decision explained:

"Moreover, the record establishes that in the absence of the proposal or something like it, the costs of supplying infrastructure in the area are so high that a single commercial use like a medical office cannot establish a new office on the abutting 10-acre property and provide commercial medical services to Salem citizens in south and southeast Salem." 2007 Decision, p. 20.

Importantly in 2015, the City accepted the benefits of its approval of the unified project when it negotiated an agreement with PacTrust to fund 94% of the cost of substantial public improvements to Kuebler Boulevard well in advance of the time at which PacTrust was required to complete them. PacTrust's obligation to make improvements to Kuebler Boulevard arose because it had an obligation to mitigate the impacts of the development of the shopping center with 299,000 square feet of GLA on the entire site. In other words, without the shopping center approval, the City had no basis to ask PacTrust to pay for the Kuebler Boulevard improvements in 2015 and PacTrust would have no reason to accede to the City's request. The City's request that PacTrust pay for these improvements in advance was a clear and unambiguous signal from the City that it fully expected PacTrust would eventually build the 299,000 square foot retail shopping center/medical office buildings that PacTrust presented in its 2006 plan change and zone change request that was approved in 2007.

Additionally, even as late as October 2018, the City took the position that PacTrust was authorized to proceed with the retail shopping center component of the project. That year, the

City Planning Administrator approved PacTrust's site plan review, which illustrated the retail shopping center with a Costco store and additional retail pads. LUBA Record 6042.

Opponents Eason and Rice, in their letter dated July 28, 2020, suggest that Applicants fail 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." Opponents Eason and Rice are among other opponents who have falsely insinuated or allege that Applicants lied about the proposed development during the 2007 Decision. They are wrong and both LUBA and the Court of Appeals agreed that the present proposal is consistent with the representations made to the City Council in 2006-2007 and the 2007 Decision. Opponents' arguments about Applicants' lack of good faith are without merit or evidence.

There can be no reasonable doubt that each of PacTrust's expenditures in furtherance of the shopping center approved by the 2007 Decision was made in good faith. This factor weighs in favor of recognizing that PacTrust has a vested right to develop the project.

c. Relationship of Expenditures to Completed Project

All of the expenditures presented by Applicants in this proceeding relate directly to implementing either the proposed development expressly approved by the 2007 Decision or to the required mitigation of that development as specified in the 2007 Decision's conditions of approval. See, Request for Remand Proceeding Exhibit G (PacTrust June 15, 2020 letter). In fact, on September 12, 2012, the City Planning Administrator approved the Site Plan Review application to develop the medical clinic building and separate medical/office building. In that decision, the City Planning Administrator acknowledged the proposed development as part of the unified shopping center development. The expenditures on mass grading and build-out of the medical clinic building and medical/office building were integral parts of the unified shopping center approved by the 2007 Decision. Indeed, but for the City's approval and ongoing facilitation of the development of the unified shopping center, the Applicants would never have spent money on the smaller medical office/clinic part of the center for the reasons explained in the above quote from page 20 of the 2007 Decision. See also Applicants' Remand Letter, Exhibit G, p 2.

Opponents Eason and Rice argue that the expenditures made by Applicants "are necessary for whatever development they make on that land" and, consequently, "it is not like the improvements they have made would be for nothing." Eason/Rice Letter dated July 28, 2020. Opponents misunderstand this factor. The requirement to demonstrate the relationship of expenditures to completed project is whether the expenditures are in furtherance of implementation of the approved project. Opponents appear to concede that they are (besides the fact that many expenditures are imposed through conditions of approval). It matters not whether the expenditures could be used for another development on that same site as opponents contend. That is not a basis for concluding the factor is not satisfied.

The expenditures listed by Applicants are directly related to completing the project approved by the 2007 Decision. This factor weighs in favor of recognizing a vested right.

d. Nature of the Project, Location and Ultimate Cost

The 2007 Decision established that the entire subject property (the combined 18.4 acres and 10 acres) can only be developed as a shopping center with associated medical clinic/office buildings of up to 299,000 square feet of GLA. That use was approved in an area where the City expressly found there was a lack of alternative sites for such development to occur. There was never any question that the site was to be developed with the uses PacTrust intended and expended money in reliance upon. Under the 2007 Decision, the site could be put to no other use.

As the quote from page 20 of the 2007 Decision explains, it was consistently understood by all concerned that it would never be feasible to proceed with only the medical office portion of the shopping center. In light of the extensive off-site improvements the City required, development of just the medical clinic and office was simply not economically viable. The subject property was approved to be and is a unified project that requires the retail shopping component to justify expending the mitigation costs the City required. Indeed, the exactions were imposed expressly to address the impacts of the unified 299,000 square foot GLA shopping center.

In the 2012 City Decision approving the Site Plan Review for the medical clinic/office building, the City acknowledged that in a development the size of that approved in 2007, any developer/owner would install improvements over time to facilitate the ultimate completion of the project.¹⁴ Logically, it would have taken longer for any developer to build out the shopping center, in view of the recession that gripped the state, nation and world, shortly after the 2007 Decision. Here, the expenditures detailed in the above-cited evidence were all made to complete an approved shopping center of up to 299,000 square feet GLA. The total estimated cost of the completed project is approximately \$61.4 million. That is a reasonable cost for a project of this size.

The nature of the project, expressly limited to this use at this location by the 2007 Decision, as well as the ultimate cost of approximately \$61.4 million for a unified shopping center project, weigh in favor of a vested right for Applicants.

All four *Holmes* factors weigh overwhelmingly in Applicants' favor. None weigh against it. Furthermore, given that the expenditures the Applicants have already made are in the millions of dollars, those expenditures are unquestionably significant, which weighs even more in Applicants' favor. The City Council can reach no other reasonable conclusion than that Applicants have a vested right to implement the development project approved by and, in fact, required by the 2007 Decision.

¹⁴ Request for Remand, p. 17; 2012 Site Plan Approval, LUBA Record-4028 (Conditions 6 and 9, requiring completion of infrastructure work prior to building permits for the retail shopping center identified as Phase 2, other conditions require work to be completed before building permit issuance for Phase 1, the medical and office buildings).

2. Applicants' Vested Right Means the Proposal as Submitted May Not be Denied or Redesigned by Either the City or Opponents

While some opponents concede that the Applicants have a vested right, they erroneously claim that it essentially gives the Applicants nothing.¹⁵ Opponents' position is contrary to law. A vested right will necessarily, in some respect or another, be inconsistent with the present local land use regulations. Yet, because of the vested right, an approved use must be allowed to be developed and then used as approved. If the development complied with all current land use regulations, then the vested rights question would be irrelevant.

That is what led LUBA to explain that, despite the City's 2018 denial based upon present approval criteria, Applicants may (and do, in fact) have a vested right to develop the Applicants' shopping center as requested, meaning the denial bases are unlawful. This is so even if the City were to conclude that the proposed site plan is inconsistent with one or more otherwise applicable site plan review standards. In addition, LUBA recognized the limited land use decision aspect of site plan review greatly constrains the City's discretion to deny the proposed use.

This is not a conditional use proceeding where the City has discretion to determine whether a requested use is even allowed and where the City can ultimately deny that use. Consequently, the City does not have discretion to deny the site plan review application because of the limitations imposed by the law related to both vested rights and limited land use decisions. Furthermore, as discussed in greater detail below, at the time of the 2007 Decision, there was no site review process or similar requirements in the City Code. Accordingly, the 2007 Decision expressly identified the reviews that would be undertaken prior to building permit issuance and Site Plan Review is not on the list of future reviews provided by the 2007 Decision, because it did not exist. *See*, 2007 Decision, p. 38.

Given all of the above, opponents' contentions – that Applicants' vested rights are insignificant or afford no right to develop the project as proposed – have no legal merit. As the evidence in the record and the analysis herein demonstrates, the 2007 Decision authorized the future use of the property as a shopping center as proposed and the conditions under which the shopping center will be reviewed. Those rights are now vested.

3. The Arrangement of the Proposed Shopping Center is Vested

The 2007 Decision was approved not just based on the described uses, but also based on the site plan examples and other evidence for the proposed use. 2007 Decision, p. 7.¹⁶ Those

¹⁵ *See, e.g.*, Dalton Letter, August 12, 2020 (conceding vested right, but only “to develop land consistent with the City’s overall guidelines re. ‘commercial development.’” That of course is wrong, since the property is zoned CR, and regardless, a shopping center is the only use allowed under the 2007 Decision).

¹⁶ The relevant passage states:

site plan examples consist of several documents in the record here. One is the now-familiar “bubble diagram” that plainly shows the main retail development on the southeastern portion of the subject property (where the eight Oregon white oak trees are), the medical buildings on the southwestern portion of the property, smaller retail development along Kuebler Boulevard and parking throughout the center of the site. LUBA Record-2450. That diagram also shows the main accesses to the property to include the right-turn only access from Kuebler Boulevard, the SE 27th Avenue entrance and the SE Boone Road entrance. Also in the record from the 2006/2007 proceedings is a diagram showing the landscape buffer concept for SE Boone Road. LUBA Rec-672. That drawing shows, in plan and cross section, the intense retail development located on the southern portion of the property, also where the Oregon white oak trees are situated.

Opponents assert that while these and other materials were presented to the City Council in the 2007 Decision’s proceedings, there is no evidence that the City Council noticed them or relied on them. This argument is both irrelevant and wrong. The materials are expressly referenced in the 2007 Decision (see quote provided in footnote 16 herein), which expressly cites and relies upon those drawings in reaching the 2007 Decision to approve the shopping center. But also, the City Council imposed conditions of approval that reflected the submitted documents. For example, Condition of Approval (7) provides, “The developer shall provide right-in access from Kuebler Boulevard[.]” And Condition of Approval (12) provides:

“The developer shall provide a brick or masonry wall with a minimum height of six (6) feet along the interior line of the landscaped setback along Boon Road SE and 27th Avenue SE, opposite residential uses. *The applicant/developer may provide a landscaped berm within the setback in lieu of a wall.*” 2007 Decision, p. 3. (Emphasis supplied).

The emphasized language above directly reflects the berms shown in the landscape buffer concept diagram discussed above. The fact that the City Council not only cited the materials, but imposed conditions of approval that reflected the submitted conceptual plans, is indisputable evidence that the City Council was aware of and considered the potential arrangement of the shopping center for which the proposal is completely consistent, in approving the shopping center. The right to an arrangement of the anchor shopping center building that is consistent with the 2007 Decision, is vested.

“Further, the Applicant has submitted site plan examples as well as other evidence for the proposed use establishing that the Applicant’s proposed use requires a parcel size larger than the 18.4 acres that is the Subject Property because it plans to develop the property in conjunction with the Abutting Property.” 2007 Decision, p. 7.

Opponents’ assertions that the City Council didn’t see proposed site plans as part of the plan and zone change proceedings are contradicted by the 2007 Decision’s findings. *See*, Anuta July 28, 2020 letter, p. 3.

4. The Vested Right Includes the Right to Traffic Volumes Consistent With What the 2006/2007 TIA Showed Would Result From the 299,000 Square Feet Of GLA Shopping Center Approved by the 2007 Decision and the Transportation System Mitigation Measures Imposed by That Decision.

A significant issue during the 2007 Decision's proceedings was the adequacy of the 2006 TIA and the capacity of the City's transportation system to handle the volumes of traffic that would be produced by the proposed use. Indeed, that was one of the primary bases for the appeal to LUBA of that decision. *See, Lufkin v. City of Salem*, 56 Or LUBA 719 (2008). The traffic volumes evaluated by the 2006 TIA and supplements, led to corresponding conditions of approval, which exacted transportation system improvements to mitigate for the impacts of those traffic volumes associated with a 299,000 square foot GLA retail shopping and service center approved by the 2007 Decision. Consequently, Applicants have a vested right develop the subject property consistent with those traffic levels. The proposal here is consistent with the traffic levels expressly approved (and mitigated) by the 2007 Decision.

The City Council's 2007 Decision expressly recognized that the 2006 TIA evaluated the traffic impacts from significantly higher levels of traffic than was ultimately approved. For example, at page 29 of the 2007 Decision, the City Council explained, "Further, the TIA evaluated a larger shopping facility than was ultimately proposed by the Applicant and allowed by the conditions of approval to this decision." It reemphasized that point on the following page, page 30, of the 2007 Decision: "Based on the above, it is apparent that the TIA likely overstates rather than understates trips. This is because the TIA analyzes the same use categories under the Trip Generation manual, but for a greater square footage of gross leasable area than Council allowed in this decision."

In fact, the 2006 TIA was based on a shopping center consisting of 314,000 sq. ft., GLA. In other words, as the decision recognizes, the 2006 TIA overestimated the impacts of the permitted development. And it did so with a planning horizon of 2025. 2007 Decision, p. 27.

The 2007 Decision recognizes that the TIA for that proceeding included vehicle trip rates based on a "reasonable worst-case development scenario" of occupants for the retail shopping center. *See*, 2007 Decision, p. 14, 19, 29, 30, 38. So, not only was the 2006 TIA conducted for a larger facility, it included the most traffic-intensive occupants of the proposed facility. Still, even with the "reasonable worst-case development scenario," once the mitigation measures are accounted for, the 2006 TIA and its supplements demonstrated that there would be no greater impacts to the City's greater transportation system due to the permitted use. As the City Council described in the 2007 Decision, "The TIA is complete, accurate and transparent." 2007 Decision, p. 24. City Staff and ODOT concurred with the TIA. 2007 Decision, p. 29. And as noted above, the legal challenge to the adequacy of the TIA failed on appeal to LUBA.

As demonstrated in the May 2018 Kittelson traffic study for this proceeding, the proposed shopping center actually generates fewer trips than the 2007 Decision approved:

Table 1. Total Net New Trip Comparison of the Approved TIA (2006) and Proposed Kuebler Gateway Shopping Center (2018)

Land Use Scenario	Daily Trips	Weekday PM Peak Hour Trips	Saturday Midday Peak Hour Trips
		Total	Total
Proposed Development (plus approved Salem Clinic)			
Proposed Costco & Retail Pads	7,743	747	986
Salem Clinic and Medical/Office Bldg. (Existing)	815	85	40
Approved 2006 Rezone TIA			
September 2006 TIA	9,660	900	1,350
Difference = Proposed Kuebler Gateway Shopping Center - Approved 2006 Rezone	-1,102	-68	-324

Furthermore, the mitigation measures, imposed by the 2007 Decision’s conditions of approval, are for the greater traffic volumes approved by that decision. The first seven conditions of approval to the 2007 Decision impose measures that mitigate for the impacts generated from traffic levels greater than what is allowed by the 2007 Decision and for significantly greater traffic levels than what the shopping center proposed here, will generate. It is in large part the Applicants’ good-faith implementation of these mitigation measures, to the tune of several million dollars, that has vested Applicants with the right to develop a shopping center per the 2007 Decision. The traffic volumes generated by the shopping center proposal at issue here, and its impacts on the City’s overall transportation system, fall well within the volumes allowed by the 2007 Decision. Again, the City Council’s 2007 Decision explains, “Therefore, the proposal and its required mitigation efforts will improve the transportation system adequately mitigating its own impacts[.]”. 2007 Decision, p. 24. *See also*, Applicants’ Rebuttal Attachment 5 (Kittelson & Associates p. 2 (“The Transportation Planning Rule section within the 2006 TIA established that even with a 314,000 square feet GLA shopping center, with the approved mitigation, in 2025 that larger transportation system was predicted to function better than it would function without the development and its required mitigation[.]”)).¹⁷

If Applicants are not entitled to develop up to the levels approved by the City Council in 2007, serious Constitutional takings issues arise given the transportation mitigation exactions imposed by the 2007 Decision’s conditions of approval that continue to apply today. The U.S. Supreme Court cases *Nollan* and *Dolan* require that there be both an essential nexus and rough proportionality for an exaction to be Constitutional.¹⁸ If the Applicants are not allowed to utilize the traffic volumes for which the exactions are based to establish the proposed shopping center,

¹⁷ The 2007 Decision, p 39, similarly states: “As explained in the TIA, Kuebler Blvd. is able to accommodate the traffic from the proposed use and in fact under the proposal the area transportation system including Kuebler Blvd, *will function better than it currently does under the proposal.*” (Emphasis supplied.)

¹⁸ *Nollan v. California Coastal Com.*, 483 US 825, 107 S Ct 3141, 97 L Ed2d 677 (1987) (establishing “essential nexus” test); *Dolan v. City of Tigard*, 512 Us 374, 114 S Ct 2309, 129 L Ed2d 304 (1994) (establishing “rough proportionality” test).

then those conditions which demand improvements be in place today and that demanded other improvements before the shopping center was built, violate these constitutional standards.

There can be no doubt that Applicants have a vested right to the traffic volumes that were approved by the 2007 Decision and the corresponding transportation system mitigation measures imposed by that decision's conditions of approval. Applicants have a vested right to traffic levels that would be generated by a 299,000 square foot GLA shopping center, and the proposal is for only 228,062 square feet GLA. That right cannot be taken away by other traffic users, as opponents suggest. Nor can opponents challenge the City's finding in 2007 that the mitigation measures imposed are adequate to offset the transportation system impacts that would flow from a 299,000 square foot GLA unified shopping center. Opponents do nothing more than reiterate the arguments made in *Lufkin v. City of Salem* that challenged the adequacy of the TIA and the City Council's conclusions. Those arguments did not prevail then and have even less merit now. Opponents' arguments amount to an impermissible collateral attack on that prior land use decision and must be rejected. *Just v. Linn County*, 59 Or LUBA 233, 236 (2009).

5. The Applicants' Vested Right Includes a Right to Benefit From the Traffic Mitigation Imposed By the 2007 Decision in Exchange for the Right to Develop a Shopping Center of up to 299,000 square feet GLA.

An important corollary to the exactions imposed by the 2007 Decision's conditions of approval is that, because the conditions of approval imposed exactions to fully mitigate for all of the impacts to the City's transportation system that would flow from the permitted uses, and do so at levels greater than that permitted by the decision, the Applicants also have a vested right to not have to provide any further mitigation to the greater transportation system because its proposal not only falls within the traffic volumes permitted by the 2007 Decision, but also the actual traffic volumes are less. Applicants are entitled to benefit from the mitigation they have already paid for, at the behest of the City, in furtherance of the 2007 Decision.

This is not to say that the 2007 Decision resolved all issues. Indeed, the 2007 Decision recognized that on-site circulation, for example, remained an issue for subsequent determination at the time a development proposal is submitted. *See*, 2007 Decision, p. 38. Also, the 2007 Decision does not discuss the adequacy of the development proposal with respect to ingress and egress for the subject property, which could not be analyzed until a detailed development plan was submitted. Thus, the May 2018 traffic study conducted by Applicants for the subject site review reviewed these issues in addition to others, including a sensitivity check that the proposed traffic volumes remained within those analyzed by the 2006 TIA, as requested by City staff.¹⁹

¹⁹ Opponents' counsel contends there is no evidence in the record to support Applicants' stated reasons why the City transportation staff identified the limited scope for the transportation analysis. This is flatly incorrect. Not only did staff never contradict Applicants' assertions, the March 27, 2020 Transportation Staff Memorandum clearly states:

However, as the 2007 Decision plainly explained, “[T]he traffic impact of a ‘worst-case’ commercial development on the adjacent street *network* has been analyzed in the TIA.” 2007 Decision p. 38. The 2007 Decision was based upon a TIA that looked at the street network and concluded the Applicants met all relevant standards. 2007 Decision p. 14, 23-31, 47. The 2007 Decision’s mitigation measures for that “worst-case” scenario have already been exacted from Applicants. There is no basis for the City to impose further transportation system exactions on the Applicants. The Applicants have made many and will soon make other of the improvements required by the 2007 Decision and they have a vested right to those exactions and no more.

The Applicants cannot be required to pay for or install further improvements to the City’s transportation system.

6. The Vested Right Includes a Right to Subsequent Review of Development Proposals Consistent With Only Those Reviews Identified in The 2007 Decision’s Findings That a Future Development Proposal Would Be Subject to and Not Have to Repeat Reviews for Matters the 2007 Decision’s Findings Already Addressed.

The 2007 Decision carefully identified a number of reviews that any proposed development for the site would have to undergo before development. This is significant because as noted elsewhere, at that time the City did not have a Site Plan Review process for development.²⁰ As of 2007, PacTrust’s next step would have been to seek development approval for the entire shopping center. Because of the intervening recession, PacTrust continued to move forward to implement the 2007 Decision by proceeding with development land use actions that facilitated rezoning and development of the medical clinics and office building and laying the groundwork for the shopping center.

The 2007 Decision mentions several development-level reviews that future development of the property would be subject to. Most significantly, the 2007 Decision explains:

- “2. Shopping and Service Facilities: Development of shopping and service facilities may be approved only after reviewing a development plan consisting of maps and written statements.

“The City’s position is that the TIA that was submitted in 2018 was to verify that the traffic generated by the proposed development did not exceed volumes that were approved in the 2007 CPC/ZC and to analyze the driveway access to 27th Street SE.”

²⁰ See, Kellington Law Group Letter July 23, 2020 (re: legislative history of the City of Salem’s Site Plan Review Ordinance). That letter and its attachments refutes Mr. Krishnan’s assertion the City has not changed any of the rules that would apply to development authorized by the 2007 Decision. Krishnan Letter, dated July 28, 2020 (argument repeated in subsequent letter dated August 12, 2020).

“This policy applies to the development of shopping and service facilities, and is not directly applicable to this application. *Information required by this policy will be provided at the time the site is proposed for development. The location of buildings, arrangement of parking and loading facilities, on-site circulation, buffer yards, setbacks, and landscaping, and other features as may be required, will be shown on the detailed building plans that will be submitted for permits.* The impact of the redesignation of the site on adjacent neighborhoods is discussed in these findings, and the traffic impact of a “worst-case” commercial development on the adjacent street network has been analyzed in the TIA. The availability of transit service is a part of the pre-application comments from the Transit District. Utility and storm water plans are subject to City design standards and will be reviewed and approved prior to site development. The necessary information will be provided on the plans submitted at the time development permits are requested. The requirements of this policy are met by providing the referenced information for review and approval prior to development of the site.” 2007 Decision, p. 38. (Emphasis supplied.)

Several aspects of the above passage are worth noting. The passage identifies a limited range of issues to be examined by the City at the time a development proposal is submitted, specifically: the location of buildings; the arrangement of parking and loading facilities; on-site circulation; buffer yards; setbacks and landscaping. Also reviewed at that time will be the availability of transit service for the site and utility and storm water plans for the development.

Just as significant is what the findings expressly state will not be addressed at the time of development of the shopping center. First, the impact of the shopping center on adjacent neighborhoods is not a relevant standard to the application for site review here, even under today’s site review standards. That issue was expressly considered, and appropriate conditions were imposed, in the 2007 Decision.²¹ Second, the traffic impacts from the proposed development would not be revisited – as the 2007 Decision explains, that issue was analyzed as part of the TIA for the CPC/ZC application the City approved.

Also, worth noting is the complete lack of any statement regarding review of future development plans for protecting natural resources or, specifically, trees. At that time, the City had a tree preservation ordinance, so this omission is telling. In discussing land resources, the City Council found:

“The Subject Property is primarily a vacant field. *There are no identified significant natural resources on the Subject Property.* Development of vacant urban land is expected. The proposed change will have no significant negative impact on the quality of the land.” 2007 Decision, p. 19. (Emphasis supplied.)

Elsewhere in the 2007 Decision, the findings list a number of other design considerations for which the development plans will be evaluated. These include standards under land use

²¹ “The impact of the redesignation of the site on adjacent neighborhoods is discussed in these findings, and the traffic impact of a ‘worst-case’ commercial development on the adjacent street network has been analyzed in the TIA.” 2007 Decision, p 38.

regulations that govern screening, landscaping, setback, and building height and mass. 2007 Decision, p. 37. Other cited considerations pertain to the screening of outdoor storage areas and exterior lighting. 2007 Decision, p. 36-37. And the decision expressly refers to the then in effect Salem Code Section 132's buffer yard setback, screening and landscaping requirements. 2007 Decision, p. 44; p. 3, Condition of Approval (11).

Each of the above review standards cited by the City Council in 2007 is a straight-forward review for which the City has adopted specific siting standards. The City Council was already fully aware that there would likely be at least one large tenant – expressly-identified possibilities included Target, Fred Meyer and Costco, each with buildings as large as 200,000 square feet in size (*see*, LUBA Record-636) – and a site plan that showed the bulk of the retail development to occur on the southern boundary of the property (where the trees are) and smaller retail development on the northern edge of the property (*see*, LUBA Record-2450). The City Council was fully aware of the general size and layout of the development, the only question was whether the eventual site plan would meet the City's published standards for things such as setbacks, building heights, number of parking spaces and landscaping, as well as the requirements imposed by the conditions of approval. The Applicants have a vested right to have their development proposal reviewed under those standards and only those standards.

Likewise, the 2007 Decision held that future development proposals would not be subject to review under other standards. 2007 Decision, p. 38. The two standards that the findings expressly state were already addressed by the 2007 Decision were compatibility with surrounding neighborhoods and impacts to the street network. *Id.* Also, the express finding that there are no significant natural resources on the property, precludes a different determination in this proceeding where the Applicants have a vested right to the 2007 Decision approval, particularly given the fact there was a tree ordinance at that time.²² As discussed immediately below, the Applicants also have a vested right to not have to readdress issues the City Council stated in the 2007 Decision had been addressed and resolved.

The 2007 Decision held that the approved development's impacts on the City's transportation facilities have been fully mitigated through the conditions of approval, which Applicants have already invested millions of dollars towards satisfying. Because Applicants have commenced implementation of those mitigation measures, Applicants have a vested right to not have to again prove up on the adequacy of those measures or to do a new comprehensive TIA. That work has been done and the mitigation measures substantially implemented.

The 2007 Decision also concluded there were no significant natural resources on the site (*i.e.*, no significant trees that were required to be preserved) and no subsequent tree review was

²² The LUBA decision held that application of the tree preservation standards as part of site review does not constitute a collateral attack on the 2007 Decision. LUBA Decision, p. 29. That is a very different issue than whether the Applicants have a *vested right* to the determination made in the 2007 Decision that no significant natural resources, to include trees, are on the property that would preclude development of the proposal. The Applicants have that vested right, as explained in this letter.

contemplated.²³ In short, the 2007 Decision resolved the issue of whether the UDC imposed a standard of approval that required review of trees at the time development plans were submitted. The determination that a vested right to an approved use exists, means that the holder of that right is protected from changes to the interpretation and application of code sections²⁴ as well as changes to conclusions about applicable criteria under ORS 227.178(3).²⁵ *Holland v. City of Cannon Beach*, 154 Or App 450, 457-59, 962 P2d 701 (1998).

An important point must be noted. The City's Site Plan Review provisions were not effective until 2009, two years after the City Council's 2007 Decision. In addition to demonstrating that opponents' arguments that the Applicants could have applied for Site Plan Review in addition to the CPC/ZC in 2006 is wrong, the fact that the Site Plan Review code provisions were adopted after the 2007 Decision upon which the vested right is based, means that those standards cannot be applied to the present application in a way that substantially changes it or denies it. That conclusion flows again from the nature of vested rights – the use will inevitably be inconsistent with some aspect of the development code due to subsequently adopted provisions or amendments to the code. Those subsequent standards simply do not apply to a development that has vested, as is the case here.

Opponents' counsel argues that Applicants' rights became vested in 2012-13 (when the medical clinic was approved and built) at the earliest, or in 2015 when PacTrust agreed to provide \$3 million in transportation improvement funds before it was required to implement the improvements. Anuta Letter, August 12, 2020, p. 3. Opponents' counsel then states that "the law . . . [is] clear" that the Site Plan Review provisions were in effect, without citing to any law to support his argument. *Id.* at 4. Opposing counsel appears to assume that the standards that are

²³ 2007 Decision, p. 19.

²⁴ A vested right use need not conform to current code standards. As discussed in the prior proceedings, the City has always applied the "necessary" standard for tree preservation as deferential to commercial and industrial development, thus the Planning Administrator's approval of the applications. The City Council changed that interpretation and LUBA afforded that interpretation deference. However, LUBA's decision does not change the fact that the City in its 2007 Decision interpreted and applied its tree preservation ordinances in a particular manner, such that the trees on the subject property were not a significant resource in light of the proposed (and ultimately approved) commercial use, and it is that interpretation and determination that pertains to the Applicants' vested right. That is why LUBA remanded the decision –LUBA recognized that the vested right may preclude application of the tree ordinance in this proceeding. However, that fact does not affect the applicability of the City Council's interpretation of the tree preservation ordinance's "necessary" requirement in future decisions, but it is exactly relevant to this proceeding.

²⁵ ORS 227.178(3) provides, in relevant part:

"(a) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted and the city has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted."

in effect at the time a right becomes vested (*i.e.* the expenditures are made) are the standards that apply. That is not what the law states. As *Holmes* and the other cases cited above make clear, what is vested is the right to complete the development as it was approved in 2007, not the development that would have been approved at the time the right vests, as opponents assert. Later adopted standards (including those in effect when the 2007 Decision rights vested) cannot be applied where they undermine the Applicants' vested right to the shopping center approved in the 2007 Decision.

Finally, even if subsequently adopted standards, such as the Site Plan Review standards, could still be applied to an application for which the Applicants have vested rights, those standards cannot be applied in a manner that denies the vested right. In this instance, that means no subsequently adopted standard can be applied in a manner that is inconsistent with the 2007 Decision.

c. *Vested Rights Conclusion*

Based upon the evidence in the record and the arguments provided above and by the Applicants during this remand proceeding, the Applicants have a vested right to the proposed development, which is consistent with the rights derived from implementing the development approved by the City Council in the 2007 Decision and by the findings, conclusions, and conditions of approval of that decision. The tree preservation basis for the City Council's previous denial violates Applicants' vested rights. Each of opponents' arguments is inconsistent with one or more of Applicants' vested rights. For these reasons, the City Council should conclude that the Applicants have a vested right to approval of the application as approved and conditioned by the Planning Administrator with the additional conditions of approval proposed by the Applicants.

IV. Specific Issue – Regardless of the Applicants' Vested Right and Even if it is Not Considered, the Applicants Have Demonstrated Compliance With the UDC Standards for Tree Removal and for Traffic and Safety.

As noted above, the City Council should conclude that the Applicants have a vested right to approval of their application, to include removal of the eight Oregon white oak trees. The City Council should also adopt alternative findings, in addition to approval based on vested rights, that even without the vested right, the proposal complies with all site review standards.

a. *The Evidence in The Record Supports the Conclusion That the Application Will not "Remove" Any Significant Trees and Regardless That Removal of the Oregon White Oaks is Necessary in Connection With Construction of a Commercial (Shopping Center) Facility.*

As discussed above, the proposal does not remove any significant trees, and the City should so find under the express terms of the City's code.

Moreover, during the proceedings leading to the 2018 Decision, several site diagrams were submitted by the Applicants to demonstrate that it was necessary to remove the eight white

oak trees to develop the proposed use consistently with the 2007 Decision, which is an exception to the tree permit requirement under UDC 808.030(a)(2)(L). On remand, Applicants have submitted additional evidence of necessity. Specifically, Exhibit A to the Applicants' remand letter supplements each of the diagrams submitted previously with detailed analysis as to why, under each of the options, it is impossible to develop the proposed vested shopping center in compliance with all applicable City standards and also to preserve the trees in their current locations.

Application of the necessity exception under UDC 808.030(a)(2)(L) requires defining the term "necessary" in UDC 808.030(a)(2)(L), which authorizes:

"Removal of Oregon white oaks (*Quercus garryana*) [without a permit] where the removal is necessary in connection with construction of a commercial or industrial facility."

In the 2018 Decision, the City Council disagreed with how staff had previously applied the term "necessary" but did not define the term further. Instead, it simply turned to Applicants' arguments that the evidence in the record shows the requirement had been met and ultimately disagreed. The City Council also found that: (1) a design that provides additional buffering and mitigation of adverse impacts for the adjacent residential neighborhood, beyond that required by the 2007 Decision, was not "necessary" to comply with the Site Review standards because the conditions of approval from the 2007 Decision imposed buffering requirements sufficient to ensure neighborhood compatibility; and (2) economic considerations do not factor into the meaning of "necessary" under UDC 808.030(a)(2)(L) because those considerations are relevant to an "economic use" tree variance under UDC 808.045(d)(2). LUBA Decision, p. 25. LUBA affirmed the City's interpretation. LUBA Decision p. 23-39.²⁶

Recall that under the vested rights analysis, none of this is relevant. Rather, it is relevant only in the context of alternative findings to explain that the "necessary" standard is met in any event and in the alternative to the finding that Applicants have a vested right. Thus, if the standard is applied, the question remains, how does one understand what meets the "necessary" standard? The City Council should conclude that "necessary" means necessary to comply with otherwise applicable approval standards and/or the 2007 Decision's conditions of approval.

The extensive list of exceptions provided under UDC 808.030(a)(2), and the explicit exception in UDC 808.030(a)(2)(L) for commercial and industrial development, plainly establish a hierarchy of approval criteria. If a development requirement must be disregarded to allow commercial or industrial development while preserving the trees, then removal of the trees must be "necessary." Consequently, if any of the alternative site plan "options" are inconsistent with conditions of approval imposed by the 2007 Decision or result in a failure to comply with City code requirements, they are not viable options and it is "necessary" to remove the trees.

²⁶ LUBA left open, however, the question of whether Applicants had a vested right that might prohibit application of the City's tree standards altogether. LUBA Decision, p. 30-31.

Exhibit A, page 1 from the Remand Request is the Applicants' proposed site plan. It shows the proposed shopping center with its anchor store, as well as the transplanted eight Oregon white oak trees in the southeast corner of the property. That site plan meets the needs of the Applicants, is consistent with the 2007 Decision and meets all 17 of the conditions of approval from the 2007 Decision. It also satisfies all of the City's standards for Site Plan Review. The only dispute, if there is one, is whether transplanting the trees constitutes removal of the trees. As discussed above it does not, but even if it does, it is still "necessary" to remove the trees unless one of the other "options" can also meet the Applicants' needs, comply with the 2007 Decision and City standards, and preserve the trees in their current locations.

In evaluating "options", it should be noted that the entire site is covered with either the allowed structures, parking, required landscaping or buffer areas. And this is with only 189,550 square feet GLA of the 240,000 square foot GLA retail shopping center use authorized by the 2007 Decision. A retail shopping center of 240,000 square feet of GLA would be physically impossible on the site as there would be no room to meet the City's minimum parking requirement, not to mention additional loss of land due to landscaping and buffer areas, and the resulting unsafe and inefficient layout. This fact alone demonstrates that it is "necessary" to remove the eight significant oak trees to implement either the proposed shopping center here, or the much larger center authorized by the 2007 Decision.

Remand Request Exhibit A, page 2 is the so-called "Northwest Option" used by opponents to argue that removal of the trees is not necessary. However, the Northwest Option does not meet the needs of the Applicants, fails to comply with the City's minimum parking standards (UDC 860.005(a)(1)/806.015(a) Table 806-1) and results in a deficit of 110 parking spaces from the minimum parking required by the UDC. Note that the minimum amount of parking provided in the City's code is inadequate to meet the Applicants' needs – the code requires at least 4 spaces per 1000 sq. ft. of GLA, while the Applicants require and propose 5.6 stalls per 1000 sq. ft. GLA, which is within the range of parking the City's code allows. UDC 806.005(a)(1); 806.015(a) and Table 806-1; Applicants' Remand Submittal, Exhibit E, p. 2.

This is unsurprising because in this or any other scenario where the trees are preserved in their current location, an estimated 65,000 square feet of land or about 1.5 acres (approximately 7.1% of the entire site), located in a central portion of the subject property, cannot be used for anything else.²⁷ The amount of GLA authorized by the 2007 Decision simply cannot be established given the other development standards required by the UDC and the terms of the 2007 Decision itself, when the area needed to protect the eight Oregon white oak trees is exacted from the subject property, even if that area is used to meet minimum landscaping requirements. Furthermore, given the central location of the eight Oregon white oak trees, they cannot be simply "designed around," as opponents suggest. Their location means that it is impossible to keep the trees where they are and simultaneously develop the shopping center approved in the 2007 Decision while also meeting the minimum City parking standards, complying with the terms of the 2007 Decision, designing a safe and efficient layout, and meeting the Applicants' needs. Therefore, it is necessary to remove the eight Oregon white oak trees – UDC 808.030(a)(2)(L).

²⁷ Applicants Rebuttal August 12, 2020 Attachment 7, August 10, 2020 Bullock Letter.

The alternative site plan options would also make it impossible to develop safe and adequate vehicular and pedestrian circulation within the shopping center, in contravention of UDC 220.005(f)(3)(B) and (C) regarding safe and efficient movement of vehicles and pedestrians, and UDC 800.065(a)(3) and (5) regarding connections through off-street parking areas and to abutting properties, thereby increasing the risk of vehicle-pedestrian and vehicle-vehicle accidents. *See also* Remand Request, Exhibit E (letters from Jeff Olson, Commercial Realty Advisors Northwest, LLC, and Frank Schmidt, Tiland/Schmidt Architects, PC. (discussing, among other things, fire access, traffic safety, impaired visibility, and loss of parking spaces issues flowing from the Northwest Option)).

The transcript of Kristy Mayer from the City Council’s December 2018 public hearing exposes another problem with the Northwest Option. As Ms. Mayer testified, “if you pave around them, you’re going to kill them anyway.” That subjective opinion is confirmed by Monarch Tree Service’s rebuttal memorandum, which explains, “Allowing the trees to remain in their current location and building around them has a far greater potential to adversely affect their health.”²⁸ Monarch Tree Service’s August 12, 2020 memorandum, p. 4. That statement is true for any proposal that would surround the trees with development, such as that proposed by Wildwood/Mahonia in their August 11, 2020 letter.²⁹ The Northwest Option is not a viable option for preserving the trees nor is it a basis for denial of the application.

The remaining “options” suffer from even greater fatal flaws. The option shown at Exhibit A, page 3 (Northeast Option) is the only site diagram that appears as if it could preserve all eight Oregon white oak trees. However, that option is plainly inconsistent with the condition of approval to the 2007 Decision requiring an entrance on 27th Avenue, or the roundabout preferred by the City – no traffic can enter or leave from that required entrance under the Northeast Option. One simply cannot comply with the conditions of approval imposed by the 2007 Decision and implement the Northeast Option. This option also, like all the other options, fails to satisfy the City’s minimum parking requirements and is therefore inconsistent with UDC 220.005(f)(3)(B) and (C), and UDC 800.065(a)(3) and (5). The Northeast Option is not a viable option for preserving the eight Oregon white oak trees and cannot be the basis for denial of the proposal.

Like the Northeast Option, the option shown on Exhibit A, page 4 (Southeast Option) suffers from the same fatal flaw in that it would render impossible the required access from 27th Avenue. This option also would require relocation of one of the entrances off of Boone Road SE, in violation of the 2007 Decision. Furthermore, this option would not meet the City’s

²⁸ Monarch Tree Services, August 12, 2020 memorandum also states at page 4:

“The subject property is zoned commercial retail and it will development [*sic*] with intensive commercial uses. The best protection for these trees is for a careful effort to relocate them to sustainable portion of the property by competent, experienced arborists, such as ourselves, in the mindful manner we have proposed.”

²⁹ *See also*, Altered Site Plan, Unattributed, Public Comments 2020-07-23 to 2020-07-28, p. 125 (site plan showing building wrapping around trees).

minimum number of parking stalls and would establish vehicle traffic-flow conflicts between vehicles seeking to use the fueling station and those that are seeking parking for shopping, again violating the Site Plan Review requirement for safe on-site circulation. Finally, the proposal would require the removal of five of the eight Oregon white oak trees, and the surrounding parking lot and buildings will likely lead to the deaths of the other three. The Southeast Option is not a viable option for preserving the eight Oregon white oak trees and is not a basis for denial of the proposal.

Exhibit A, page 5 shows an East Option that also completely blocks the entrance from 27th Avenue required by the 2007 Decision. Furthermore, this option would require removal of at least one of the eight Oregon white oak trees, due to the additional entrance for delivery trucks from Boone Road SE, and, as with the Southeast Option, would require relocation of a customer site access required by the 2007 Decision. Like the other options, the East Option fails to meet the City's minimum parking requirement and the surrounding development will harm the trees if left in place. Consequently, the East Option is not a viable option for preserving the eight Oregon white oak trees and is not a basis for denial of the proposal.

The final site diagram, a West Option, shown at Exhibit A, page 6, suffers from several inconsistencies with the 2007 Decision and the City's Site Review standards. The location of the Costco building would impede access to the site from Kuebler Boulevard and would require locating two entrances from Boone Road SE, which is inconsistent with Conditions 5 and 8 of the 2007 Decision. The building location also interferes with on-site circulation, which is contrary to Site Review circulation requirements, and requires the removal of six of the eight Oregon white oak trees. The other two are unlikely to survive due to surrounding development. Last, as with all of the options except the preferred option, this option fails to provide the City's minimum required parking spaces for the development and results in unsafe and inefficient internal traffic circulation. The West Option also is not a viable option for preserving the eight Oregon white oak trees and is not a basis for denial of the proposal.

The alternative options show unequivocally that only the proposed layout can satisfy all of the Site Review, parking, and tree preservation approval criteria, the 2007 Decision's conditions of approval and the needs of the Applicants. The evidentiary record does not support an argument that the Northwest Option, or any of the other options, would preserve the eight Oregon white oak trees and still allow the size of the development proposed by Applicants, which is already reduced significantly in size from what was expressly authorized by the 2007 Decision. Instead, the evidence demonstrates that it is impossible to develop a 240,000 square foot GLA shopping center on the portion of the property zoned for retail shopping center use consistent with the City's development standards, the 2007 Decision and the Applicants' needs, and still preserve the eight Oregon white oak trees in place. Accordingly, removal of the eight Oregon white oak trees is necessary for construction of any commercial facility that remotely resembles what the 2007 Decision authorized and is commensurate with the scale of the imposed exactions.

Opponents' arguments that with just a little bit of "creativity" and a "slightly smaller store" or a "smaller fueling depot" or even a bit "less parking" one could design a shopping center that overcomes the significant hurdle the eight Oregon white oak trees present for

development of the site, has no evidentiary basis in the record. Opponents' arguments altogether ignore the design implications of losing over 65,000 square feet of land – 1.5 acres (just over 7% of the site), in the south-central portion of the subject property and the impossible position that would place any owner for developing a viable shopping center on the subject property. One opponent, Wildwood/Mahonia, argues that with “just” the loss of another 16% of GLA the trees could be accommodated in place. However, this contention is contradicted by Applicants' tree expert, Rick Sartori of Monarch Tree Services, who explains that keeping the trees in their current location but building around them has a far greater potential to adversely affect their health than responsibly transplanting them on the site as Applicants propose. Applicants' Rebuttal, Attachment 3, p. 4. The City can and should rely on Monarch Tree Services' expertise, rather than on speculation. Also, 16% is not an insignificant reduction – it would reduce the proposed 168,550 square foot Costco store to 141,582 square feet. A smaller anchor store is not what the Applicants propose and the anchor retailer has made clear that a smaller store is insufficient to meet its needs to properly service their Salem customers – Costco is leaving a site with a smaller store (existing store is 145,363 sq. ft.³⁰), to establish the larger store proposed here, not an even smaller one.

Wildwood/Mahonia also proposes moving the trees to a different part of the property – along Boone Rd. SE – to provide additional buffering (as well as reducing the size of the project including its anchor store, by 16%). First, this proposal necessarily concedes that transplanting the trees onsite means they are not being removed. Second, the City Council has already explained that no additional buffering of the project is necessary because the 2007 Decision incorporated sufficient buffering to mitigate adverse impacts to the adjacent residential neighborhoods through conditions of approval. Wildwood/Mahonia's reasoning was rejected by the City Council in the 2007 Decision. Third, Wildwood/Mahonia provides no evidence that moving the trees to a different location of the site rather than the one proposed will in any way improve their chances of survival. And if the risks are the same, there is no justification for rejecting the Applicants' transplant proposal in favor of a different transplant proposal that meets less of the Applicants' other criteria.

As a final point, opponents' arguments fail to appreciate the fact that millions of dollars have been spent to mitigate for traffic impacts significantly greater than what will result from the proposed project. Just how much smaller of a shopping center are the Applicants expected to propose, when they have already paid for a larger shopping center than the one that they intend to build? Why would an applicant submit a proposal for a commercial retail shopping center it knows its anchor store will refuse to occupy? Nobody wants a failed shopping center anywhere in the City.

Based upon the evidence in the record, the City Council should conclude that removal of the eight Oregon white oak trees is necessary in connection with construction of a retail shopping facility that is consistent with the 2007 Decision and that the proposal is consistent with UDC Chapter 808 because it qualifies for an exception to the tree removal permit requirement under UDC 808.030(a)(2)(L).

³⁰ Applicants' August 12, 2020 Final Evidentiary Submittal, Attachment 5, p. 8.

b. *The Proposal Satisfies the City's Transportation Requirements for Site Plan Review*

1. LUBA Did Not Require The City To Look at Transportation and the City Council Should Not Revisit That Issue.

LUBA expressly stated:

“On remand, the city may choose to address intervenors’ arguments presented in the cross petition for review.” Slip Op at 30.

Contrast that with LUBA’s direction on remand regarding vested rights:

“Remand of the decision is required for the city to address that argument [vested rights] in the first instance.” Slip Op at 31.

Because LUBA did not require the City to address traffic issues on remand, the City is not required to. If opponents felt that LUBA was wrong and that LUBA should have required the City to revisit transportation related issues, it was incumbent upon opponents to appeal that ruling to the Court of Appeals. They did not do so.

On remand, revisiting traffic issues will serve no purpose. The City already properly evaluated the transportation impacts associated with the proposed shopping center development and did not find transportation issues to be a basis for denial under the decision now on remand.³¹ The 2007 Decision and its conditions of approval were based upon a comprehensive transportation impact study that addressed potential impacts on the broader system that could be expected from development of a retail shopping center on the site. That TIA, and the mitigation measures incorporated into the 2007 Decision’s conditions of approval, were based on a proposed retail shopping center and service facility complex, using the so-called “reasonable worst-case” scenario tenants and with up to 314,000 square feet of GLA. So, while the decision limited the development to a total of 299,000 square feet of GLA, it imposed mitigation for the traffic impacts that flow from 314,000 square feet of GLA with tenants that present a reasonable worst-case scenario for transportation system impacts. Accordingly, City Council has already accounted for the transportation system impacts from the proposed use by the conditions of approval in the 2007 Decision that imposed transportation related exactions for a significantly larger project that would have significantly greater impacts than will flow from the proposed unified shopping center. As discussed in detail in below, opponents have refused to address these largely implemented mitigation measures in their criticisms of the transportation analyses.

Furthermore, as explained in Applicants’ July 27, 2020 letter, the City did not have a separate site plan review process in 2006-2007. *See*, Applicants’ First Open Record Exhibit 2. Consequently, the 2007 City Council had every reason to and did carefully review the transportation impacts from the allowed use of the site because that was the City’s one

³¹ Opponents’ quotation of one of the City Councilors does not change the fact that the majority of the City Council did not agree with that opinion and that traffic issues did not form a basis for denial.

opportunity to require all of the mitigation necessary to address the impacts of the 299,000 square foot GLA unified shopping center with medical offices expressly approved by the decision.

Because the traffic impacts from the maximum allowed use have already been mitigated through conditions of approval, and that mitigation was already mostly before 2018 when the Applicants began the site plan review process, the new traffic analysis required by the City did not mirror (and no purpose would have been served to have it mirror) what had been previously done. Instead, the traffic analysis required by the City was conducted to verify that the conclusions in the 2006 TIA remained reasonably valid (a “sensitivity check”) and to demonstrate compliance with the subsequently adopted site review criteria, which focus on access to and from the subject property from the immediately adjacent street system. The traffic analysis prepared for the Site Plan Review application demonstrated the validity of the previous TIA and that the proposal satisfies all transportation-related Site Review requirements. Applicants’ July 27, 2020 letter discusses the above in great detail.

The City has carefully and completely evaluated the transportation impacts that will flow from the proposed development. The evidence in the record demonstrates that all of the traffic impacts that will flow from the proposed development have already been mitigated or will be mitigated. Transportation issues were not cited in the 2018 Decision, because there was no need to discuss them; PacTrust had demonstrated that all transportation related criteria were met. Because LUBA did not require the City Council to revisit transportation issues on remand, the City Council should first decide that there is no reason to now revisit aspects of the proposal already adequately reviewed and addressed.³²

2. The Director’s Decision To Grant An Exception Pursuant To UDC 803.015(D), Is Correct And The Council Should Affirm It.

Before opponents have the right to challenge the adequacy of the transportation studies on the grounds that a fundamentally different type of traffic analysis is required, opponents must first overcome the fact that the Director of the City’s Public Works Department has properly granted the proposed development an exception to the TIA requirements pursuant to UDC 803.015(d). The Director’s determination is correct and so the City Council should affirm the Director’s exception.

UDC Chapter 803 concerns streets and right of way improvements and Section 803.015 governs Traffic Impact Analyses. On March 27, 2020, the Public Works Department forwarded a Memo to the City Attorney that grants an exception to the TIA requirement in this case, which states:

“(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

³² As explained elsewhere, the Applicants request the City make alternative findings that even if traffic were addressed, all potentially applicable standards are met.

analysis is not necessary to satisfy the purposes set forth in subsection (a) of this section.

The Director has determined that UDC 803.015(d) applies in this case, even though the criterion in UDC 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)."

Opponents' arguments with respect to the Director's decision play a shell game with the City Council to sow confusion. *See*, Anuta Letter, July 28, 2020, p. 5. Opponents argue that since the remand is to the City Council, it is the City Council that must determine whether the Applicants' traffic impact study is sufficient to meet Site Plan Review code requirements. That is true so far as it goes. However, opponents also argue that City staff had no authority to grant the exception that the express language of the code authorizes. This is plainly wrong under the express terms of the City's code. Opponents then concede that a TIA for a comprehensive plan amendment is different than what is required for Site Plan review but assert that the Applicants' traffic analyses supporting the subject application are inadequate. In making that argument, opponents (unlike the Director) ignore that the 2007 Decision determines that a larger shopping center with greater traffic volumes met all transportation standards both for the year of opening³³ and in 2025³⁴ and imposed conditions of approval that exacted transportation infrastructure improvements for a greater volume of traffic than will occur here. Opponents then further ignore the fact that the increase in traffic on the adjacent road system comes not from the proposed

³³ It is irrelevant that the year of opening then was 2009 and now the year of opening for the traffic analysis supporting the application is 2019, adjusted to 2021 to account for the delays related to the land use process. The fact is all of the Applicants' transportation impacts to the transportation system have been fully mitigated. That is all the City may require or has required.

³⁴ The 2007 Decision required that the approved shopping center would not make the transportation system worse in 2025 than it was expected to be without the shopping center. No one challenges the finding in the 2007 Decision that in 2025, the transportation system would actually function *better* with the proposed development and its transportation infrastructure improvements, than without it. September 2006 TIA (page 42, Table 10); 2007 Decision, p. 39 ("under the proposal the area transportation system including Kuebler Blvd, will function better than it currently does ***."); p. 46 ("The proposal will significantly improve the affected area streets to City standards and such facilities will be supplied under the proposal." And "The proposal includes significant street improvements including sidewalks and bike facilities which do not now exist."); p. 48 (stating that the approved shopping center with the required mitigation "is a significant improvement in the pedestrian opportunities currently provided."); p. 53 ("The proposal will also improve the functionality of the intersections of 27th Avenue and Battle Creek Road SE with Kuebler Boulevard, where the applicant proposes pedestrian friendly gateways to the proposed commercial development." And "The condition of the transportation system in the area will be enhanced by the improvements to the street system that serves the area, including the Battle Creek-Kuebler intersection, the Kuebler at 27th intersection, the widening Kuebler to four lanes, and additional turn lanes at the southbound I-5 off ramp.").

development, but from other growth in the City. Opponents also fail to explain how the use by others can deprive an applicant of the right to benefit from mitigation measures it has funded in order to mitigate the impacts of the Applicants' future development. One easily gets lost in opponents' arguments, but it is worthwhile piecing them apart.

Regarding the contention that the Director has no authority to grant an exception to an applicant from the City's comprehensive traffic impact analysis regulations, UDC 803.015(d) expressly states "if the Director determines the traffic impact analysis is not necessary to satisfy the purposes set forth in subsection (a) of this section." (emphasis supplied). The UDC authorizes only the Director to make such a determination. Opponents take a position that is contrary to the express language of the code. This is not a defensible position. While the City Council is the decision maker regarding whether the Site Review transportation standards are met, it is the Director who determines whether an exception to a comprehensive TIA is granted.

Furthermore, as the Director's finding quoted above accurately concludes, a TIA in this instance is not necessary to satisfy the purposes of the TIA, because those purposes have already been met by the 2007 Decisions' conditions of approval.

UDC 803.015(a) provides:

"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." (underline added).

Opponents have never addressed, or even even acknowledged, the simple fact that the 2007 Decision exacted transportation improvements that more than fully mitigate for the worst-case traffic impacts that would flow from a unified shopping facility of 314,000 square feet of GLA while authorizing development only of a 299,000 square foot GLA project.³⁵ Given that the proposal is for a project of 228,062 square feet of GLA, 24% smaller in size than that authorized by the 2007 Decision and even smaller than the basis for the exacted transportation facility improvements, there can be no question that Applicants have already "provided the facilities necessary to accommodate the traffic impacts of the proposed development" as required by the standard.

Applicants have improved and will shortly complete improvements to the transportation facilities sufficient to handle the worst-case traffic volumes from a 314,000 square foot GLA shopping center. As the Director correctly concluded, the needed improvements were identified and then made conditions of approval with the 2007 Decision, and most of those improvements

³⁵ See, e.g., 2007 Decision, p. 29 ("Further, the TIA evaluated a larger shopping facility than was ultimately proposed by the Applicant and allowed by the conditions of approval to this decision"); and p. 30 ("Based on the above, it is apparent that the TIA likely overstates rather than understates trips. This is because the TIA analyzes the same use categories under the Trip Generation manual, but for a greater square footage of gross leasable area than Council allowed in this decision.").

have already been implemented. The remainder must be completed before the proposed use is allowed to operate. The basis for granting the exception has been satisfied and, just as significant, nothing would be gained from redoing a full TIA because the outcome cannot change, since the transportation impacts from the proposed development are similar in nature and have fewer adverse impacts due to the smaller size of the proposal compared to the size of the development project authorized by the 2007 Decision and the mitigation it required.

Next, opponents argue that the Director's conclusion was factually wrong and that there are documented "traffic problems" in the area. This argument suffers from several flaws. First, as noted above, opponents do not claim that the 2007 Decision's traffic-related exactions have not been or will be implemented, and opponents make no argument that those transportation improvements did not significantly improve the transportation facilities at issue. Opponents cannot make that argument. Furthermore, opponents do not even address, let alone refute, the fact that Applicants have yet to fully develop the unified development project approved in 2007. Consequently, the Director's statements about the 2007 Decision's conditions and implemented mitigation measures are not "factually wrong" – Applicants have already improved the transportation facilities to accommodate the traffic impacts the proposal will produce and then some. What opponents are actually saying is that they believe that the Applicants are not entitled to develop a proposal to utilize the over \$3+ million in transportation improvements that they have already paid for. The Director's statements are not factually wrong, it is opponents' mischaracterization of the effect and purpose of the mitigation measures already paid for by the Applicants that is incorrect.

Second, opponents totally ignore the fact that, if there are any traffic "problems" nearby the project site (which the Kittelson and Associates' analyses and responses to opponents' materials demonstrate that there are not), those problems are caused by impacts of development other than the proposed development. Applicants have expended millions of dollars to improve the City's transportation system and are entitled to benefit from those expenditures. Throughout these proceedings, opponents have conveniently ignored the Constitutional takings issues their positions raise for the City if it follows opponents' advice. As discussed above, *Nollan* and *Dolan* require both an essential nexus and rough proportionality for an exaction to be Constitutional. As noted, the 2007 Decision's conditions of approval and the transportation facility exactions arguably satisfy those requirements; opponents' arguments that further exactions should be imposed to offset the transportation system capacity hit due to development unrelated to Applicants' proposed use fail to meet those requirements. There is no essential nexus between impacts caused by others' use of the transportation system and Applicants' proposed use. And there is no rough proportionality with Applicants being required to compensate not only for the transportation impacts from their own proposed use but from impacts on the system that flow from others. Opponents' expressed concerns regarding the provision of adequate transportation facilities for a growing city require a community-wide solution,³⁶ not an unconstitutional exaction that forces Applicants to mitigate the transportation impacts caused by others after having paid to mitigate their own transportation impacts.

³⁶ See, e.g., James Black e-mail, July 1, 2020 (discussing impacts of "unchecked residential development in the south" and need to "accelerate the already approved improvements to the Transportation Master Plan").

Furthermore, opponents have not provided any legal basis for their position that an applicant can pay for City-mandated transportation system improvements to mitigate impacts from development of their property but then lose the benefit of that mitigation because others wind up driving on those roads before an applicant's development is completed. There is no legal basis for that position.

Opponents also improperly ask the City Council to decide this remand based upon standards that are not adopted in the Salem Code. This the City Council cannot do. Opponents argue that two intersections will be at the "outer edge" of Salem's mobility standards and the application should be denied because, in their opinion, they are "certain to fall below" Salem's mobility standards at some unspecified date in the future. What opponents are actually saying is that the evidence in the record shows that the Kittelson analysis demonstrates that the transportation facility capacity standards are met. It may be close in opponents' view, but the standard has been met. However, opponents ask the City Council to impose a "close is not enough" approval criterion to deny the application despite the fact that such standard has not been adopted into the UDC or acknowledged by DLCD. It's as if a development proposal had to satisfy a 15' setback requirement and an applicant demonstrated the setback would be 15'-1," but opponents argued that barely meeting the setback requirement was not sufficient to demonstrate compliance with the standard. In both that example and this application, the standard has been met. The City Council is only allowed to apply approval standards and criteria that are contained in the code, ORS 227.173(1), and cannot apply standards recommended on an ad-hoc basis by opponents to a project.³⁷ Opponents ask the City Council to apply a standard the Council is not allowed to apply.

The Director's March 2020 Memorandum states that the Director determines that the exception provided by UDC 803.015(d) applies in this instance and explains why it applies. That memorandum memorializes the decision the Director made during the TIA scoping meeting held prior to the 2018 Kittelson traffic study. Opponents present no valid argument that explains why the Director cannot make that determination or that undermines the analysis the Director's determination is based upon. Opponents utterly fail to explain why the 2006 TIA, which led to exactions that require transportation facility improvements that mitigate the worst-case traffic impacts from a 314,000 square foot GLA retail shopping and medical office facility, must be redone for a proposal that is only 228,062 square feet of GLA in size and that has far fewer vehicle trips than analyzed by the 2006 TIA. The 2006 TIA and subsequent transportation analysis for the 2007 Decision already addressed the greater transportation system issues opponents seek to re-raise. Opponents simply ignore that fact and claim the old analysis and imposed conditions of approval are irrelevant. They are not irrelevant.

³⁷ ORS 227.173(1) provides:

"Approval or denial of a discretionary permit application shall be based on standards and criteria, which shall be set forth in the development ordinance and which shall relate approval or denial of a discretionary permit application to the development ordinance and to the comprehensive plan for the area in which the development would occur and to the development ordinance and comprehensive plan for the city as a whole."

Opponents' arguments for why Applicants are not entitled to an UDC 803.015(d) exception to the comprehensive TIA requirements do not withstand scrutiny. The Director did not err in granting Applicants an exception. The City Council should respect the Director's conclusion and reject opponent's related arguments.

3. A TIA That Satisfies the City's Public Works Standards is Not Required by the Site Plan Review Standards and Would Not Inform Those Standards.

As discussed above, opponents provide no basis for why the City should conclude that Applicants' traffic analysis supporting the application is inadequate in scope. There is no basis to conclude that the traffic analysis provided by the Applicants for site review and requested by City staff, together with the 2006 TIA and its supplements as well as the mitigation measures imposed by conditions of approval to the 2007 Decision, are insufficient to demonstrate compliance with the Site Plan Review Standards in UDC 200.005(f)(3).

Moreover, neither Salem's Administrative Rules ("SARs") nor the Site Plan Review standards require any different analysis than the Applicants provided for site review.

The City's TIA standards are generally provided in the City's Public Works Design Standards at SAR 6.33. SAR Division 001-General-Design-Standards sets forth the introductory framework for the rules and provides the following:

"1.15 – Traffic Impact Analysis

The Salem Transportation System Plan (TSP) establishes the requirements for a Traffic Impact Analysis (TIA) as part of land use development proposal. Whether or not a TIA will be required for a particular project is determined during the land use application process. Guidelines for completing the TIA are provided in Division 006-Streets, and in Appendix 1C-Traffic Impact Analysis Report Format of this Division. The Engineer of Record (EOR) shall be responsible for submitting the TIA as part of the development review process, as required."

The first sentence of SAR 1.15 identifies the TSP as the touchstone for TIAs. However, the Salem TSP does not contain any requirements for a TIA and, in any event, the TSP does not apply to a limited land use decision.³⁸ What it does say is that a transportation system plan analysis is required for a number of types of land use decisions. SAR 17-2 provides:

"Relationship with Land Use Actions and Development Review

"In accordance with requirements contained in the State Transportation Planning Rule and the *Salem Revised Code*, the adopted goals, objectives, policies, projects and maps of the *Salem Transportation System Plan* must be considered and

³⁸ Unincorporated plan provisions do not apply to limited land use decisions. ORS 197.195; *Oster v. City of Silverton*, ___ Or LUBA ___ (LUBA No. 2018-103, May 7, 2019).

applied towards the review and approval of specified land use actions and development applications. This means that applications submitted for such actions as Comprehensive Plan Map amendments, zone changes, conditional use permits, subdivision review, and land partitions need to include findings that show how the application is in conformance with the tenants of the *Salem Transportation System Plan*. City staff need to review these findings for conformity.”³⁹ (italics in original; underline added).

Conspicuously absent from the list of applications that must demonstrate compliance with the greater transportation system is site plan review. That is understandable due to the limited land use decision nature of site review, something that LUBA explained has consequences for how this Site Plan Review application can be reviewed. For example, unless a local government explicitly incorporates specific comprehensive plan policies into its land use regulations for limited land use decisions, the comprehensive plan policies do not apply as a standard for approval. ORS 197.195(1).⁴⁰ In this instance, the UDC Site Plan Review provisions do not expressly cite any comprehensive plan provisions that act as approval criteria for Site Review.⁴¹

³⁹ TSP at 17-5, Policy 3-1 purports to apply the TSP to all land use matters. However, as noted above and below, state law prohibits plan policies from applying to limited land use decisions unless the policies are explicitly incorporated into the relevant code provision. **TSP Policy 3.1 Land use and Development Review** is not “incorporated and so cannot be applied. It states:

“The goals, objectives, policies, standards, and maps contained in *Salem Transportation System Plan*, and its implementing ordinances, shall be considered and applied towards the review and approval of all land use actions and development applications. Applications need to contain findings that show how the proposed land use action or development is in conformity with the *Salem Transportation System Plan*.” TSP 17-5.

⁴⁰ ORS 197.195(1) provides:

“A limited land use decision shall be consistent with applicable provisions of city or county comprehensive plans and land use regulations. Such a decision may include conditions authorized by law. **Within two years of September 29, 1991, cities and counties shall incorporate all comprehensive plan standards applicable to limited land use decisions into their land use regulations.** A decision to incorporate all, some, or none of the applicable comprehensive plan standards into land use regulations shall be undertaken as a post-acknowledgment amendment under ORS 197.610 to 197.625. **If a city or county does not incorporate its comprehensive plan provisions into its land use regulations, the comprehensive plan provisions may not be used as a basis for a decision by the city or county or on appeal from that decision.**” (Emphasis supplied.)

⁴¹ The TSP (17-5, Objective No. 3.2) seems to contemplate that TSP requirements will be carried out by the public works design standards. Policy 3.2 **Relationship to Other City Standards** provides:

The UDC 220.005(f)(3) approval criteria for a Class 3 site plan review contains two provisions that relate to transportation. The relevant portions of UDC 220.005(f)(3) provide:

- “(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[.]”.

Accordingly, it is plain that no comprehensive plan policies are invoked, even by reference, in the above provisions. Consequently, opponent requests that the City Council apply plan policies to deny the application must be ignored. *See, e.g.*, Krishnan letter, August 12, 2020, p. 2-3.

With respect to the site review standards, UDC 220.005(f)(3)(B) expressly identifies the flow of traffic into and out of the development site as an issue for site plan review. Nobody questions that the Applicants must demonstrate that the design of the proposal facilitates the safe movement of traffic into and out of the proposed development. While the 2007 Decision did impose requirements that determined where several of the ingress-egress points must be located on the subject property and the proposed design must be consistent with those conditions of approval, the details of the design for traffic flow into and out of the site were not before the City Council in 2007, and thus are properly before the City Council now. Site plan review is a mechanism to evaluate such ingress and egress.

UDC 220.005(f)(3)(B) also requires that a site plan demonstrate that “negative impacts to the transportation system are mitigated adequately.” That language is directed specifically to the transportation facilities that are impacted by the flow of traffic into and out of the site – in other words, the driveways and the immediately adjacent street system that feeds them. The Oregon Supreme Court has reviewed plan and code language very similar to how the City of Salem’s plan and code are structured and concluded that there are distinct differences between the transportation analysis required for plan and zone changes and for site review. In *Siporen v. City of Medford*, 349 Or 47, 263-65, 243 P3d 776 (2010), the Supreme Court explained that a transportation study for a plan and zone change examines whether the street system is adequate to serve the permitted uses as a part of a determination about whether a type of use can be

“The *Salem Transportation System Plan* shall be used as the basis for other implementing standards and ordinances. The *City of Salem Design Standards* and *City of Salem Standard Construction Specifications* shall be the basis for the design of all capital construction projects. Administrative procedures shall be implemented through the *City of Salem Public Works Department Policies*. These documents must be consistent with the adopted tenets of the *Salem Transportation System Plan*.”

allowed at all. The Supreme Court further noted that site plan review has a different focus than that broad review and, instead, looks to the traffic flow on the development site, at the points of ingress and egress to the site, and the immediately adjacent streets to accommodate that flow.

City transportation staff followed that same approach in this proceeding. They requested that the Applicants do an analysis of the traffic ingress and egress from the subject property as well as the immediately surrounding street system. City staff also requested that the Applicants do a sensitivity check to verify that the volume of traffic generated by the proposed development did not exceed the volumes approved by the 2007 Decision, which would demonstrate whether the 2006 TIA analysis remained valid. Ultimately, City staff requested that Applicants locate a roundabout at the 27th Avenue S.E. entrance instead of a traffic signal to accommodate traffic flow into and out of the proposed development.

The 2018 Kittelson traffic study demonstrated that traffic volumes from the proposed use are less than those permitted and mitigated by the 2007 Decision. The traffic study also demonstrated that all surrounding intersections would operate within the required levels of service (LOS) even with the addition of the traffic from the proposed use. As a result of the mitigation measures imposed by the 2007 Decision, the present proposal's consistency with the traffic volume limitations imposed by that decision, and the evidence in the record regarding the transportation impacts that will flow from the proposed use, the only conclusion that can be reached is that the "negative impacts to the transportation system are mitigated adequately."

Turning to the other standard, the focus of UDC 220.005(f)(3)(C) is entirely within the subject property. There is nothing in that standard that can even remotely be said to pertain to the larger transportation system to which a comprehensive TIA is intended to evaluate. Nothing in the Site Plan Review Standards require a comprehensive TIA whenever a Site Plan Review application is submitted. Opponents provide no basis upon which the City Council could conclude that the Applicants need to do a comprehensive TIA. The traffic study that was requested by City Staff and that the Applicants prepared as part of their application was sufficient to demonstrate compliance with the Site Plan Review standards at UDC 200.005(f)(3).

4. The Purpose of a Broad TIA Informs Whether a Use Can Be Allowed, not Whether a Use That is Permitted Outright Meets Site Review Standards. The Adequacy of, And Mitigation of Traffic for, the Greater Transportation System Was Satisfied By The 2007 Decision and its Conditions of Approval that Approved the Unified Shopping Center and its Highest Possible Volumes of Traffic. Nothing Requires that Analysis Be Redone.

Turning to the City's administrative rules, SAR 6.33 – Traffic Impact Analysis (TIA) provides:

"SRC [UDC] Chapter 803 identifies the threshold for requiring a TIA."

As discussed above, the Director approved an exception to the TIA requirements under SRC [UDC] 803.015(d), conclusively establishing that a new, broad TIA was not required.

Furthermore, UDC 803.015(a) provides the purpose for conducting a TIA:

“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.” (emphasis supplied).

As discussed above, the conditions of approval for the 2007 Decision imposed development constraints on the subject property and exactions to mitigate for the transportation system impacts of traffic volumes associated with a unified shopping center composed of 299,000 square feet of GLA. Furthermore, City staff, including its engineering professionals, required the Applicants to conduct a sensitivity check to ensure that the volume of traffic that will result from the proposed development will fall within the permissible traffic volumes and consequent traffic impacts approved by the 2007 Decision. It cannot be questioned that the 2007 Decision’s conditions more than mitigate the traffic impacts from the proposed development. City staff requested that the Applicants exchange the previously approved traffic signal at the main site access on 27th Avenue for a roundabout to improve the flow of traffic into and out of the proposed development. The Applicants have agreed to this request. That does not mean the mitigation approved by the 2007 Decision was or is inadequate.

The fact that the Director appropriately decided that the SAR requirements should not be applied to the traffic analysis for this site review, is also reflected in the SAR 6.33(i) language regarding mitigation, which provides in relevant part:

“The TIA shall identify and propose transportation system improvements that will restore the operations to a level of service not exceeding pre-development conditions[.]” (Emphasis supplied.)

Again, because the 2007 Decision imposed transportation system mitigation measures for traffic volumes greater than that proposed, there can be no question that the transportation system levels of operation will not degrade as a result of the proposed development. Opponents’ arguments that the transportation system will be worse off if site review is approved, ignores the mitigation already implemented to offset the impacts from the *approved unified shopping center*.

In this instance, the 2007 Decision imposed conditions of approval to mitigate for the worst-case scenario traffic impacts from a unified shopping center of a significantly greater size with significantly greater transportation impacts than proposed by the Applicants. Applicants are entitled to benefit from those mitigation measures when evaluating whether the traffic impacts from the proposed use, in conjunction with the implemented mitigation measures, meet site review standards.

Because the 2007 Decision imposed transportation system mitigation measures that offset the transportation system impacts of the permitted unified shopping center, the purpose for doing a TIA of the type contemplated in the SARs, has already been met, and the SARs do not impose any relevant requirements.

5. Evidence in the Record Shows no Relevant Intersections Will Fail and Even if Certain SARs Were Applied, They Would Be Met.

As explained above, the relevant inquiry is whether the two modest site review standards regarding traffic are met.⁴² The SARs were adopted in 2014, and so may not be applied to deny the Applicants' vested right, in any event. Regardless, most of the SARs do not inform the answer to the questions posed by these site review standards. As noted above, the SARs ask about the much larger transportation system than ingress and egress into the proposed development. This is one of the good reasons that the Director correctly concluded that a TIA of the type contemplated by the SARs was not required, and granted the exemption discussed above. Regardless, even if some of the SARs were applied, they are properly met.

a. The May 2018 Traffic Study and Supplemental Materials Prepared by Kittelson & Associates Comply With The Requirements Of SAR 6.33.

Kittelson & Associates has prepared numerous transportation-related materials for this Site Review application as well as for the 2006 TIA and related supplements that support the 2007 Decision. They have consistently responded to City, ODOT and opponent inquiries, responding to each question, often by obtaining additional data and conducting additional analysis. The most recent submittals include Kittelson's July 21, 2020 First Open Record analysis and their August 12, 2020 rebuttal materials (Applicants' Rebuttal, Attachments 1, 5 and 6). The July 21, 2020 letter responded to several allegations that the TIA analysis does not satisfy the requirements of SAR 6.33 and specifically addressed issues concerning the build-out year and Costco trip generation data versus Institute of Transportation Engineers (ITE) trip generation data. Applicants' Rebuttal, Attachment 1 responds to the July 2, 2020 Greenlight Engineering analysis and data, and its invalid nature (discussed further below). Applicants' Rebuttal, Attachment 5 addresses the July 28, 2020 comments from Greenlight Engineering and from Karl Anuta and explains that the Applicants' analysis is consistent with sound principles of traffic engineering. And Applicants' Rebuttal, Attachment 6 addresses e-mail and letter comments made between March and July 2020 by opponents, many of which comments were also addressed in prior responses.

Even if the City Council decides to evaluate the provisions of the rule, SAR 6.33(a) requires a Level of Service (LOS) operational standard for all intersections to be LOS E or better and signalized intersections have a v/c ratio of 0.90 or below. Kittelson's July 21, 2020 submittal and accompanying data demonstrate these standards are met even with a 2021 horizon year, with all of the ten study intersections or site access points identified by the City transportation staff for evaluation, forecast to operate at LOS of D or better, or at a v/c of 0.90 or better, meeting City's operational standards.

⁴² UDC 220.005(f)(3)(B) provides: "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." (Emphasis supplied.) UDC 220.005(f)(3)(C) provides: "*Parking areas and driveways* are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians." (Emphasis supplied.)

Opponents' arguments against that evidence are two-fold. First, they argue that based on their own traffic data collected in February and March of 2020, traffic volumes are greater than shown in Kittelson's data and as a result the intersections will fail. *See*, Greenlight, July 2, 2020. Alternatively, opponents argue that the estimated levels of service from Applicants' 2006 TIA show the key intersections performing at LOS "F" confirms the intersections are already failing. Greenlight, July 28, 2020, p. 4. Each of the above arguments are significantly flawed.

Kittelson & Associates directly addressed Greenlight's use of data collected on February 27, 2020 and on March 3, 2020 and explained why that data is flawed and cannot be considered valid. In early March, ODOT issued an APM Update Appendix 3E that explained:

"caution should be exercised in taking new traffic counts during disruptive events. New traffic counts should only be taken during disruptive events when it is determined that the data already available is not sufficient for decision making."
See, Applicants' Rebuttal, Attachment 1, p. 2.

Greenlight argues that its data was taken before the Governor's announcement of a "State of Emergency" due to COVID-19 and is therefore valid. However, evidence in the record demonstrates that transportation professionals have concluded that the disruptive event began as early as February 24 and continues to this day. The Governor's announcement reflected that disruptive conditions that existed already, created an emergency. The Governor's announcement does not mean that there were no disruptive conditions before the State of Emergency caused by such conditions was declared.

Furthermore, the record contains a letter from Costco that states that on March 3, 2020, one of the days Greenlight collected data, foot traffic was up 28% over the previous year, food sales were up over 23% over the previous year and that Costco was required to limit per-person purchases of certain items and, due to the spike in traffic, Costco hired an additional 40 employees. Applicants' Rebuttal, Attachment 1, p. 11. That is a "disruptive event." Because valid traffic counts exist from before the disruptive event, professional standards require that the pre-event data be used in decision-making.

Also, Greenlight's February 27, 2020 traffic counts taken at the Kuebler Blvd/Battle Creek Rd intersection are actually lower than the May 2018 Kittelson traffic study assumed. Greenlight's assertions that the traffic volumes are greater at the I-5 southbound/ Kuebler Blvd intersection than stated in the May 2018 Kittelson traffic study, results from Greenlight's utilization of the counts it conducted later – on March 3, 2020 – during fairly extreme and documented "disruptive conditions".⁴³ Lower vehicle traffic existed at the Kuebler Blvd/Battle Creek Blvd. intersection on February 27, 2020 despite the fact that foot traffic at Costco was up 6.2% over the previous year and food sales were up 13.1% over the previous sales on that date. *See*, Applicants' August 12, 2020 Rebuttal submittal, Attachment 1, p. 64. This supports the observation in the ODOT manual that traffic behavior during disruptive events is unusual and

⁴³ Evidence demonstrating that March 3, 2020 was in the heart of "disruptive conditions" associated with COVID-19, is at the Applicants August 12, 2020 Rebuttal submittal, Attachment 1, p 10-64.

should not be used. February 27, 2020 was a period in the beginning of the COVID disruptive event, when Costco started running out of key items, like toilet paper. People were not behaving as they usually do either on February 27, 2020 or March 3, 2020, and many of them rushed to Costco to buy items perceived to be in short supply.

Greenlight's conclusions are belied by two additional facts. First, Greenlight's data does not show that traffic volumes are universally greater than the Kittelson data. Second, ODOT's concerns about estimates taken during disruptive events are valid ones. Greenlight's evidence shows that traffic counts taken during disruptive conditions are variable, unpredictable, and unrepresentative of normal traffic behavior and that ODOT is correct to assert they should not be used for trip generation or transportation system improvement decision-making. *See*, Applicants' Rebuttal, Attachment 1, p. 2 (Kittelson explanation), and 57 (ODOT Bulletin).

Last, Kittelson's August 12, 2020 rebuttal lists a number of invalid data and assumptions used by Greenlight Engineering in addition to those noted above. Greenlight improperly used a significant seasonal adjustment factor, which are used for locations such as those which see heavy winter seasonal traffic to Mount Hood, for example, but are inappropriate for Salem. Salem does not use a seasonal adjustment. As the ODOT Analysis Procedures Manual (APM) Version 2, Chapter 5 states:

"The peak hour from a manual count is converted to the 30HV by applying a seasonal factor. The 30 HV is then used for design and analysis purposes. Experience has shown that the 30HV in large urban areas usually occurs on an afternoon on a weekday during the peak month of the year. The Metropolitan Planning Organization's (MPO) of Metro, Salem and Eugene are large enough that the average weekday peak hour approximates the 30HV." Applicants' Rebuttal, Attachment 1, p. 4.

In other words, Salem does not need and does not use a seasonal adjustment to get accurate traffic data. Greenlight improperly inflated the traffic numbers.

Also, Greenlight uses a 2022 buildout year analysis, despite arguing before that Kittelson should be using a 2021 buildout year analysis. This is another example of Greenlight shifting the analytical goalposts. As explained elsewhere, at the time the May 2018 Kittelson traffic study was performed, the 2019 year of build out was reasonable. No City or other standard requires the Applicants to chase year of opening due to delays caused by the land use process. Moreover, also as noted elsewhere, as a precaution, the Applicants have supplemented their analysis to presume a year of opening of 2021. That too is reasonable and achievable. Importantly, nothing about relying on either a 2019 year of opening or a 2021 year of opening, is error.⁴⁴

Next, Greenlight used a 1.8 percent growth rate, citing the Mid-Willamette Valley Council of Governments (MWVCOG), as the basis for that value. As Kittelson notes, there is no

⁴⁴ Kittelson July 21, 2020 – Supplemental Traffic Analyses in Response to Greenlight Engineering December 2018 Comments.

1.8% growth rate in MWVCOG's traffic model data for this area.⁴⁵ In addition, the MWVCOG model factors into its methodology that the subject property exists as built out with the 2007 Decision approved shopping center, as well as presumes the build-out of all other properties based on the existing zoning.⁴⁶ Consequently, as Kittelson explains, Greenlight's explanation for why it used a 1.8% growth factor double counts vehicle trips. Likewise, when Greenlight or other opponents argue that Kittelson's analysis does not consider the build-out of the Amazon Facility or the retirement community, they are simply wrong.⁴⁷ The analysis model assumes build-out of all properties either expressly planned, or consistent with their zoning. Applicants' Rebuttal, Attachment 1, p. 5. Both errors found in Greenlight's analysis improperly inflate traffic numbers.

Kittelson also explains that Greenlight appears to use only data from a single segment of the area's roadway system to reach its preferred 1.8% growth rate to represent background regional traffic growth, without comprehending that the future volumes utilized in the selective calculation already account for site-generated traffic associated with a much larger shopping center on the subject property (the traffic associated with the CR zoning approved by the 2007 Decision) and other properties in the "Traffic Analysis Zone" or TAZ.⁴⁸ Greenlight's approach is contrary to professional practices because it builds in double-counting of trips.⁴⁹ When the double-counting issue is resolved and the data from even a single other segment is considered along with the one segment relied upon by Greenlight, Kittelson explains that an appropriately calculated annual growth rate is 1.06 %, which is consistent with the City of Salem transportation staff's setting of a 1% growth rate for the May 2018 Kittelson traffic study. Applicants' Rebuttal, Attachment 1, p. 5.

Next, Greenlight uses a saturation flow rate of 1,800 vehicles per hour per lane (vphpl) value in their analysis of intersections along Kuebler Boulevard. Kittelson explains, "When actual data is available, it is best practices to use actual versus software default values." Applicants' Rebuttal, Attachment 1, p. 8. Here, Kittelson conducted a saturation flow study at several high-volume lane movement locations to get a representative sample of saturation flow characteristics at various high-volume intersections and lane group movements in the study area. Applicants' Rebuttal, Attachment 5, p. 21. That study was done consistently with the City public works administrative rules as well as the guidelines of the 2010 Highway Capacity Manual (Chapter 31) and the ODOT Analysis Procedures Manual (APM) (pages 3-38). *Id.* The study met all conditions for all lanes and the methodology and results were confirmed to be appropriate by City staff, including the City Engineer. *Id.* That analysis showed that a saturation flow rate of 1,900 vphpl is appropriate. Kittelson also points out that the standard Greenlight refers to for using a saturation flow rate of 1,800 expressly states "unless a separate flow rate analysis has been performed." Applicants' Rebuttal, Attachment 5, p. 21. Greenlight should have used a

⁴⁵ Kittelson Response to July 2, 2020 Greenlight Comments, p 5.

⁴⁶ Kittelson Response to July 2, 2020 Greenlight Comments, p 5.

⁴⁷ *See, e.g.*, Worcester e-mail dated March 18, 2020 (discussing piecemeal approach to traffic impacts and ignoring Amazon and retirement facility).

⁴⁸ Kittelson Response to July 2, 2020 Greenlight Comments, p 5.

⁴⁹ Kittelson Response to July 2, 2020 Greenlight Comments, p 5.

saturation flow rate of 1,900 vphpl. Using the lower saturation flow rate improperly inflates the traffic impacts.

Next, Greenlight similarly used a lower, default right-turn on red (RTOR) percentage for I-5 Southbound/Kuebler Boulevard intersection instead of the site-specific data taken by Kittelson for the intersection. Again, best practices call for the use of actual data when available instead of software default values. Once more, the purposeful use of a lower RTOR rate results in worse traffic conditions.

Each of the above errors is cumulative and increasingly exacerbates the inaccuracies of Greenlight's analysis to overstate transportation system impacts. It is only because of these cumulative errors that Greenlight is able to reach conclusions that appear to show transportation facilities performing below City or ODOT intersection operating standards. The City Council should reject Greenlight's flawed efforts and conclude that Kittelson's data and analysis demonstrate that the proposed development complies with the Level of Service and volume-to-capacity operational standards provided under SAR 6.33(a), to the extent they apply.

SAR 6.33(b) Analysis requires that the TIA analysis be conducted using the most current version of the Transportation Research Board, Highway Capacity Manual methodologies. The 2006 TIA and subsequent analysis utilized the appropriate methodologies in its transportation study. As discussed further below, City transportation staff and ODOT have reviewed the analysis and have not objected to the methodology used. That methodology, among other things, recognizes the value and increased accuracy of site-specific field data over assumed software values in evaluating transportation issues. Thus, opponent's objections against the Applicants' use of data collected from actual Costco stores, or from the existing transportation facilities around the subject property are efforts to deviate from the approved methodologies.

The 2006 TIA and subsequent analyses are consistent with SAR 6.33(b).⁵⁰ SAR 6.33(c) Extent of Study Area requires the TIA study area to include a number of locations, some of which are triggered by traffic volumes or when identified by City staff. Here, City transportation staff established the scope of work for the TIA in pre-application communications with Kittelson & Associates. The scope of the sensitivity check mirrored those intersections that were evaluated in the 2007 Decision with the exception of Commercial Street SE and Kuebler Boulevard SE. Staff excepted that intersection because the City had completed a Capital Improvement Project that rebuilt the intersection and added right-turn lanes and double left-turn lanes on all approaches, so staff knew no additional mitigation was required at this particular intersection. Staff Memo, March 27, 2020, p. 2-3. The scope of the study area also included a detailed examination of the ingress/egress points for the proposed development as well as the immediately surrounding street system as required by the Site Plan Review standards. The Staff

⁵⁰ The SARs, including SAR 6.33 were not adopted until 2014, but the 2006 TIA was comprehensive, providing a similar analysis to that contemplated by the SARs. The fact that the SARs were not in effect when the shopping center was approved in 2007 is another reason the SARs cannot and should not be applied here to result in denial or limitations upon the Applicants' shopping center to which they have a vested right based upon the 2007 approval which comprehensively dealt with traffic issues, including to the larger system.

Memo ultimately described the purpose of the study, which “was to verify that the traffic generated by the proposed development did not exceed volumes that were approved in the 2007 CPC/ZC and to analyze the driveway access to 27th Street SE.” *Id* at p. 3.

Further, a larger analysis area under SAR 6.33(c), is irrelevant to the applicable site review standards of either UDC 220.005(f)(3)(b) or (c). The only relevant traffic analysis area is that which informs (1) internal circulation, (2) ingress and egress at the driveways to the shopping center, and (3) the adequacy of the immediately adjacent streets, which flow into those driveways. No purpose is served by demanding an analysis area that is irrelevant to the applicable UDC site review standard. The City Council should make a specific, alternative finding⁵¹ so interpreting its own code and SARs.

As Kittelson & Associates’ June 6, 2020 memorandum explains, the October 23, 2018 Staff Decision correctly concluded that the 2018 Kittelson traffic study area is adequate to demonstrate compliance with the City’s UDC site review standards. Applicants’ Request for Remand Proceeding, Exhibit C, p. 16. The City Council should conclude the May 2018 Kittelson traffic study and its supplements, comply with SAR 6.33(c).

SAR 3.66(d) requires consideration of potential transportation impacts on other jurisdictions. No party has contended that there will be impacts on any other local jurisdiction. Regarding transportation facilities under ODOT jurisdiction, Kittelson has addressed ODOT’s concerns and ODOT has not filed any further concerns or voiced opposition to the proposal.

SAR 3.66(e) concerns the horizon year for TIA analysis, and provides:

“The horizon year of a TIA is defined as the most distant future year that shall be considered.” SAR 006-51.

As an initial matter, the standard expressly fixes the horizon year based upon when the TIA is first prepared. Opponents argue that the horizon year must be adjusted to consider the remand of the initial approval and that the remand now makes development of the project in 2019 an impossibility. Consequently, opponents argue that the horizon year should be 2021.⁵²

⁵¹ Specifically, in the alternative to City Council approval of the Director’s Memorandum that establishes the type of TIA required by UDC 803 and the SARs, is not required.

⁵² Opponents have equivocated on that date and have argued that the horizon year should be even later, and/or that the proposal in fact is a series of phases and that each “phase” should have its horizon year evaluated. At times it seems opponents do not know which position they are asserting is the correct position. As discussed herein, Applicants’ position is that the horizon year is the year of opening measured from the time the traffic analysis for the site review was prepared in May 2018. Nothing requires the horizon year to shift if there is a remand, the horizon year is the one stated in the 2018 Kittelson traffic study, and that the shopping center proposal is the unified shopping center approved by the 2007 Decision – which is allowed outright by the existing zoning. As a precaution, the Applicants have also provided a supplemental analysis that evaluates traffic conditions as if the horizon year is 2021. Even then, the traffic system continues to function in compliance with all standards.

However, opponents offer no legal basis for their assertion and case law takes a different position. For example, in *Citizens for Responsible Development v. City of the Dalles*, 60 Or LUBA 12, 17 (2009), LUBA held that simply because a decision is held up due to a remand does not mean that a TIA must be redone to account for the delay. The decision maker is allowed to continue basing the decision on the TIA conducted in preparation for the application submittal. Opponents' arguments that the TIA opening date must be adjusted is without legal basis.

In any event, as a precaution and without waiving it is unnecessary to do so, Kittelson ran the numbers for a 2021 opening date and compared them to the numbers in the 2018 Kittelson traffic study. Applicants' First Open Record Exhibit 3, p. 1, 3. The analysis shows that the transportation facilities continue to operate within agency operational standards.

Table 6-33 provides the horizon year for various proposed developments:

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

Opponents contend that the application is for a multi-phase shopping center project and so the horizon year for that must be observed. They are incorrect. First, the proposal is for a use "allowed under existing zoning" under the above chart and so there is no requirement to observe a horizon year for "year of opening each phase." Second, there is no "phasing" for the retail shopping center in any event. Rather, the proposal is a single shopping center development proposal. Third, the retail shopping center at issue here is the last remaining part of the unified shopping center approved in the 2007 Decision. Accordingly, regardless of whether we are in the last phase of that shopping center or a unified shopping center with no "phases", the horizon year for the TIA is the year of opening estimated at the time the TIA was prepared. That is the horizon year used in the May 2018 Kittelson traffic study supporting the site review before the City Council here.

The TIA conducted for the 2007 Decision had a horizon year of 2025. We are still within the horizon year for the TIA analysis conducted for the 2007 Decision. Consequently, that greater transportation system TIA remains valid despite the intervening years, contrary to opponents' assertions.

SAR 6.33(f) provides that the City Traffic Engineer will determine which peak hours are required for traffic study. Here, Kittelson prepared their peak traffic hour analysis based upon the guidance provided by the City Traffic Engineer and consistent with the 2006 TIA, supporting the 2007 Decision. Furthermore, Kittelson responded to Greenlight's claims that Kittelson failed to consider Saturday peak hour impacts in the Kittelson July 21, 2020 response to Greenlight's

comments. Applicants' Request for Remand Proceeding, Exhibit C, p. 4. Kittelson's explanation states that the required analysis is provided in either the May 31, 2018 Kittelson traffic study or its supplements and related appendices, to include those attached to The Request for Remand Proceeding, Exhibit C. That explanation notes that both transportation professionals at the City and ODOT have reviewed the materials and there are no outstanding concerns about either its content or the methodologies employed. The proposal is consistent with SAR 6.33(f).

SAR 6.33(g) Background Growth and Trip Distribution provides that the specified analysis shall be based on the MWVCOG model, and if model data is not available, background growth rates and trip distribution shall be determined by the City Traffic Engineer.

The MWVCOG model does not have data available for a Costco warehouse, consequently, the use of data derived from examining the Salem Costco and other Costco stores, which was authorized and approved by the City Traffic Engineer, was appropriate under the model.

Furthermore, as discussed above under SAR 6.33(a), City staff indicated a growth rate of 1% was required to be used in Kittelson's traffic study. As also discussed above, that growth rate is accurate and is supported by Greenlight's own data once the double-counting of vehicle trips and the consideration of the area transportation system, instead of a single leg, is considered.

As also discussed under SAR 6.33(a) above, the MWVCOG model factors into the analysis in-process applications (Amazon and the retirement center for example) as well as buildout of the surrounding area consistent with the zoning of the property – which includes the subject property's CR zoning – which is the basis for the Kittelson 2006 "reasonable worst case" traffic study that presumed traffic associated with a 314,000 square foot GLA shopping center.

Regarding trip distribution, Kittelson explained that the Salem Costco sales data for FY 2014 through 2016 was analyzed by zip code and estimated directional routing to each zip code was then determined to approximate percentage of travel from each direction to and from the proposed new Costco site. Again, consistent with best practices as well as the Roadway Standards, the City Traffic Engineer determined this to be an appropriate basis for analysis.

The Applicants' transportation analysis is consistent with SAR 6.33(g).

SAR 6.33(h) site generated traffic provides:

"Trip 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. Pass-by trips must be quantified and may be approved based upon sufficient supporting data."

Kittelson & Associates explain in their June 6, 2020 response to Greenlight's December 2018 comments that the estimated site generated traffic volumes are based on data and guidance from the most current version of the ITE Trip Generation Manual as required by this standard. Applicants' Request for Remand Proceeding, Exhibit C, p. 8. As Kittelson further explains, "The City of Salem Traffic Engineer has reviewed and accepted the trip generation estimates associated with the proposed development." *Id.* Compliance with ITE Trip Generation Manual requirements is also discussed at Applicants' Rebuttal, Attachment 5, p. 8-9.

Opponents were critical of the fact that Kittelson's analysis was based solely on data drawn from the existing Salem Costco store, arguing that the change in size of the store and increased number of fueling stations would result in significantly higher traffic volumes than extrapolated by Kittelson. Consequently, Kittelson compiled data collected from other Costco stores in Oregon and other states, some larger than the proposed store, some smaller. The additional data did not significantly alter the analysis, and in some cases showed that the average trip rate used by Kittelson was higher than what would be used if the data from other similar Costco stores were used. Applicants' Rebuttal, Attachment 5, p. 3-7, and Kittelson document Attachments B-D.

Furthermore, the pass-by trip data is quantified and provided as Appendix A to Applicants' Request for Remand, Exhibit C, and is discussed throughout the analysis provided in Exhibit C. *See, e.g.,* Applicants' Request for Remand, Exhibit C, p. 8-13, 16, 25.

The 2018 Kittelson traffic study and supplemental documents are consistent with SAR 6.33(h).

The mitigation measure requirements of SAR 6.33(i) have been discussed above. There can be no question that the conditions of approval imposed by the 2007 Decision mitigate for significantly more traffic impacts than the present proposal will produce, thereby restoring the level of service to pre-development conditions. Those mitigation measures included the direct development of improved transportation facilities, the dedication of ROW and the payment of the costs of construction. For the mitigation measures that have not yet been completed, the Kittelson traffic study for this site review explain how the remaining mitigation measures from the 2007 Decision will be completed as well as demonstrate how the improvements, such as the roundabout on 27th Avenue SE that will facilitate traffic flow into and out of the proposed development. The 2018 Kittelson traffic study and supplemental documents are consistent with SAR 6.33(i).

Opponents' arguments that the proposal is not consistent with the ITE manual or are inconsistent with SAR 6.33 are not supported by the evidence in the record. The City transportation staff concluded that the proposal satisfies all of the City's TIA requirements, which means it is consistent with the ITE manual. ODOT's statements that the traffic materials and analysis resolve all of ODOT's concerns means the information provided was consistent with all of ODOT's requirements.

b. The May 2018 Traffic Study and Supporting Materials Submitted by Kittelson & Associates Demonstrate That the Proposal Complies with the Transportation-Related Standards Provided Under UDC 220.005(F)(3)(B) and (C) and That no Intersections Will Fail Even With the Traffic From the Proposed Development.

As the evidence in the record and the above discussion demonstrates, the 2018 Kittelson traffic study prepared by Kittelson & Associates satisfies the City's TIA requirements. It follows the methodology set forth by the City's rules and is consistent with the scope of that study established by the City Transportation Engineer. The scope of the 2018 Kittelson traffic study combined with the 2006 TIA cover the entire transportation system impacted by the proposed use.

The evidence in the record demonstrates that, with the mitigation measures implemented as a result of the 2007 Decision and included as part of this proposal, all of the adverse transportation system impacts that will flow from the proposed use will be mitigated and the transportation system will operate at a higher level of service than if the proposed use and mitigation measures had not been authorized. Just as importantly, Kittelson & Associates' evidence demonstrates that no intersections will fail, even when the traffic from the proposed development is added to the system as it is currently operating.

Particular to the Site Plan Review standards, Applicants' 2018 Kittelson traffic study demonstrates that the transportation system will provide for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and that negative impacts to the transportation system are mitigated adequately as required by UDC 220.005(f)(3)(B). The evidence in the record demonstrates that the roundabout at the 27th Avenue site access, which was specifically requested by the City Traffic Engineer, will safely and efficiently move traffic not only into and out of the proposed development, but will also move residential traffic more efficiently into and out of the neighborhood. While irrelevant to the site review approval criteria, the traffic calming measures, which are required by the 2007 Decision, but for which Applicants have proposed to supplement even further, will mitigate for potential speeding impacts that some opponents have expressed concern about.⁵³ The other improvements required by the 2007 Decision, such as the right-turn-in only access from Kuebler Boulevard, which has already been implemented as part of the Kuebler Boulevard improvements, also helps satisfy this requirement.

Kittelson & Associates have responded to each of opponents' traffic concerns and technical allegations and disproven each of them. Some claims insisted upon other forms of

⁵³ The 2007 Decision includes the following condition of approval:

- (6) The developer shall commit up to \$5,000 for traffic calming devices (such as speed humps or other traffic calming measures) to be used in the residential neighborhood south of the proposed development if a need is identified. The Neighborhood Traffic Management Program is the process used to identify traffic calming needs.

analysis, which Kittelson did and demonstrated that the results were not what either Greenlight or opponents predicted, and that the standard was met. Other opponent claims were based on unfavorable and erroneous assumptions, which predictably led to erroneous conclusions. Kittelson responded to these allegations and pointed to the professional standards as well as evidence in the record that refuted their allegations. Repeatedly, opponents argued that Kittelson did not follow best practices, such as whether it was proper for Kittelson to use Costco-specific trip generation data instead of ITE specified trip generation rates. Continuing with that example, Kittelson first pointed out to where in the ITE Trip Generation Handbook it stated that using the Costco-specific traffic data was the best practice, and then went ahead and conducted the alternative analysis requested by opponents using ITE rates ascribed to different types of discount stores (some of which ITE acknowledged included fueling positions), and added to those ITE rates, rates for a stand-alone gas station, which made the Kittelson ITE analysis performed to answer the opponents' objections, even more conservative than sought by Greenlight. *See*, Applicants' First Open Record Exhibit 3, July 21, 2020.⁵⁴ That analysis proved Greenlight's assertions wrong. Time and time again, Kittelson's analysis withstood scrutiny and the opponents' claims that Kittelson was trying to fudge the numbers or that the methodology underestimated the traffic impacts, have consistently been demonstrated to be incorrect. When opponents argued that 2019 was not a reasonable build-out year and that calculations should be based on a build-out year of 2021, Kittelson ran the numbers and found no change. None of opponents' transportation system arguments have been left unanswered and the result is still the same – negative impacts to the transportation system that may flow from the proposed development are mitigated adequately, satisfying UDC 220.005(f)(3)(B).

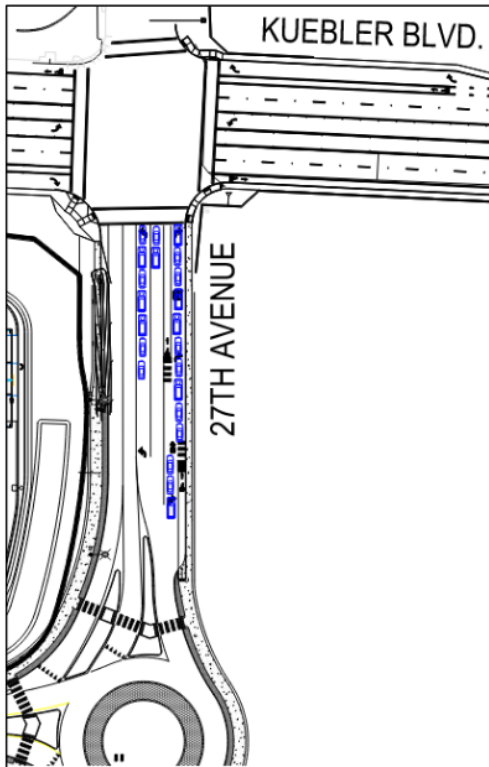
The evidence in the record also demonstrates that the on-site circulation will be safe and efficient as required by UDC 220.005(f)(3)(C). The only issue raised by opponents relevant to this standard is that the fuel station has an insufficient queue and that Kittelson's analysis and conclusions were inadequate because Kittelson failed to show the data and calculations used in reaching its conclusion. In response, Kittelson provided in great detail the basis for its conclusions, which demonstrated that opponents' claims were incorrect and that the fueling station will operate safely and not create any on-site or off-site safety issues (including queueing) and will operate efficiently. *See*, Applicants' Rebuttal Argument, Attachment 5, p. 14-16.

Opponents also argued that northbound left turn movements at the Kuebler and 27th Ave. intersection "could very well be stuck behind this 342' queue." However, this is based upon incorrect math. In the July 28, 2020 Greenlight Engineering comment to this effect, Greenlight mistakenly adds the northbound left turn, through lane and right turn lane queue lengths together to claim error regarding the northbound left-turning and through vehicles. This is wrong. In Kittelson's *Response to July 28, 2020 Remand Response Comments memo* (dated August 12, 2020), they provide Exhibit 4 (reproduced below), which showed how the northbound queues

⁵⁴ Kittelson's response considered the following ITE categories of uses: a Free-Standing Discount Superstore, a Free-Standing Discount Store; and a Discount Club. For the supplemental analysis, Kittelson also included the trip generation from a Gasoline/Service Station in conjunction with the Discount Club data, in an effort to be conservative. In that same response, Kittelson evaluated the traffic data for several other Costco stores, which demonstrated that the data derived from the existing Salem Costco and used by Kittelson were accurate.

can be accommodated for the 2019 PM peak hour scenario. If one more vehicle were added to the right-turn lane (as to represent the 2021 PM peak hour scenario 95th percentile queue estimate), then the right-turn queue would still not block the other lanes nor extend into the 27th Ave. roundabout.

Exhibit 4. Kuebler Blvd / 27th Avenue Northbound Approach Vehicle Queues



Furthermore, it is worth reiterating that 95th percentile queue lengths represent the worst-case queue that occurs 5 percent of the time during the peak hour. Should northbound approach queues extend further in the future, simple signal timing adjustment to Kuebler Blvd/27th Ave traffic signal can be made to allocate more time to the northbound approach movements, a routine adjustment commonly made to traffic signals.

The City Council should conclude that the evidence in the record demonstrates that the proposal is consistent with the Site Plan Review transportation requirements set forth under UDC 220.005(f)(3).

V. Specific Responses to Other Opponent Arguments

This section responds to various arguments presented by opponents.

- a. *Applicants Have Not “Implicitly Admitted” That a TIA Appropriate For a Plan And Zone Change, is Required For Site Plan Review.*

Opponents’ counsel contends that PacTrust “implicitly admitted” that it was required to do a comprehensive TIA because if the TIA for the 2007 Decision had been adequate, “PacTrust would never have spent money having Kittelson do a Site Plan TIA. But they did.” Anuta Letter, July 28, 2020, p. 10. Counsel mischaracterizes Applicants’ statements as they do Mr. Panko’s statements regarding the TIA issue made during the December 10, 2018 hearing. Anuta Letter, July 28, 2020, p. 6.

Mr. Anuta's statement is an example of the confusing use of the term "TIA" discussed throughout this proceeding. The same term "TIA" is used for a transportation impact analysis prepared to demonstrate compliance with Statewide Planning Goal 12 (Transportation) and one that is prepared for site plan review, but they each have an entirely separate and significantly different analytical scope. Applicants have never contended that they did not need to do a traffic analysis related to the Site Plan Review standards in UDC 220.005, which are concerned with the safety and adequacy of the driveways to the shopping center from the immediately adjacent streets. Applicants' analysis of that was also called a TIA.

The Applicants are on record stating that no new comprehensive TIA – of the type that was performed for the plan amendment and zone change in 2006 – Is required for Site Plan Review. That is an accurate statement, as is confirmed in the Director's memorandum. But that does not mean that an analysis of traffic adequate to establish the adequacy of internal circulation and of access into and out of the shopping center, is inappropriate. The Applicants' 2018 Kittelson traffic study demonstrates the adequacy of internal circulation and traffic in and out of the shopping center. It also performs a sensitivity check on the continued validity of the 2006 TIA in the particulars requested by staff. As a technical matter, no standard required the Applicants to perform the sensitivity check requested. But consistent with the manner in which the Applicants have always gone about developing their property, they were happy to accede to staff's request.

However, a sensitivity check is not the same thing as a comprehensive TIA. It's not even close. When Mr. Panko answered the City Councilor's question if the TIA PacTrust prepared for the application was required, he was responding that the ingress-egress and sensitivity check components of the Applicants' TIA were, in his view, necessary to demonstrate compliance with the Site Plan Review standards. Mr. Panko was not saying that a comprehensive TIA that complied with all SAR standards was necessary. Opponents misrepresent Mr. Panko's statements. When PacTrust did a TIA for the Site Plan Review application, it was in recognition that Site Plan Review requires some transportation analysis and as a courtesy to the City's request to do a sensitivity check of the conclusions of the continued validity of the transportation assumptions underpinning the 2007 Decision. It was not an "implicit admission" on Applicants' part that a comprehensive TIA is required for Site Plan Review that complies with SAR standards that do not and cannot inform the site plan review standards. A TIA that substantially revisits the analysis conducted in 2006-2007 or looks to the surrounding street network is wholly irrelevant to site review and so is not required to demonstrate compliance with Site Plan Review approval criteria.

Opponents' counsel is simply wrong in his assertions.

- b. Opponents and Greenlight Fail to Acknowledge or Address the Fact That the Transportation System Mitigation Exactions From the 2007 Decision Are Scaled For a Project of 314,000 Square Feet Of GLA or Explain How Those Improvements do not Offset the Transportation Impacts From the Proposed Development.*

To put it simply, opponents and Greenlight avoid the traffic elephant in the room. Throughout these proceedings, the simple fact has not changed that, while the proposal is for a retail shopping center of 189,550 square feet of GLA in size that will be used in conjunction with the medical and office uses on the site for a project 228,062 square feet of GLA in size, Applicants have or will implement mitigation measures for traffic impacts that would result from a similar development of 314,000 square feet of GLA in size. Opponents do not and cannot explain how the mitigation measures implemented by the Applicants do not mitigate for the impacts to the transportation system that will flow from the significantly smaller proposed use.

Greenlight concedes that the UDC requires that projects demonstrate that “negative impacts to the transportation system are mitigated adequately.” Greenlight, July 28, 2020, p. 9. Yet Greenlight and opponents continue to refuse to incorporate the mitigation of transportation impacts from 314,000 square feet of GLA into their calculations or arguments. Their assorted complaints do not undo the simple fact that the proposed smaller development does not have unmitigated adverse transportation system impacts after implementation of the mitigation measures for the approved larger development with significantly greater vehicle trips. The math is simply not on their side.

Nor is the law. Opponents present no legal basis for the City to impose further exactions on the Applicants. The City Council in 2007 recognized that they were imposing exactions based on a TIA that evaluated transportation impacts on the City’s transportation system greater than the use proposed by the Applicants, and significantly greater than that allowed by the City Council. *See, e.g.*, 2007 Decision, p. 30 (“This is because the TIA analyzes the same use categories under the Trip Generation manual, but for a greater square footage of gross leasable area than City Council allowed in this decision.”). There is no legal theory that allows the City, after it has imposed exactions that more than compensate for the impacts to the transportation system caused by the authorized development, to impose further exactions for those very same impacts. As discussed above, doing so violates the principles of Constitutional takings law set forth in *Nollan* and *Dolan*.

Throughout their arguments, opponents choose instead to criticize and collaterally attack the 2006 TIA. As noted above, this they are not allowed to do. Opponents are repeating the same losing arguments that were raised in *Lufkin v. City of Salem*, 56 Or LUBA 719 (2008). They have no right to re-hash them again in this proceeding. The City Council in 2007 expressly held:

“[The] Council finds the TIA complete, adequate and reliable.” 2007 Decision, p. 30.

Opponents cannot now argue that the 2006 TIA was incomplete, inadequate and unreliable in an effort to argue that the mitigation measures that relied on that evidence are somehow incomplete or inadequate. They made those arguments in the *Lufkin* appeal and lost. They cannot make those arguments again. That is an impermissible collateral attack on the prior decision and the evidence behind the decision. *Just v. Linn County*, 59 Or at 236; *see also, Olson v. City of Springfield*, 56 Or LUBA 229, 233 (2008) (cannot challenge the underlying data behind a prior land use decision in a later application that relies on the prior decision); *Graser-*

Lindsey v. City of Oregon City, __ Or LUBA __ (LUBA No. 2016-044, November 22, 2016) (cannot challenged data behind prior adopted TSP in subsequent appeal of application that relies on TSP). Opponents cannot act as if the analysis they say should be done now has not already been done. Rather, opponents must directly address the fact that the 2007 Decision imposed mitigation measures greater than the impacts that would flow from the authorized use instead of trying to undermine the 2006 TIA as inadequate. This they have failed to do.

Kittelson & Associates' August 12, 2020 rebuttal to opponents' July 28, 2020 submittal (Applicants' Rebuttal Attachment 5) plainly explained:

The 2006 TIA approved by the 2007 Decision documented that the identified volume of traffic associated with a 314,000 square feet GLA unified shopping center, mitigated with the particular required transportation improvements, fully mitigated for the impacts of the approved unified shopping center and that no further mitigation was needed to accommodate 'the traffic impacts of the proposed development [shopping center]' – whether it opened in 2009 as the 2006 TIA predicted or 2019 or 2021. The growth in background traffic since the 2007 Decision does not change the fact that PacTrust, through the requirements of the 2007 Decision, has 'fully mitigated' for the impacts of the approved unified shopping center, meeting the UDC standard for granting an exemption per UDC 803.015(d) to the technical TIA requirements otherwise expressed in the City's regulations." Applicants' Rebuttal Attachment 5, Page 2.

The consequence of the City Council imposing such extreme mitigation measures in the 2007 Decision is also explained by the Kittelson rebuttal:

"Even if the larger system was predicted to fail in the 2006 TIA by 2025, and indeed even if it were failing now or in 2021, the 2006 TIA establishes that such failure is not caused by the proposed shopping center." Applicants' Rebuttal Attachment 5, p. 2.

Simply put, the evidence in the record demonstrates "with the approved mitigation, in 2025 that larger transportation system was predicted to function better than it would function without the development and its required mitigation[.]" Applicants' Rebuttal, Attachment 5, p. 2.

Greenlight Engineering's rebuttal argument continues to ignore the overall effect of the 2007 Decision's transportation mitigation measures that more than mitigate for the development's system-wide transportation impacts to claim that Applicants must still address "this development's *unmitigated impacts*." Greenlight Engineering, August 12, 2020, p. 11 (emphasis supplied). The proposal's transportation impacts are not unmitigated – they have already been mitigated. Greenlight simply wants to ignore the mitigation improvements already paid for and implemented by Applicants and to act as if that is the baseline. It is not. Greenlight wants the Applicants to mitigate for the transportation impacts from the proposed development for a second time.

The question that really should be asked, and which Greenlight and opponents ignore, is what would the levels of service be with current volumes of traffic and *with none of the transportation system improvements that the 2007 Decision mitigation measures, paid for by the Applicants, in place?* Then compare that to the levels of service that would exist after the additional traffic from the proposal is added and the transportation mitigation measures required by the 2007 Decision are fully implemented as they will be with the proposal. As the City Council concluded in 2007, there is no doubt the answer would be that the levels of service would be better with the proposal and mitigation measures in place because the mitigation measures imposed by the 2007 Decision more than fully mitigate for the worst-case traffic impacts of the approved development.

Because opponents have not addressed the fundamental issue that the Applicants have already mitigated for the transportation system impacts of the proposed use, opponents' arguments are without merit and provide the City Council no basis upon which to conclude Applicants do not have a vested right to approval of the proposed use or that the proposal does not comply with the Site Plan Review transportation-related approval criteria.

c. The City Council Should Reject the Opponents' Efforts to Have the City Council Believe Greenlight Instead of the City's Professional Transportation Staff, Applicants' Traffic Data and Expert Analysis, and ODOT.

Opponents recognize that the City of Salem Public Works transportation staff and ODOT have reviewed the transportation analysis Applicant prepared for the proposed development. Greenlight, July 28, 2020, p. 11. City transportation staff concurred with Kittelson's analysis and conclusions in this proceeding. After having some initial questions, which Kittelson addressed, ODOT has expressed no opposition to the proposed development. Such concurrence and satisfaction of ODOT concerns would not have come had Applicants' 2006 TIA not adhered to the ITE *Trip Generation Manual* and *Trip Generation Handbook* methodologies and requirements as opponents' repeatedly assert. *See, e.g., Greenlight Letter, August 12, 2020, p. 2.*

Furthermore, ODOT concurred with the 2006 TIA as consistent with ODOT's Analysis Procedures Manual ("APM"). 2007 Decision, p. 23. And, at that time, both ODOT and City transportation staff concurred that the approved use, as conditioned, is fully consistent with Statewide Planning Goal 12's requirement that the City's transportation system will continue to function consistently with all performance level of service standards and that all potential significant impacts to the City's system will be mitigated. 2007 Decision, p. 24.

Despite the above, opponents ask the City Council to conclude that City transportation staff, ODOT, and Kittelson & Associates, Inc. are all wrong in their conclusions, both now and back in 2007, and that the City Council should, instead, rely upon their consultant's analysis. The City Council should reject that request. Not only has Kittelson & Associates demonstrated compliance with all approval standards and responded to all City staff and ODOT inquiries, but also Kittelson has repeatedly responded to the plethora of allegations made by opponents and Greenlight with data and analysis that refutes the allegations. City staff has specifically determined that the Applicants' analyses are correct. In fact, City staff and ODOT have had plenty of opportunity to inform Applicants or the City that the Kittelson methodology was

flawed if it, in fact, was. City transportation staff and ODOT have remained silent, despite all of opponents' arguments throughout this proceeding. Kittelson & Associate's data, reports and analyses are not flawed. When the data disproves opponents' arguments, opponents have consistently just moved on to other allegations, to then be refuted again.⁵⁵

The materials prepared by Kittelson & Associates include:

- May 2018 Traffic Study
- Response to City and ODOT Comments (August 9, 2018)
- Response to ODOT Additional Comments (September 17, 2018)
- Response to Appeal Comments (November 29, 2018)
- Response to Greenlight Engineering Comments (June 6, 2020)
- Supplemental Traffic Analyses in Response to Greenlight Engineering December 2018 Comments (July 21, 2020)
- Response to July 2, 2020 Greenlight Engineering Comments (August 12, 2020)
- Response to July 28, 2020 Greenlight Engineering Comments (August 12, 2020)
- Response to Additional Remand Response Comments (August 12, 2020).

The above constitutes substantial evidence a reasonable decision maker would rely upon to conclude that the application demonstrates compliance with all traffic-related approval standards. That is so even with the contentions made by Greenlight Engineering in the record. The City's transportation staff are technical experts. The City staff and ODOT did not err in concurring with Kittelson's transportation system analysis and conclusions.

As the next section demonstrates, Greenlight's actions during this proceeding warrant an explicit finding that the City Council finds Kittelson & Associates' TIA and subsequent materials to be more credible than those of Greenlight Engineering. The City Council should not reject the City's transportation staff's conclusions that the proposal satisfies all transportation related requirements.

d. The City Council Should Make an Express Finding That The Kittelson & Associates, Inc.'s Evidence And Conclusions Are More Credible Than Those of Greenlight Engineering.

LUBA affords local decision-makers deference with respect to credibility determinations among witness testimony. *Applebee v. Washington County*, 54 Or LUBA 364, 390 (2007). This extends to the local decision maker's choice of experts so long as a reasonable person could

⁵⁵ A prime example of this is Greenlight Engineering's extensive arguments in its July 28, 2020 letter asserting that Kittelson & Associates must use ITE trip generation numbers in its analysis instead of the Costco-specific numbers and that Kittelson's analysis is flawed because it does not. Greenlight Letter, July 28, 2020, p. 10-13. However, when Kittelson did the analysis the way that Greenlight Engineering asserted it must be done, and demonstrated that using the ITE trip generation numbers resulted in lesser transportation systems impacts than the empirically derived Costco numbers, Greenlight changes its position and asserted in its August 12, 2020 letter (p. 1, 2-3), that ITE *Trip Generation Manual* data cannot be used.

make the same choice. *Mazeski v. Wasco County*, 28 Or LUBA 178, 184 (1994), *aff'd* 133 Or App 258 (1995). Simply put, LUBA is not authorized to second guess such judgments made by the decision-maker as the finder in fact. *Sanders v. Clackamas County*, 10 Or LUBA 231, 237 (1984). When LUBA does so and reweighs the evidence, LUBA exceeds its scope of review and remand is appropriate. *Tigard Sand and Gravel, Inc. v. Clackamas County*, 151 Or App 16, 20, 949 P2d 1225 (1997), *rev den*, 327 Or 83, 961 P2d 217 (1988).

The City Council should make an express finding in this proceeding that Kittelson & Associates' evidence and conclusions are accurate and reliable and more credible than those of Greenlight Engineering. As highlighted throughout this final argument, Greenlight has consistently made assertions that subsequent analysis has demonstrated were incorrect or that led to shifting positions on Greenlight's part. *See, e.g.*, Footnote 27 above. This undermines Greenlight Engineering's credibility and the City Council should state so in findings.

Greenlight Engineering's arguments presented in its July 28, 2020 submittal, are overly argumentative for a supposedly neutral analyst. This begs the question whether the assertions made are professional opinion on technical matters, or statements crafted to suit the position of a client. For example, Greenlight repeatedly misrepresents positions stated by the parties to the proceedings in an effort to paint views that differ from theirs as wrong. On page 1 of its July 28, 2020 letter, Greenlight asserts that City staff confirmed that a "full TIA is required" as part of the Site Plan Review application, further explaining on page 8 that at the December 10, 2018 hearing on the matter, City Staff Planner Aaron Panko noted that a TIA "is indeed required as part of this application." Greenlight understands full well the substantial differences between a TIA for a zone change and a TIA for site plan review, and that Mr. Panko did not say a comprehensive TIA was required. He simply stated, and Greenlight no doubt understood, that a traffic analysis was required as part of the Site Plan Review application to address the site ingress-egress question posed by City Site Plan Review standards and as a sensitivity check of the 2006 TIA's conclusions regarding transportation volumes and impacts.

Another example of Greenlight mischaracterizing the City's position is a statement on page 14 of the Greenlight July 28, 2020 letter: "There are many other intersections similarly impacted that were *inexplicably omitted* from the Site Plan Review TIA." (Emphasis supplied). One must question whether Greenlight has even read the transportation-related evidence in the record. The last page of the Director's decision that concluded that the Applicants are entitled to an exception to the full TIA requirements, explained that the purpose of the scope of the Site Plan TIA was "to verify that the traffic generated by the proposed development did not exceed volumes that were approved in the 2007 CPC/ZC and to analyze the driveway access to 27th Street SE." Furthermore, the Director's decision explained that the basis for the exception to the TIA requirement was the mitigation imposed by the 2007 Decision that more than compensated for the traffic impacts that would flow from the proposed use, as discussed above, that Greenlight and opponents have always failed to directly address. While Greenlight may disagree with that analysis or conclusion, it is wrong for Greenlight to assert that certain intersections were "inexplicably omitted." City staff explained why certain intersections were omitted. Greenlight Engineering misrepresented City staff's position.

Likewise, Greenlight mischaracterizes Applicants' positions. Greenlight asserts that the "applicant has clearly communicated that this is a multi-phase development" suggesting that the retail shopping center will be rolled out in a series of phases. As discussed above, this is not true. Applicants have always presented the development of the subject property as a single, unified development. The first part, or Phase One as the City's 2012 Decision called it, was the development of the Salem Clinic and related medical office building. Under the City's characterization in the 2012 Decision, "Phase Two" is the retail shopping center. Regardless, the development is a unified shopping center that is permitted under existing zoning. The retail shopping center, which includes Costco, is not a multi-phased development as Greenlight states.

Another mischaracterization of Applicants' position concerns the significance of the CPC/ZC mitigation measures. At page 5 of its July 28, 2020 letter, Greenlight states, "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." However, Applicants have never taken the position that the 2006 TIA addressed all the transportation related issues that pertain to a Site Plan Review application. Consequently, it is unsurprising Applicants have not pointed to a code section that stands for a proposition Applicants are not asserting. Opponents mischaracterize Applicants' position, which is discussed fully in the traffic impacts section above.

Greenlight Engineering delves into areas of law in which it has no expertise and as a result makes incorrect legal assertions. On page 5 of the July 28, 2020 letter, Greenlight asserts, "At the time of the CPC/ZC, the applicant could have chosen to complete a Site Plan Review application, but instead opted to wait." That statement is incorrect as a matter of law – as the evidence in the record demonstrates, Site Plan Review did not exist in the Salem Revised Code until 2008 when it was adopted or more realistically, in 2009 when it became effective. This is three years after the CPC/ZC application was first submitted, and two years after it was approved. Applicants could not have submitted a Site Plan Review application in 2006. Similarly, on the same page, in making legal arguments regarding vested rights, Greenlight asserts: "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." Greenlight, July 28, 2020, p. 5. That assertion betrays a misunderstanding of vested rights law, and fails to recognize that it is not the decision that vests a party's rights, it's the expenditures made to implement the mitigation measures imposed by the decision's conditions of approval that affords the applicant a vested right to completion of the project. Greenlight simply does not understand the law.

Similarly, on page 1 of the July 28, 2020 letter, Greenlight draws a legal conclusion that it is "impossible" to evaluate the adequacy of the transportation system well beyond that which the approval standards reach or to make a finding that the application meets the approval criteria. Determinations of whether the approval criteria have been met are the City Council's to make, not Greenlight's. Given that Greenlight and the opponents in general ignore much of the evidence in the record and the mitigation measures implemented as a result of the 2007 Decision, they cannot competently assert that it is "impossible" for the City Council to conclude the Site Plan Review transportation requirements have been met.

Last, the Greenlight testimony repeatedly applies faulty deductive reasoning in its assertions instead of basing conclusions upon demonstrated data. For example, at the top of

page 11, Greenlight's July 28, 2020 letter states: "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."

Greenlight's statement is incorrect. The Applicants' methodology does not assume that a small percentage of Costco warehouse trips also use the fueling station. As presented in the May 2018 Traffic Study and supplemental documents prepared by Kittelson, the estimated trip generation for Costco accounts for all trips associated with the warehouse and fuel station. Put another way, the trip generation estimate for the fueling positions is accounted for (i.e. calculated) in the overall trip generation of the Costco (warehouse and fuel station). Kittelson explained this in great detail in its August 12, 2020 *Response to July 28, 2020 Remand Response Comments*, pages 3-7. In fact, the Applicants' traffic data and analysis has been presented throughout this proceeding, to include the basis for the assumptions factored into the analysis' methodology. Greenlight points to no evidence, nothing at all, that must lead to their statement and their statement is wrong.

Kittelson's evidence and conclusions are, by contrast, based upon transparent data that is directly responsive to comments and evidence submitted by others. Kittelson responded to each of the multitude of arguments thrown out by opponents and Greenlight. A prime example of this is Kittelson's June 6, 2020 response to Greenlight's report opponents filed on the night of the December 10, 2018 City Council hearing, to which Kittelson provided 35 pages of narrative and 85 pages of data and additional analysis responded to each issue raised by Greenlight Engineering. *See Applicants' Remand Request, Exhibit C.* Kittelson's analysis is focused on the technical area where it has expertise and relies upon data and evidence that is provided to the City Council, as it should be for a transportation expert witness.

Another example is Kittelson's response to claims that the transportation analysis should have used ITE trip generation rates instead of Costco-specific data, which the ITE expressly allows. Opponents' contention was that the ITE data would, in fact, show the proposed use to fail and that Costco was trying to avoid revealing that fact. Kittelson's 60-page, July 21, 2020 response again provides both analysis and supporting data from 10 intersections at or near the subject property. Kittelson's responses includes a comparison of Costco data with fuel stations that includes data from multiple stores, the ITE data for free-standing Discount Superstores, free-standing Discount Stores, and Discount Club with the traffic from a separate fueling station added to the uses that did not include a fueling station as part of the ITE classification. In all instances, the uses with an existing ITE Land Use Code had lower trip generation rates than those identified specifically from Costco. Furthermore, there was an insignificant change in the trip generation rate when the data collected from additional Costco sites was added to the data gathered from the existing Salem Costco site.

The above demonstrates that time and time again, Kittelson's traffic analysis has been validated by newly incorporated data whereas opponents' and Greenlight's assertions about what new data would demonstrate has been proven wrong. For these reasons, the City Council should conclude that it finds the transportation analysis and data produced by Kittelson & Associates,

Inc. to be more accurate and reliable, and more credible than that provided by Greenlight Engineering.

e. *Greenlight Refusal to Accept the Conclusions of the ITE Data They Demanded*

Greenlight's latest memorandum complains the Kittelson used ITE data, rather than Costco-specific data. That is ironic, given that the Kittelson analysis using *ITE Trip Generation Manual* data, particularly Land use Codes #857 and #944 was an accommodation to and was specifically requested by Greenlight Engineering in their December 10, 2018 report. Kittelson has consistently stated that the *higher* Costco-specific trip generation data, which is partly based on data collected at the existing local Salem Costco, serves as a better data point and thus was used as the basis of the May 2018 Kittelson traffic study prepared for the site review application submittal. Kittelson explained that using the Costco-specific data was most appropriate as reflected in the ITE Trip Generation Manual, that states when practical, the user is encouraged to supplement ITE data with local data that has been collected at similar sites. In this regard, the ITE Manual provides:

"local data should be collected and used to estimate trip generation under the following circumstances...if the size of the study site is not within the range of points presented in the Manual data volumes"

The Greenlight statements are correct in that the size of data points in the ITE manual are smaller than the proposed elements. The data ranges are as follows:

- Discount Club (90 -149K SF)
- Gasoline/Fueling Station (~3-20 positions)"

The Kittelson ITE-based supplemental analysis was only provided to respond to the Greenlight Engineering claims that the ITE data should be used. Kittelson has made clear that it stands behind the Costco-specific trip generation data, for which the summarized and raw data has been provided on the record in the *Response to July 28, 2020 Remand Response Comments*, dated August 12, 2020.

Greenlight Engineering further ignores the *ITE Trip Generation Handbook* (page 86), which states: "*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.*" This is precisely the analysis provided by Kittelson with Costco specific trip generation data, as most recently explained in the *Kittelson Response to July 28, 2020 Remand Response Comments*, dated August 12, 2020.

The traffic counts used by Kittelson are appropriate and, in fact, the City's professional engineering staff expressly required that the Costco specific data be used in the preparation of the 2018 traffic study.

f. *Opponents' Traffic Counts Taken During the Disruptive Conditions of 2020*

Opponents cite their traffic counts taken on February 27, 2020 and March 3, 2020 and claim that they should be used to undermine the Applicants' traffic counts taken in 2018 and reported in the Applicants' May 2018 traffic analysis submitted to support site review. Their traffic counts taken on February 27, 2020 and March 3, 2020, undermine neither the Applicants' traffic counts nor analysis.

In Kittelson's *Response to July 28, 2020 Remand Response Comments*, at pages 1-2, Kittelson makes three important points, all of which make clear that the opponents' traffic counts provide no useful data and certainly do not undermine the Applicants' information. First, Kittelson explains, that the March 3, 2020 counts occurred on a day in the heart of pandemic buying behavior. Costco had restricted purchases on that day and had to hire 40 more employees to manage the sudden increase in traffic in the Salem store. Costco explained:

“*** on March 3rd, 2020 member foot traffic ran 28% up over last year. This was reflected in long lines in the building and long lines back to the freeway entrance trying to enter the parking lot. ***

“Because of the increase in out of stocks, limits were imposed on select items prior to opening on March 3rd, at the direction of our corporate office. These items included water, bath tissue, rice, beans, sugar, flour and dog food.

“The above-mentioned spikes in sales created an environment where members would run through the store to get to those items first, forcing us to manage the flow into the building. Due to the member foot traffic and increased parking lot traffic, we hired an additional 40 employees to help manage the sudden increase in traffic into the building.”⁵⁶

Presumably, on March 3, 2020, all grocery and general merchandise stores in the City of Salem experienced similar increases in traffic and strange customer behavior. Similarly, on February 27, 2020, Costco saw significant increases in food sales. Costco explained:

“*** on February 27th, 2020 Foods sales ran up 13.1% over last year. Key staple items *** saw significant increases in volume. This was when we began to show panic buying in key paper goods and sundry items.

“The jump in foot traffic and sales resulted in out of stock situations in key items such as bath tissue, paper towels, disinfecting wipes etc.”⁵⁷

Kittelson points out that it is improper to rely upon traffic counts taken during such disruptive conditions as those the City experienced on Feb 27, 2020 and March 3, 2020. Kittelson cites and attaches an ODOT memorandum to that effect, entitled “Traffic Volume

⁵⁶ Kittelson August 12, 2020 Response Memo, Attachment 1, p 1.

⁵⁷ Kittelson August 12, 2020 Response to Comments Attachment 1, p 64.

Development During Disruptive Events”.⁵⁸ That memo expressly states: “Caution should be exercised in taking new traffic counts during disruptive events. New traffic counts should only be taken during disruptive events when it is determined that the data already available is not sufficient for decision making.” The data already available – the counts relied upon in the May 2018 Kittelson traffic study supporting the site plan review application – is sufficient for decision making. There is no credible evidence otherwise. The Applicants’ traffic counts are appropriate and reliable.

g. Greenlight’s Objections to Signal Timing Adjustments are Meritless

The Applicants’ traffic supplement dated July 21, 2020, explains that a modest signal timing adjustment at the Battle Creek Rd. and Kuebler Blvd. intersection will maintain operations compliance with all relevant mobility standards.⁵⁹ We do not disagree that additional signalized intersections along Kuebler Blvd. may need to be studied more in depth before implementing signal timing changes. In fact, the Applicants stated in their July 21, 2020 Supplemental Analysis memo, that they are willing to pay for a signal retiming study, which would be coordinated with the City and ODOT. There can be no dispute that signal timing and phase adjustments will have to be made to accommodate the planned off-site traffic signal improvements that are required conditions of approval from the 2007 Decision.⁶⁰

Adjusting signal timing is a standard transportation procedure that occurs whenever adjustments (addition of signals, turn lanes, etc.) on a transportation system occur regardless of the property type. As such, the fact that retiming of traffic signals will occur, provides no basis for denial of site review.

h. Greenlight Erroneously Claims That the Peak Hour Analyses Performed are Inadequate

The evidence establishes that the highest peak hour for traffic volumes on Kuebler Blvd. is the weekday PM peak hour.⁶¹ This is the analysis used by Kittelson and is correct. Greenlight asserts the analysis peak hour should have been the Saturday mid-day peak. Greenlight is wrong.

The quest for the traffic peak hour is a quest for the period when traffic volumes – for both the shopping center and background traffic together – are their highest. While Costco may have greater trip generation at the Saturday mid-day hour, that is not the critical peak hour period that must be used to determine traffic impacts. This is because the overall background volume of

⁵⁸ Kittelson August 12, 2020 Response to Comments, Attachment 1, p 57.

⁵⁹ Kittelson Memoranda dated July 21, 2020 – Supplemental Traffic Analyses in Response to Greenlight Engineering December 2018 Comments, p 4.

⁶⁰ Kittelson explained in its July 21, 2020 Supplement, at p 4: “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, which are required conditions of approval from the 2007 year zone change decision for the site, regardless of the final development uses or horizon year.”

⁶¹ Kittelson May 2018 Traffic Analysis, p 6-7.

traffic on Saturday during the mid-day is much lower than during the week, so the overall volume of traffic entering the intersection, at the respective peaks, is highest during the weekday afternoon, peak hour. It is basic that it is the highest total traffic volume per hour, that matters.

The Kittelson May 2018 transportation analysis establishes that the weekday PM peak hour results in a total entering vehicle count at Battle Creek and Kuebler – 4705 vehicles entering per hour. This is to be contrasted with the Saturday mid-day peak, which is lower – 4320 vehicles entering per hour.⁶² The total weekday PM peak hour entering vehicle count at the I-5 southbound ramp/Kuebler Blvd. is similarly higher at 3682 vehicles per hour than the Saturday mid-day peak hour which has 3400 vehicles per hour.

Accordingly, as specified on page 2 of the *Supplemental Analysis* memo, the peak hour analysis was limited to the critical time period, the PM peak hour. This is how a critical peak hour analysis is done.

Additionally, as shown on the May 2018 Kittelson traffic study, Figure 12, under Saturday mid-day peak hour conditions, all study intersections are well below the applicable City or ODOT operating standards.

- Battle Creek/Kuebler Blvd. Saturday Peak hour v/c = 0.71 (well below 0.90)
- I-5 Southbound Ramp/Kuebler Blvd. Saturday Peak hour v/c = 0.74 (well below 0.85)

Even if the Saturday midday peak hour volumes grew by 1% to represent a 2021 buildout year, the small traffic volume increase would not be predicted to result in operations above the applicable City or ODOT operating standard, as evidenced by the additional capacity available at the key intersections.

With regard to Greenlight's demand for an AM peak hour analysis, this repeats a previous comment that was fully addressed in Kittelson's November 29, 2018, Memo pages 3-4. The answer is the same – the AM peak traffic volumes are lower than those attributed to the PM peak hour. As such it is not appropriate to use the AM peak hour.⁶³

- Greenlight Engineering's Arguments Regarding the Kuebler Boulevard Entrance Collaterally Attacks the Conditions Of Approval From the 2007 Decision and Have No Legal Merit. There is no Access From the Project Directly Onto Kuebler Boulevard.*

Greenlight cites UDC 804.001 and 804.060 as grounds for denying the application because, as Greenlight contends, the proposal's inclusion of an entrance from Kuebler Blvd. "is in clear violation of the UDC." Greenlight, July 28, 2020, p. 19-20. Greenlight is wrong.

The right turn only entrance from Kuebler Boulevard is expressly required by Condition of Approval 7 of the 2007 Decision, which provides in relevant part:

⁶² See Kittelson May 2018 Traffic Analysis, Figure 11, bubble 1 and Figure 12, bubble 2.

⁶³ Kittelson June 6, 2020 – Response to Greenlight Engineering comments (page 22).

“The developer shall provide right-in access from Kuebler Boulevard with a design that minimizes impact to through vehicles and provides a safe driveway crossing for bicycle and pedestrian traffic the final design of which to be approved by the Salem Public Works Director.”

As Kittelson’s response to Greenlight Engineering’s argument explains:

“the existing right-in only access driveway from Kuebler Boulevard was a Condition of Approval from CPC/ZC06-06 and was constructed as part of a City capital improvements project, years ago. This ***existing*** access is not subject to reevaluation in this proceeding.” Applicants’ Rebuttal Attachment 5, p. 21 (emphasis in original).

Furthermore, opponents ignore the express language of SDC 804.060(a) which begins with, “The Director **may require the closure of a driveway approach . . .**” That language uses the discretionary term “may”. It does not require that the Director close an accessway; it gives the Director the discretion to do so.

Last, Greenlight’s assertion that the proposal is inconsistent with UDC 804.040 is without legal merit. UDC 804.040 governs access onto parkways. It is silent about access to a property from a parkway. There is no access “onto” Kuebler Boulevard (classified as a Parkway in the City’s TSP). The condition of approval requires, and all of the site plans show, a right-in only from Kuebler Boulevard into the subject property. There is no egress from the subject property directly onto Kuebler Boulevard.

This is another example of Greenlight either asserting an incorrect legal position or misrepresenting what the UDC standard provides, or both. Again, it simply makes all of Greenlight’s assertions and analysis less credible.

The City Council should reject Greenlight Engineering’s Kuebler Boulevard driveway arguments.

j. The 27th Avenue Driveway Meets the Driveway Approach Permit Standards.

In a brief challenge that presented a range of different arguments, Greenlight contends that the application fails to provide evidence that the 27th Avenue Driveway Access Permit requirements are met.

As an initial matter, Greenlight makes its allegation without addressing any of the application materials and reasoning as to why all of the driveway approach permit approval criteria are met. *See*, LUBA Record-7090-92 (application narrative for standards). Greenlight also fails to address, in any way, the Planning Administrator’s findings that all of the driveway approach permit approval criteria are met. *See*, LUBA Record-6072-76 (decision findings). Mere claims alone that an application has failed to provide evidence that the criteria have been met are not sufficient to overturn the evidence and conclusions in the record that the proposal satisfies the driveway approach permit approval criteria.

Greenlight also makes a series of conclusory statements in a paragraph regarding the standards and provides no argument or evidence in support of its assertion. Greenlight, July 28, 2020 letter, p. 19. The paragraph states, “It cannot be found . . .” and then quotes verbatim UDC 804.025(d)(2), (6), (7), (8), (9).⁶⁴ That conclusory statement is not followed up by any evidence or argument. Conclusions alone are no basis to deny an application, especially when the record contains evidence that demonstrates the standards have been met and the Planning Administrator has concluded the standards have been met. Furthermore, Kittelson & Associates responded to the identified code provisions in Respondents’ Rebuttal Attachment 5, p. 19-20. The proposal satisfies those standards.

Last, opponents make two arguments that warrant response. The first argument, which relies on arguments presented earlier in the submittal, contends, “the queuing at the Kuebler Boulevard/27th Avenue intersection will likely spillback into the roundabout at the 27th Avenue/Site Access intersection.” Opponents present no evidence as to why the queuing will “likely” spill back to the roundabout. As Kittelson & Associates’ response to the statement explains, “Greenlight Engineering takes an overly simplistic and blatantly incorrect approach by adding different northbound approach lane PM peak hour 95th percentile queue lengths together to state that there would be 525 feet of queues.” Applicants’ Rebuttal Attachment 5, p. 17. Kittelson’s analysis includes 95th percentile queues for the intersection and a diagram of what the northbound approach vehicle queues would look like. Kittelson explains:

“[T]he estimated northbound 95th percentile queues during the PM and Saturday midday peak hours can be accommodated by the planned 27th Avenue design.

⁶⁴ Opponents cite UDC 803.025(1)(1)-(9), but the relevant standards are at UDC 804.025(d)(1)-(9), which provide:

“(d) Criteria. 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.”

Northbound approach vehicle queues will not back-up from Kuebler Blvd to the 27th Avenue roundabout, nor will cars be trapped in the 27th Avenue roundabout.” Applicants’ Rebuttal Attachment 5, p. 17.

Opponents’ second argument contends “the TIA fails to provide substantial evidence that queues from the fueling depot will not spillback onto 27th Avenue.” Kittelson also directly responded to this argument (as it did all of Greenlight Engineering’s arguments) and further supplemented the fuel station queuing data based on data from other Costco stores prepared and submitted in response to other Greenlight Engineering comments. That analysis explains that larger fuel stations with 24 or 30 fueling positions process peak demand efficiently and thus reduce waiting times, vehicle queuing and vehicle idling. The proposal has a capacity to handle 82 vehicles at any given time, with 30 vehicles at the fueling positions and 52 vehicles in queue. As the data shows, the estimated maximum peak hour queue ranges from between 8 and 13 vehicles, which can be accommodated by the proposal without spilling onto 27th Avenue as opponents contend. Applicants’ Rebuttal Attachment 5, p. 14-16.

The City Council should conclude that the evidence in the record demonstrates that the driveway approach approval criteria for the 27th Avenue and Boone Road have been met and approve the Driveway Approach Permit.

k. Ms. Cozzie Photos And Summary of Crashes on March 18, and November 4, 2019 and Between February And August 2020 do not Undermine Kittelson’s Reports Regarding Traffic Safety.

This comment presents evidence of four distinct crashes at the Battle Creek Road/Kuebler Blvd. intersection over a 6-month timeframe, presumably to show crashes happen. This comment presents nothing that undermines any Kittelson analysis or report. Rather, it supports Kittelson’s data which shows that the historical crash data showed an average of 7 – 8 crashes occurring each year. Therefore, the resulting crash rate at that intersection reported in this comment, is entirely consistent with the historical rate documented in the May 2018 Kittelson traffic study and below the required ODOT 90th percentile rate.⁶⁵

The comment also presented four crashes at the Battle Creek Road/Boone Road intersection. As Kittelson explained in its November 29, 2018 Response to Comments, that intersection is a stop-controlled intersection that was identified in the May 2018 Kittelson traffic study for having a crash rate that exceeds the ODOT 90th percentile rate. As Kittelson also explained, signalization of that Battle Creek Road/Boone Road intersection is Condition 1 to the 2007 Decision that will improve that intersection’s safety performance. The traffic signal at the Battle Creek Road/Boone Road intersection is part of the proposed development, that will be installed when the City approves the application.

There is nothing about this comment that can result in denial of the proposal. Rather, it corroborates Kittelson’s analysis and emphasizes one of the many transportation benefits of approving the proposal.

⁶⁵ Kittelson November 2018 Traffic Analysis, p. 3-4.

l. The Proposed Use is Not “Too Close” to Residential Neighborhoods.

Several opponents argue that the proposed uses are “too close” to residential neighborhoods and that such larger retail shopping centers are typically built in other areas, farther away from residential uses. *See, e.g.*, Brogoitti e-mail dated 11 March 2020. Branczek e-mail dated July 18, 2020. Opponents are wrong for several reasons.

First, this comment is not relevant to any applicable zoning standard. The subject property is zoned CR and the proposed shopping center is permitted outright in the CR zone and under the 2007 Decision.

Moreover, one of the primary reasons why the City Council in 2007 decided to change the plan designation and zoning for the subject property was that there were inadequate commercial opportunities for commercial development to serve the growing residential development in the south part of the City.⁶⁶ The City Council wanted this development to be near residential uses. Second, the City Council understood in 2007 that the retail shopping center it was approving would be significant in size – up to 299,000 square feet of GLA – and had been presented with a range of potential commercial occupants for the property that had individual building sizes even larger than the proposed Costco. Opponents now are attempting to relitigate the issue of whether a Costco is a suitable retail store for the shopping center approved in 2007. LUBA held that it was. Opponents challenged that conclusion to the Court of Appeals and the court rejected their arguments. Opponents cannot now argue, again, that the proposed Costco store is not a use authorized by the 2007 Decision. *See, e.g.*, Krishnan letters dated July 28, 2020 and August 12, 2020 (arguing that Applicants materially changed the uses proposed for the site from that presented during the 2007 Decision proceedings). Third, the evidence in the record demonstrates that retail stores of the size of the proposed Costco store are typically located adjacent to residential neighborhoods as the proposal is here. As the diagram submitted by Jeff Olson as an exhibit to his July 28, 2020 letter demonstrates, the WinCo Foods, Fred Meyer and Walmart stores, all located along Commercial Street SE, are adjacent to or surrounded by residential uses. The proposed retail shopping center is not “too close” to residential neighborhoods.

m. Opponents Cannot Now Raise Issues That Could Have Been Raised in the Prior Proceedings But Were Not or That Were Resolved By LUBA and/or the Court of Appeals.

Whether because they are well-outside of the scope of remand, or because the principles of raise-it-or waive it or issue preclusion apply, or because the matter was resolved by LUBA or the Court of Appeals, the City Council cannot revisit a range of issues and arguments raised by opponents in this proceeding that have been resolved or are no longer live issues. These include,

⁶⁶ For example, the 2007 Decision, p. 34, explains: “The location of the property is central to the surrounding residential neighborhoods that are otherwise a block of residential uses lacking in bikeable or walkable commercial shopping and service opportunities. The proposal includes a number of bike and pedestrian improvements that will further facilitate alternative modes of transportation for a meeting with friends, eating, shopping or medical services opportunities.”

but are not limited to, the following issues: sewer, stormwater, fire and other emergency services, light pollution, noise and air pollution, crime, property values, the suitability of other locations, tribal lands, the impact on downtown shopping, and whether Costco is a regional store not authorized by the 2007 Decision. *See, e.g.,* Coakley e-mail dated March 11, 2020 (multiple issues); Brigoitti, e-mail dated June 22, 2020 (multiple issues); West, e-mail dated July 18, 2020 (noise and pollution); Wills e-mail dated July 23, 2020 (environmental). Nerli, e-mail dated July 26, 2020 (crime); Clarke e-mail dated July 26, 2020 (property values). Ferris, email dated July 28, 2020 (other locations). Hatfield e-mail dated July 28, 2020 (tribal lands, noise pollution); Holmes, e-mail dated July 28, 2020 (downtown shopping); Dalton letter dated July 27, 2020 (Costco is a regional store).

None of the above issues are live on remand and the City Council should ignore all arguments that attempt to visit or revisit these issues.

VI. Conclusion

Applicants have a vested right to develop their unified shopping center as they have laid it out. The City Council should affirm that the 2007 Decision vests PacTrust's right to a shopping center as they have proposed, including the removal of the eight Oregon white oak trees. The City Council should also decide that, regardless, the Applicants' tree transplanting proposal does not "remove" the trees under the express terms of the City's code, so the City's tree ordinance is not triggered in this site plan review and, regardless, the City code standard which allows removal of significant trees when "necessary" for a commercial development, is met. In any case, the City Council should impose a condition of approval that the Applicants shall transplant the eight Oregon white oak trees in a manner consistent with the Applicants' arborist recommendations provided to the City in the Applicants' Remand Letter, Exhibit B.

The City Council should also find that the site plan review standards regarding whether access in and out of the shopping center and internal circulation are safe and adequate, are met. The Applicants are entitled to a determination that the proposed unified shopping center's traffic is less than the traffic volumes approved for the shopping center in the 2007 Decision. The City Council should find that the City has already determined that the traffic impacts to the street network meet relevant standards with the mitigation imposed under the 2007 Decision. No further transportation mitigation should be required.

The City Council should affirm the Director's decision exempting the Applicants' traffic analysis per UDC 803 from a TIA that conforms to the detailed SAR guidelines. The City Council should find that the SAR standards, particularly the analysis area they require, demand a much broader analysis than the site plan review standards call for and so the SAR guidelines cannot inform compliance with the site review standards in any event.

In conclusion, the Applicants respectfully request that the Salem City Council approve the Applicants' Site Plan Review and Driveway Approach Permit applications. Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wendie L. Kellington". The signature is fluid and cursive, with the first name "Wendie" being more prominent.

Wendie L. Kellington

WLK:wlk

CC: Shari Reed, Vice President, PacTrust