

## Jamie Donaldson

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**From:** Shelby Guizar  
**Sent:** Wednesday, January 26, 2022 11:22 AM  
**To:** Jamie Donaldson  
**Subject:** FW: Post hearing CPC-ZC21-06 testimony  
**Attachments:** Topic 4 2100 DF acreage challenge.odt; Topic 1 Challenging the Transight report II.pdf; Topic 3 Challenge the SRC 265-005(e)(1)(E) findings.pdf; Topic 2 2100 DF no masterplan.pdf

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**From:** E Easterly <emeasterly@comcast.net>  
**Sent:** Wednesday, January 26, 2022 8:10 AM  
**To:** Shelby Guizar <SGuizar@cityofsalem.net>  
**Subject:** Fwd: Post hearing CPC-ZC21-06 testimony

To: **Salem Planning Commission** via: Shelby Guizar [squizar@cityofsalem.net](mailto:squizar@cityofsalem.net)

Date: January 26, 2022

Re: Post Hearing Written Testimony Submissions

Attached please find documents supporting the four topics I presented orally during the Tuesday, January 25, 2022 CPC-ZC21-06 Planning Commission hearing.

Ms. Guizer, please confirm receipt of this email.

I would appreciate information as how best to secure a copy of the Bessman TIA update cited during the hearing.

I also request acknowledgment indicating when this material is transmitted to members of the Planning Commission.

E.M. Easterly  
503-363-6221

To: Salem Planning Commission

January 26, 2022

From: E. M. Easterly

Re: **Topic 1:** 2100 Doaks Ferry RD NW Zone change request

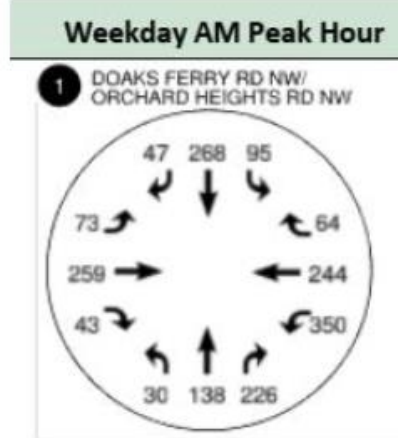
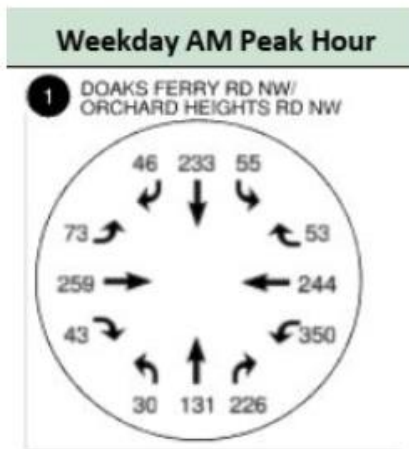
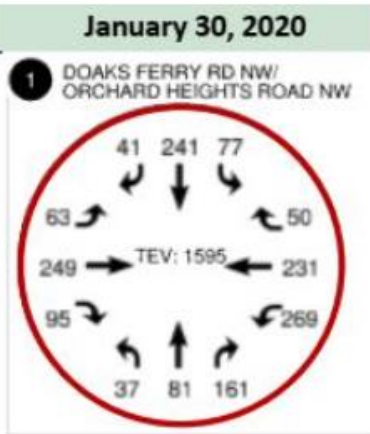
## **Challenging the Transight Consulting TIA Report II**

1. The Transight Consulting TIA report compares a January 20, 2020 and September 16, 2021 traffic counts and then uses the apparent higher count numbers from the separate traffic count data to analyze. This is explained at Table 6 on page 21. While the actual traffic counts for September 16<sup>th</sup> are included in the report, there are no January 20<sup>th</sup> worksheets in the report, and therefore, there is no possible way to confirm the numbers used.
2. The Transight Consulting TIA report provides conclusions without citing the source of data. For example, Table 9 at page 27 compares 2012 intersection traffic counts with projected 2040 intersection traffic volumes without providing an actual source for these declarations.
3. The Transight Consulting TIA report offers inconsistent intersection graphics. Examples are offered on the next three pages.

Current  
AM Peak Hour

Projected 2036

Projected 2036 with  
Zone Change



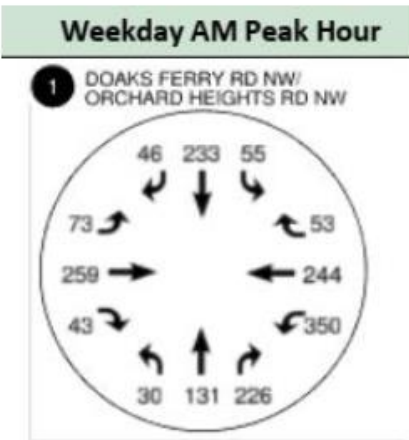
Page 22

Page 28

Page 28

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

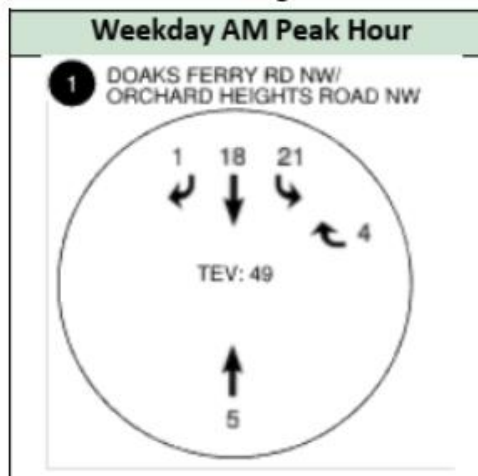
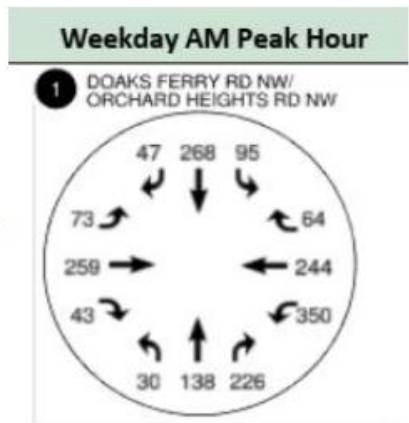
New Zoning



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

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

Page 28



Page 36

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

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

5..

**Table 12. Operations Comparison with Trip Cap**

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

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

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

I invite Planning Commission members to ask staff to reconcile these TIA anomalies as well as explain, given the flawed nature of the TIA, whether the zone change transportation system impact criteria detailed in the Salem Revised Code has been met by the offered TIA.

To: Salem Planning Commission  
From: E.M. Easterly  
Re: Topic 2: CPC-ZC21-06

January 26, 2022

The narrative in the Transight Consulting TIA report states:

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

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

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

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

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

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

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

To: Salem Planning Commission Members  
From: E.M. Easterly  
Re: Topic 3: Flawed zone change findings

January 26, 2022

According to **SRC 265.005 - Quasi-judicial zone changes** – a proposed zone change must meet certain criteria. The proposed CPC-ZC21-06 zone change from NCMU to RM-2 does not meet the criteria cited below because the staff findings fail to address the permitted commercial designation in a NCMU zone.

(e) Criteria.

(1) A quasi-judicial zone change shall be granted if all of the following criteria are met:

(E) If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial designation, or a comprehensive plan change from a commercial or employment designation to any other designation, a demonstration that the proposed zone change is consistent with the most recent economic opportunities analysis and the parts of the comprehensive plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the comprehensive plan to address the proposed zone change; or include both the demonstration and an amendment to the comprehensive plan.

The Planning Department staff report findings state:

“Finding: The subject property is not currently designated for industrial, commercial, or employment use. This criterion does not apply to the proposal”

The above finding is a mischaracterization of the NCMU zone. **SRC 532.015. - Uses allowed with neighborhood center master plan** spells out the range of commercial activities permitted in an area zoned NCMU. The fact that there is not a neighborhood center master plan for the CPC-ZC21-06 site does not remove permitted commercial uses under the NCMU designation. Therefore, the declared staff findings under **SRC 265.005(e)(1)(E)** are in error. Accordingly, the staff report must be revised to include “a demonstration that the proposed zone is consistent with the most recent economic opportunities analysis...” before the Planning Commission can legally adopt the tendered staff findings.

The source of this mischaracterization of the NCMU zone appears to come from the applicant’s TIA submission.

The narrative in the Transight Consulting TIA report states:

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

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

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

No NCMU master plan has been proposed or approved for the site. No “Core Area” has been identified on the 2100 Doaks Ferry property. Nevertheless, the applicant chose to creatively apply the “outside of the Core Area designation” and include that land in the proposed RM-2 zone change. There was no legal basis for the applicant to assume the northern portion of the current NCMU zoned area would be “outside” the “Core Area.” Thus, a portion of the NCMU zoned area is erroneously included in the proposed zone change request.

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

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

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

Since the NCMU zone does permit commercial and employment activities in core areas, the requirements under **SRC 265.005(e)(1)(E)** must be addressed before any portion of the 2100 Doaks Ferry NCMU zoned land is re-zoned.



To: Salem Planning Commission  
From: E.M. Easterly  
Re: Topic 4 CPC-ZC21-06

January 26, 2022

The staff report before you ask you to approved:

“Minor Comprehensive Plan Map Amendment from “Developing Residential” (22.84 acres) and “Mixed Use” (2 acres) to “Multiple Family Residential.”

Where in the record submitted does the applicant ask for a 2 acre extraction from the NCMU zoned portion of the property?

Why does the staff report claim that the proposed RM-2 acreage will be approximately 24.84 acres when the applicant states the RM-2 request is for 22.85-acre?

Until staff and applicant provide clear and coherent acreage to be re-zoned, I ask the Planning Commission to defer action on this application.

The attached document challenges the historical single-family subdivision for the site and a suspected reasons for that withdrawal. The conflicting acreage numbers above highlight that issue.

## Jamie Donaldson

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**From:** Christie Dalke <cldalke@gmail.com>  
**Sent:** Monday, January 31, 2022 2:10 PM  
**To:** Jamie Donaldson  
**Subject:** No. CPC-ZC21-06 for 2100 Block of Doaks Ferry Rd NW  
**Attachments:** Follow Up letter to City Planning Commission 01.31.2022 CPC\_ZC21\_06.pdf

To whom it may concern,

I ask that the attached letter be submitted to the open record for the commission hearing on No. CPC-ZC21-06 for 2100 Block of Doaks Ferry Rd NW.

I would also appreciate a confirmation of receipt.

Best regards,

Christie Dalke

From: Robert & Christie Dalke, 2090 Landaggard Drive NW, Salem, OR 97304

To: Planning Commission, City of Salem

RE: The Request for Comments for Minor Comprehensive Plan Change and Zone Change Case No. CPC-ZC21-06 for 2100 Block of Doaks Ferry Rd NW

January 31<sup>st</sup>, 2022

To whom it may concern,

My name is Christie Dalke, my husband, Robert, and I own the property at 2090 Landaggard Drive. I attended the hearing held on January 25<sup>th</sup> regarding the application to re-zone land and development in our area. As I stated in my testimony, we believe the density of apartments in this area will have a tremendous impact on the surrounding neighborhood, traffic, and environment. I would invite the commissioners to visit the area prior to your deliberations on February 15<sup>th</sup>. I believe in doing so, you will better understand our concerns.

Additionally, after hearing the testimony on the twenty-fifth, I would encourage you to disapprove the application as not all SRCs and rules or regulations were not properly compiled. It was brought to light that the burden of proof may have not been met by Bonaventure.

After the hearing testimony, it is clear the traffic impacts are significant and need greater mitigation. I would ask that the analysis as to what traffic count number would be significant is shared. What is the threshold for 'negligible impact' as 2200 vehicle trips a day seems like a significant number given the current constraints that already exist? I believe based upon the testimony that a stronger trip cap should be required here, something under 350 should be added to condition 1, not the current 2200 number.

WSNA Traffic assessment for reference. I would ask this be submitted to the official record:

Trips per dwelling	Dwellings per acre	Trips per acre	Acres Rezoned	Daily trips generated	Bessman A.M.Paak Trips
4.54	28	640	22.85	14,619	94
		78.15%			52.13%
		500	22.85	11,425	49
9.43	8	75	22.85	1,724	
	Daily	Trip Density difference		9,701	

Finally, I have been reviewing the "Our Salem" documents. On page 44 it states that 'no neighborhood should be disproportionately burdened by changes to the comprehensive plan'. Per Eunice Kim, there is a multifamily area proposed just west of the High School along Orchard Heights. I am unsure if this area was in the original proposal and may not be factored in the

report. Combined with this proposal, we would be adding at least 500 additional multifamily units to our neighborhood, for a total of approximately 1000 potential multifamily units in the immediate vicinity. What other neighborhood has been impacted to that degree? Furthermore, if you look at the documents online of the Our Salem process, it is unclear when the proposed zone changed from RA to RM-2. And the interactive public comments are overwhelmingly against the zone change.

As the actual density in this neighborhood has not been clearly presented to the commission, these interrelationships seem to require a deeper look before the Planning Commission decides. At the least, they support a request for a more restrictive trip cap.

Ultimately, I hope the council will see fit to keep the proposed area zoned for single-family or townhomes. I believe this will help the Our Salem project meet their mission of providing affordable housing that allows for home ownership. I also hope and trust that you will work on this with the feedback of current residents in mind. Thank you again for your time, and consideration.

Sincerely,

Robert and Christie Dalke

## Jamie Donaldson

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**From:** E Easterly <emeasterly@comcast.net>  
**Sent:** Tuesday, February 1, 2022 11:36 AM  
**To:** Jamie Donaldson  
**Subject:** Case No. CPC-ZC21-06 7 day written record testimony  
**Attachments:** DF 2100 Numerical Challenge II cover email.pdf; 2100 DF numerical challenge II.pdf

Ms. Donaldson:

Attached please find are two documents. Please transmit both to members of the Planning Commission.

Please confirm by email when the two documents have been sent to PC members.

Respectfully,

E.M. Easterly  
503-363-6221

To: Salem Planning Commission via [JDonaldson@cityofsalem.net](mailto:JDonaldson@cityofsalem.net)  
 From: E.M. Easterly  
 Re: Post CPC-ZC21-06 Hearing Written Testimony  
 Numerical Challenge II  
 Date: February 1, 2022

The attached document challenges the numerical values submitted by the applicant in support of (a) the RA area to be re-zoned RM-2 and (b) the proposed conversion of NCMU zone land to RM-2 zoned area.

Even accepting the applicant survey update for Tax Lot 400 (top line chart below), there are contradictions in the numerical evidence offered. Those discrepancies are highlighted in the chart.

	sq. ft.	sq. ft.	sq. ft.	Acres
TL400	995,711	609,973	1,605,684	36.861
TL900			38,000	0.872
Total two Tax Lots			1,643,684	37.734
	less NCMU		653400	15.000
Balance			990,284	<b>22.734</b>
Not as applicant claims			995,711	22.858
	Acre	43560		

I ask that the Planning Commission to either reject the proposed zone change request or reopen the hearing to allow the applicant an opportunity to correct their unverified numerical claims and to either provide a NCMU development master plan or remove the current request to rezone a portion of the NCMU zoned area of the property to a residential zone.

Attachment: Challenging CPC-ZC21-06 inaccurate numerical claims II

# Challenging CPC-ZC21-06 inaccurate numerical claims II

By E.M. Easterly

## Why Titan Hill area numbers do not add up



Tax Lot 400 - 36.74 acres

Proposed extraction of land from NCMU area.

*NCMU ARE TO BE ZONED RM II  
1.978 ACRES  
(86152 SQ FT)*

Removing “2-acres” from the portion the zoned NCMU area which equals 14.128-acres, not 14.003-acres is illegal.

PARCEL 1

*EXIST: 22.858 ACRES (995,711 SQ FT)  
ZONE: RA*

*PROP: 24.836 ACRES (1,081,872 SQ FT)  
ZONE: RM II*

PARCEL 2

*EXIST: 14.003 ACRES (609,973 SQ FT)  
ZONE: NCMU*

*PROP: 12.026 ACRES (523,832 SQ FT)  
ZONE: NCMU*

A portion of TL 400 plus all of TL 900 equals 15-acres. Removing TL 900 from the equation leaves 14.128-acres, not 14.003-acres of TL 400 that is zoned NCMU.

The subject property is a 22.85-acre infill site, being the northerly portion of Polk County Tax Lot 073W17D000400, which tax lot is approximately 36.72-acres in total (“**Tax Lot 400**”). This northerly portion of Tax Lot 400 abuts Doaks Ferry Road on its easterly boundary and lies north of the intersection of Doaks Ferry Road and Orchard Heights Road in West Salem (See revised Exhibit 66, Existing Designations Map). The site’s topography generally raises in elevation from east to west. **Please note:** Tax lot 073W17D000900 AKA 2357 Orchard Heights Rd is not a part of this application.

$22.858 + 14.003 = 36.861$  acres, not 36.74 or 36.72 acres. Assuming the applicant survey is more accurate, then the RA area is  $36.861 - 14.128 = 22.734$ -acres

**The “adjustment” described to the right equals an illegal rezoning of a NCMU parcel of land. 1.05-acres and 1.98-acres are not identical nor are based upon NCMU development requirements.**

Please note, this rezone includes a 1.05-acre portion that is currently designated NCMU. This portion is along the southerly edge of the site. This NCMU portion is being included in the entire 22.85 parcel. The intent is to adjust the northerly (proposed RM-II) and southerly (NCMU) parcels to increase the feasibility for developing both sites due to topographic and design issues. The minor adjustment (1.05 acres) will leave approximately 13 acres as NCMU. Multi-family site and building design standards allows for increased flexibility with building mass,

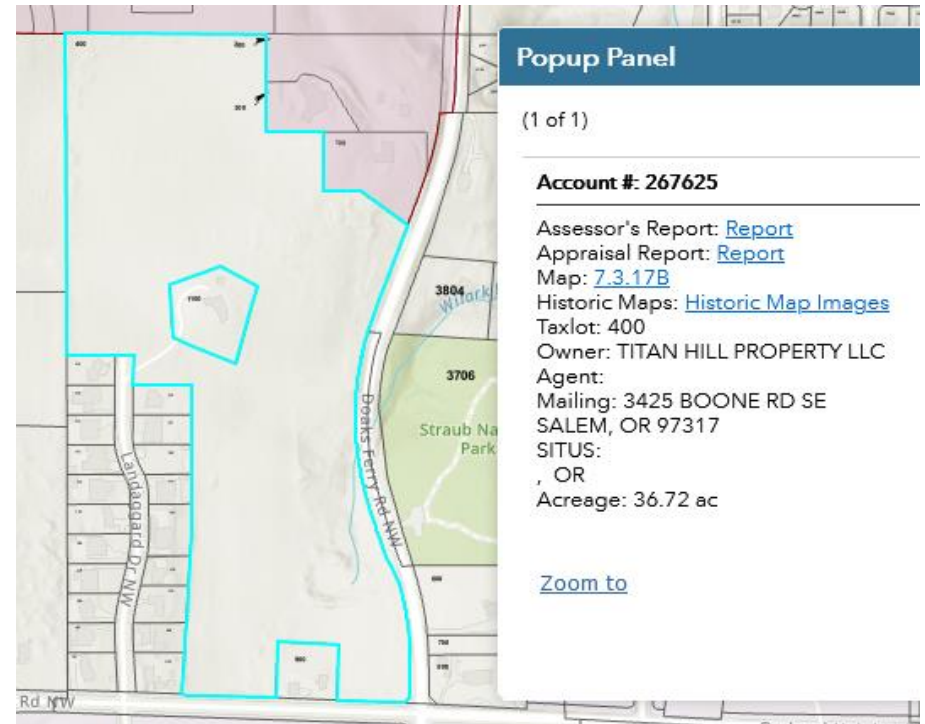
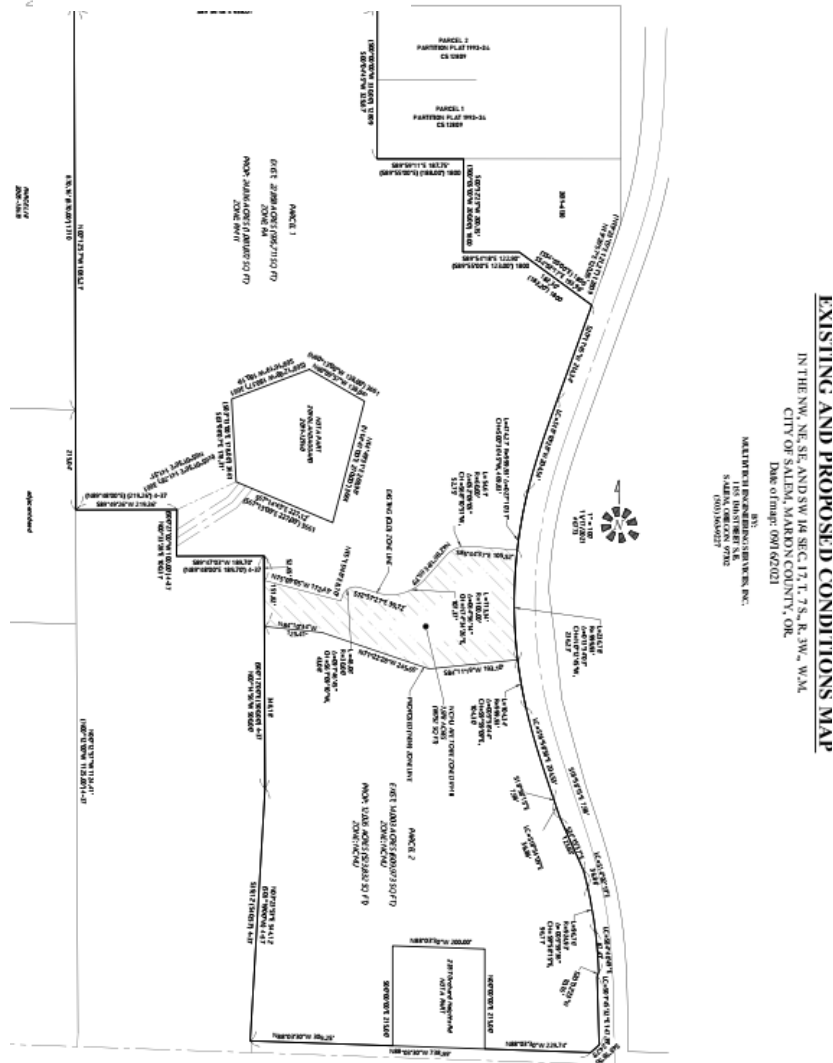
# Survey Graphic from staff report pdf page 37

PARCEL 2

EXIST: 14.003 ACRES (609,973 SQ FT)  
ZONE: NCMU

PROP: 12.026 ACRES (523,832 SQ FT)  
ZONE: NCMU

The survey appears to not be based upon the original 15-acre NCMU area of the parcel.



A review of the previously proposed Titan Hill single-family subdivision data attached on the next page highlights the discrepancy between the proposed reduction in the NCMU area from 15 acres in 2012 to 12.026 acres in the CPC-ZC21-06 proposal on January 25, 2022 before the Salem Planning Commission.

Missing from the graph to the left is the original metes and bounds for the adopted NCMU zoned area.



## Development Proposals for Tax Lot 400 at the Intersection of Orchard Heights and Doaks Ferry in West Salem

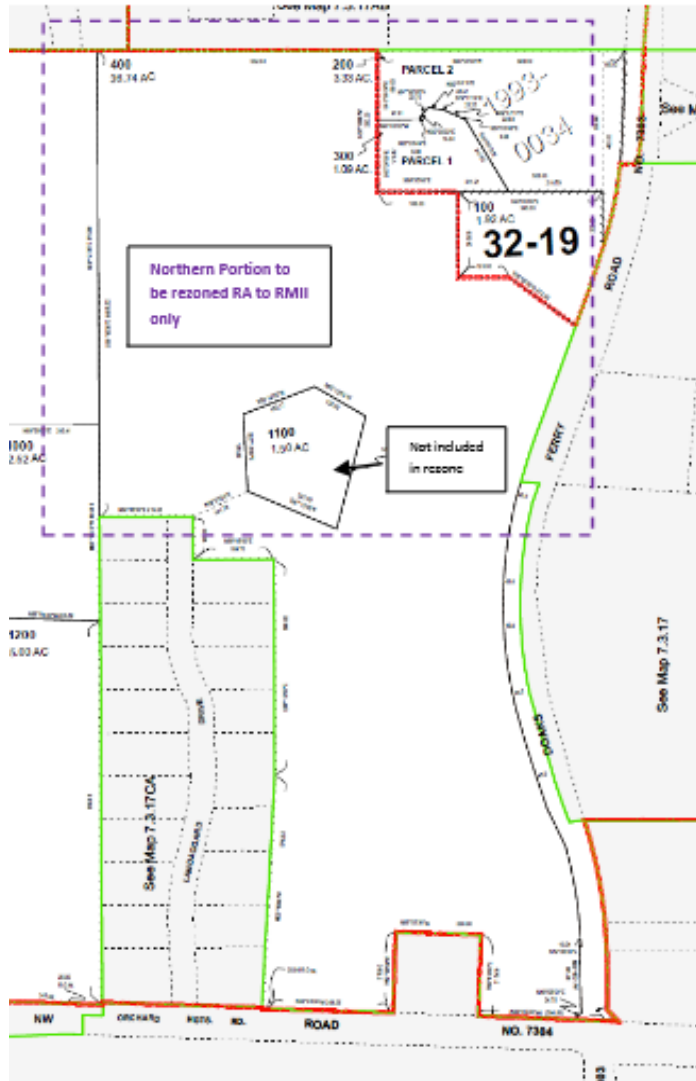
The property is dual zoned. The southern portion is zoned Neighborhood Center Mixed Use. The northern portion is zoned Residential Agriculture. The graphics below identify the southern area.

Salem Zoning Map

Polk County Tax Lot Map & Measurement

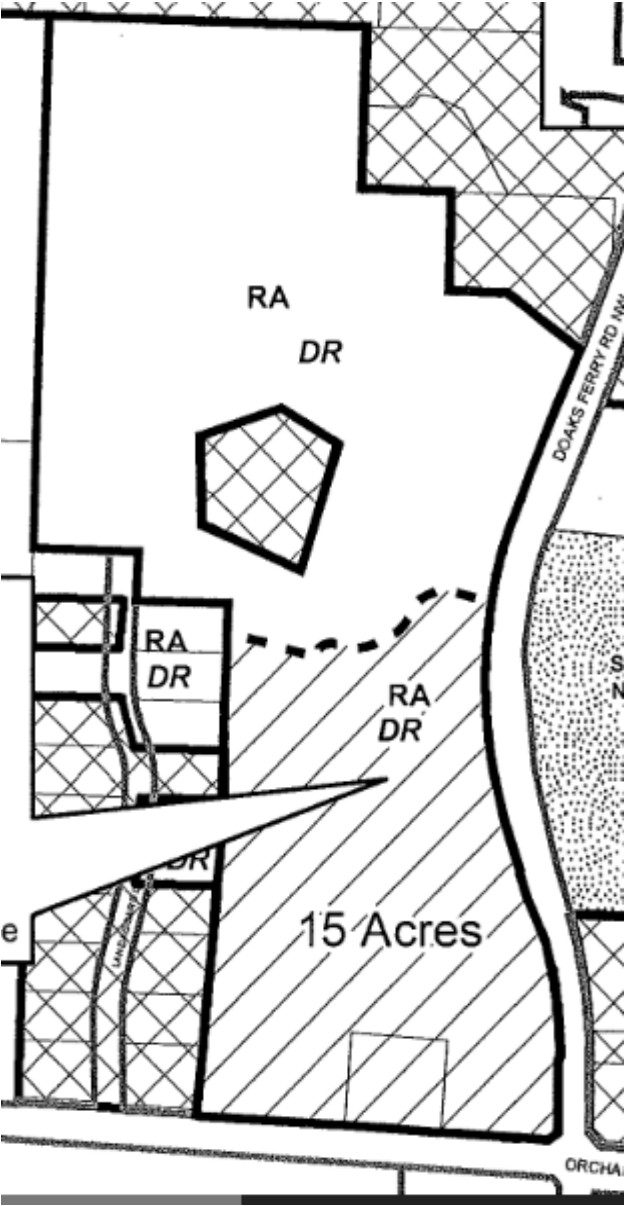


Information provided by Tax Lot 400 owner representatives as part of the 2019 subdivision proposal

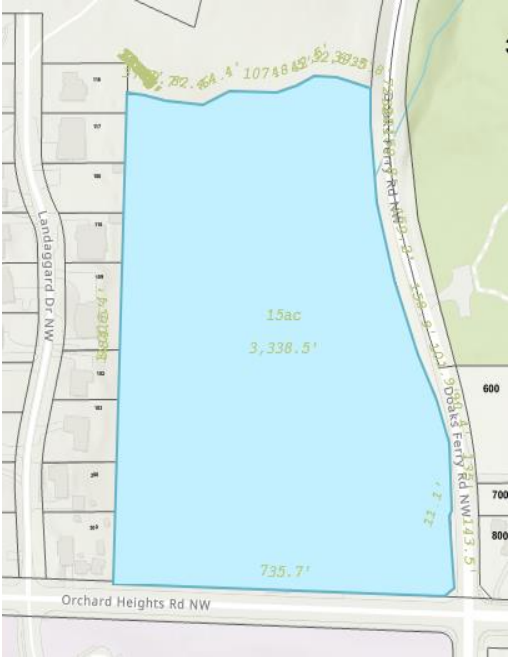


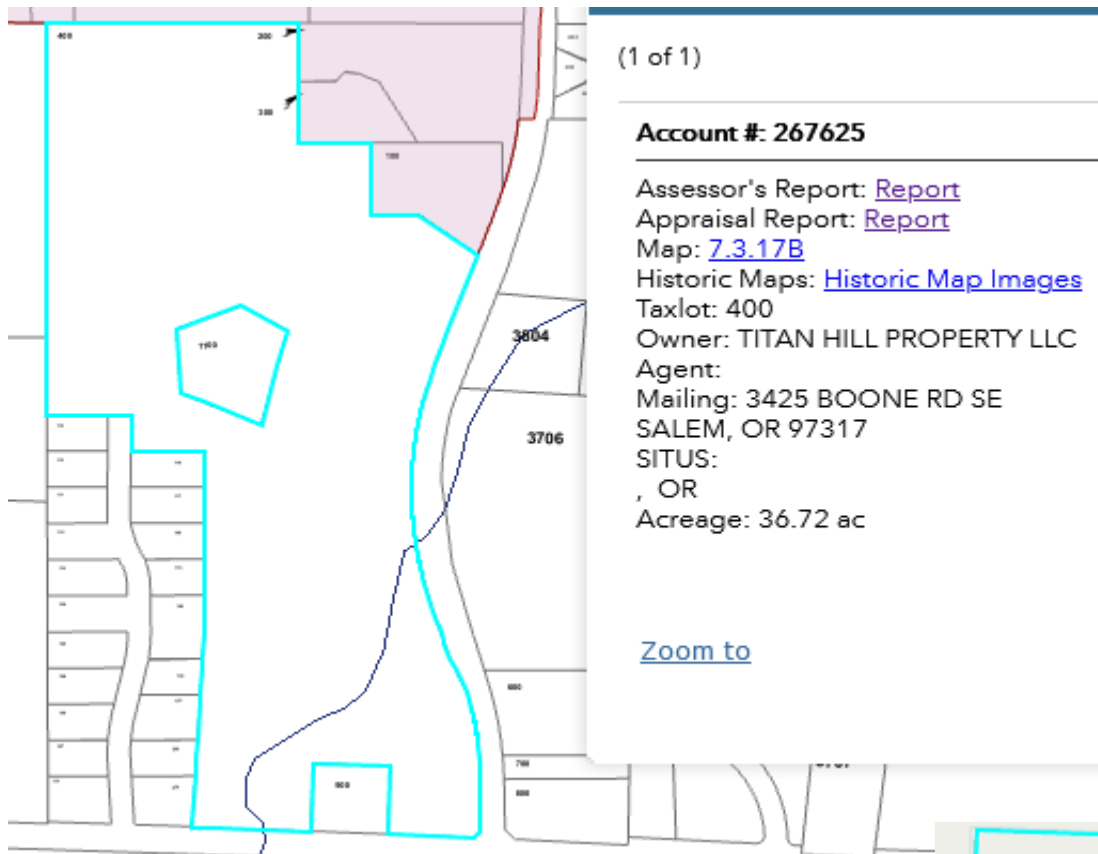
Google graphic to the right does not accurately outline the RA zone on Tax Lot 400. See a more accurate representation on next page.

2012 graphic showing RA & NCMU Division



Polk County ESRI Measurement of the 15-acres NCMU Area



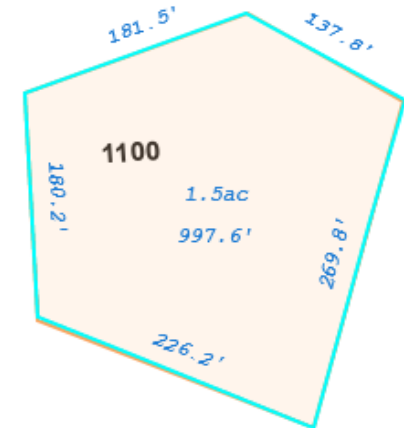


(1 of 1)

**Account #: 267625**

Assessor's Report: [Report](#)  
 Appraisal Report: [Report](#)  
 Map: [7.3.17B](#)  
 Historic Maps: [Historic Map Images](#)  
 Taxlot: 400  
 Owner: TITAN HILL PROPERTY LLC  
 Agent:  
 Mailing: 3425 BOONE RD SE  
 SALEM, OR 97317  
 SITUS:  
 , OR  
 Acreage: 36.72 ac

[Zoom to](#)



TL 1100 is an island in TL 400.  
 Note: TL 1100 is a separate 1.5 acres inside the RA to RS or RM zoning.

Historic Maps: [Historic Map Images](#)  
 Taxlot: 900  
 Owner: TITAN HILL PROPERTY LLC  
 Agent:  
 Mailing: 3425 BOONE RD SE  
 SALEM, OR 97317  
 SITUS: 2357 ORCHARD HEIGHTS RD NW  
 SALEM, OR 97304  
 Acreage: 0.87 ac

[Zoom to](#)



Tax Lot 900 = 0.872 acres

Tax Lot 400 = 36.72 acres  
 Less NCMU = 15.0 acres = from TL 400 + TL 900  
 = 14.128 + 0.872  
 Balance = 22.592 acres of RA eligible for zone change.

Without a NCMU *neighborhood center master plan* Tax Lot 400 NCMU mixed use zone cannot be casually converted to a residential zone.

## Jamie Donaldson

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**From:** Eunice Kim  
**Sent:** Tuesday, February 1, 2022 11:38 AM  
**To:** Jamie Donaldson  
**Subject:** FW: West Salem development

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**From:** claudia huntsinger <ladybozo@comcast.net>  
**Sent:** Tuesday, February 1, 2022 11:34 AM  
**To:** Eunice Kim <EKim@cityofsalem.net>  
**Subject:** West Salem development

I am most upset with the development which is happening on Orchard Heights. I welcome anyone on the council or planning committees to drive down Orchard Heights during the five school starting times and closing times to get to any appointment or going to work. Not only would it be disasterous to have traffic dumping out onto Orchard Heights from these apartment buildings but the bridge traffic would be awful. I don't hear anything that these developers will be building a new bridge anytime soon. These are neighborhoods and farm land and we don't need more development at this time. With the openings of apartment buildings on Wallace and all the apartments that are on the property previously owned by the Lindbecks, traffic is out of hand. We only have one working fire department, and I feel that there has been little consideration on the impact of schools. We rarely see any patrol cars or the sheriff department on the roads. When has there been public meetings? The notice for the development at Doaks Ferry and Orchard Hts. was put up several weeks ago and then quickly taken down. I have not seen anything in the newspapers or from neighborhood association meetings telling us about comments from the community and the effects on a road structures and traffic. Please share my comments at the meeting tonight. Thank you  
Claudia Huntsinger

## Jamie Donaldson

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**From:** STEVEN ANDERSON <andersonriskanalysis@comcast.net>  
**Sent:** Tuesday, February 1, 2022 12:22 PM  
**To:** Jamie Donaldson  
**Cc:** Michael Freitas  
**Subject:** Planning Commission Testimony during Open Record Period  
**Attachments:** 2100 Doaks Ferry WSNA Comments Open Record Period.pdf; 2100 Doaks Ferry Decision Diagram.pdf

Jamie:

Here is the WSNA testimony to be provided to the Planning Commission regarding Case No. CPC-ZC21-06 Minor Comprehensive Plan Amendment/Zone Change 2100 Doaks Ferry Rd NW, Salem, OR 87304

It includes our written testimony and Attachment 1: Decision Diagram. Please provide to the Planning Commission as our additional testimony during the open record period ending today at 5pm. Please confirm receipt of these two documents and their entry into the record. Thank you.

Steven A. Anderson, WSNA Land Use Chair





1 February 2022

**TO:** Salem Planning Commission

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

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

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

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

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



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

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

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

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

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





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

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

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

Respectively,

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

Cc:/ Michael Fretias, West Salem Neighborhood Association Chair

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

Is this land use action subject to OAR 660?



YES

Does this highway segment meet mobility targets?



NO

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

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



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



Land Use action increases average daily trips < 1,000

Not Significant



Land Use action increases average daily trips > 1,000



Requires Mitigation to achieve “no net impact”  
No Degradation

## Jamie Donaldson

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**From:** Carolyn Jones <cjgreenwade@yahoo.com>  
**Sent:** Tuesday, February 1, 2022 1:41 PM  
**To:** Jamie Donaldson  
**Subject:** CPC-ZC21-06  
**Attachments:** Personal Letter 2.pdf

Attached is my comment to entered into the record regarding the proposed zone change at the 2100 block of Doaks Ferry Rd NW

Sent from my iPad

February 1, 2022

From: Carolyn Jones, 2000 Landaggard Dr NW, Salem 97304  
To: City of Salem Planning Commission  
Re: Request for comments on Proposed Zone Change  
Case No. CPC-ZC21-06, 2100 Block of Doaks Ferry Rd NW

To Whom It May Concern:

My name is Carolyn Jones and I own and live at the above described property. I testified at the hearing on January 25th and am concerned about the impact this zone change would have on our community. I don't feel that Bonaventure addressed all the concerns we have and that their Traffic Impact studies did not reveal some of the sources they used to compile the information they provided. I also would ask the planning commission to come and evaluate this area themselves. I think you would see that our concerns are justified against this proposed zone change.

We also have become aware of a new multi family subdivision west on Orchard Hts Road not far from Landaggard. This will bring added traffic and congestion on an already highly traveled road. As I stated in my testimony on the 25th, we are not able to turn left from Landaggard during school opening and closing due to the number of cars waiting for children, cars exiting and cars attempting access into the high school. Two large multi family units would stress this intersection that already deals with traffic from five different schools within a few blocks.

I feel that further information is needed from the applicant before this zone change is voted on. I would hope that commissioner's would vote against this change or, at least, deny RM II in favor of RM I. We are not against progress, but would like to preserve the quality of our community and the surrounding neighborhoods. I would also request that this letter be submitted for the official record and that I receive a confirmation.

Sincerely,

Carolyn Jones

Encl:

## Jamie Donaldson

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**From:** Aaron Home E-mail <aronmichele@comcast.net>  
**Sent:** Tuesday, February 1, 2022 4:23 PM  
**To:** Jamie Donaldson  
**Cc:** Shelby Guizar  
**Subject:** Case CPC-ZC21-06 - Supplement to Record  
**Attachments:** Supplement to Record.docx

Dear Ms. Donaldson,

Attached please find supplemental written testimony for inclusion in the record for this case. Please advise when it has been so received. Thank you.

— Aaron Felton

Sent from my iPad

February 1, 2022

Re: Case No. CPC-ZC21-06

President Griggs and Commissioners,

I write to supplement my previous testimony submitted for the record in this matter. Again, I am opposed to the application for zone change to RM-2 and urge that it be DENIED.

Before you enter into deliberations, I invite the Commission as a whole, or commissioners on an individual basis to actually view the tracts of land in question and the surrounding neighborhood. Please come and walk Landaggard Drive and try to envision the extraordinary engineering it will require to turn this country road, tightly bordered by homes, into a collector street that meets city standards. Please drive the intersections of Orchard Heights, Doaks Ferry, and Landaggard during peak times when parents are dropping off their students at the schools and try to imagine the impact of even more traffic on this already overburdened area.

Secondly, granting the application and changing the zone from RA to RM-2 runs counter to the equity goals of the proposed Salem Area Comprehensive Plan which was developed as part of the "Our Salem" process. In particular, on p. 44 of the Comprehensive Plan it states that, "no neighborhood or group will be disproportionately burdened by Salem's growth." If the application is approved, the neighborhoods in the vicinity of Landaggard, Orchard Heights, and Doaks Ferry Roads will, since 2019, see the potential addition of close to 1000 multi-family units beginning with completion of the the 300+ unit Acero complex. Additionally, as has been noted in other testimony, the change in zoning on this 20 acre parcel from RA to RM-2 will result in a five fold increase in traffic on West Salem Roads. This dramatic increase in the volume of multi-family units and traffic would disproportionately impact this West Salem neighborhood relative to similarly situated neighborhoods throughout Salem.

Furthermore, this particular zone change proposal has been universally rejected throughout the public comment process. During last week's public hearing, the only persons offering testimony in favor of the application, were the applicants, their attorney, and a multi-family housing advocacy group from Portland. Speaking strongly against the application were neighbors and other persons with an actual stake in the local area.

Additionally in the online proposed zoning change comment map of the Our Salem project, public comments in regards to rezoning this area from RA to even MU were overwhelmingly against. It is interesting to note that even though the public comments as of June, 2021, do not favor multi family housing in this area it was, surprisingly, designated as such in later versions of the proposed comprehensive plan.

Consequently, the applicant has not met its burden for a quasi-judicial zone change in that the application does not meet the following criteria under SRC 265.005(e):

(iii). The proposed zone is not equally or better suited for the property than the existing zone.

Increases in traffic volume are incompatible with the existing neighborhoods and potential safety of residents.

(C) The proposed zone change is incompatible with the applicable provisions of the Salem Area Comprehensive Plan.

The proposed zone change in the application imposes a disproportionate and inequitable burden on the affected neighborhoods in regards to the growth of multi-family housing contrary to the stated housing equity goals of the comprehensive plan.

Thank you for your ongoing consideration.

— Aaron Felton

## Jamie Donaldson

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**From:** Robert Steele <sayheynap@gmail.com>  
**Sent:** Tuesday, February 1, 2022 4:53 PM  
**To:** Jamie Donaldson  
**Cc:** Christie Dalke  
**Subject:** 2100 Bock Doaks Ferry Rd NW

Having lived here for thirty years, for many in West Salem the quality of life of has been progressively degraded by population growth without adequate infrastructure improvements. Under the banner of providing affordable housing, Bonaventure/ Titan Hill paints an unbelievably rosy picture and proposes a development "like Acero" (a gated community that is definitely not "affordable" housing). If West Salem were a heart, it would be in extreme danger from multiple blocked arteries. Without stabilization, bypasses or stenting, its heart would inevitably leave its owner severely disabled or dead. New heart stressors are proposed.

I am not a Traffic Engineer, but like Dylan wrote, "you don't have to be a weatherman to know which way the wind blows." So here goes.

1) 1/22/20. On that day, the impeachment proceedings for President Trump began. The first infections of COVID in the US (Washington State) were announced the day prior and schools (including the five nearest to 2100 Doaks) were in the throes of the yearly winter absentee spike when the kids come back from Christmas break and spread flu, other respiratory illnesses and viruses around.

a) The background counts were undoubtedly low- my family lives on Doaks Ferry Rd on property adjacent to the proposed development; we minimize trips and we do not walk or bike on Doaks. The neighbors children and my grandson do not walk to schools (Kalapuya, Brush College, Straub Middle School) - they are close by but it is way too dangerous.

b) Hundreds, if not thousands, of multiple multi-family housing opportunities were not yet available (including the 316 units at Acero) that are now present more than two years later.

Is there any reason to believe the counts on a COVID winters' day 1/22/20 were accurate? Absolutely. There is an engineers stamp on the paperwork and with comparatively light traffic the counting should have been easy work.

Is there are reason to believe the counts from 1/22/20 would be reflective of a post-COVID, spring day in 2022 or beyond? Absolutely not. Cherry-picked data that do not represent the status quo let alone "normal" times should not be the foundation for justifying a zone change.

2) 9/16/21. The nation is in the middle of the worst pandemic of our lifetimes; huge portions of the population have lost their jobs, are working from home or are quarantined for fear of catching or spreading COVID. Many business have closed or reduced their hours and the public is advised to avoid gatherings and going out more than necessary. Large numbers of children are home-schooled or doing online learning for fear of COVID or disagreement with mask policies. Many others are quarantined by COVID or sick, caught in the usual uptick in illness that develops when kids go back to school from vacation .

a) For the 21-22 school year only, Salem-Keizer schools modifies historical school schedules to enable safe distancing on school buses (fewer kids on each bus) and because of bus driver shortages. Earlier and later start times and dismissals spread out among schools allow transit to be spread over many hours facilitating safe distancing between between bus riders and lessening driver shortages. Although traffic volumes are already low



because of multiple COVID impacts, the peak flows are also flattened out by this year's temporary school schedule changes.

Is there are reason to believe the counts from 9/16/21 would be reflective of a post-COVID, spring day in 2022 or beyond? Absolutely not. Cherry-picked data that do not represent "normal" times should not be the foundation for justifying a zone change.

No one disputes the fact that the proposed development will make existing traffic problems worse, so the applicant is really applying to rezone to the "Worst possible but still legal scenario." Existing "F" grades at intersections can't really get any worse- there is no "F-" option. "Mitigation" is simply an effort to put lipstick on a pig, arguing that the request can be made tolerably toxic by limiting traffic and prettying up the road fronting the development.

- 1) While described as a Major Arterial street, Doaks Ferry Rd is already a dangerous and woefully inadequate thoroughfare. "The standard for this street classification is a 68-foot-wide improvement with a 96-foot-wide right-of-way. Existing conditions—This street has an approximate 27-foot improvement within 60-to-85-foot-wide right of way abutting subject property." Indeed, Doaks Ferry does not even come close to qualifying as a Minor Arterial street; "The standard for this street classification is a 46 foot-wide improvement with a 72 foot right-of-way."
- 2). Not so long ago and a short piece down the street, the wife of the Republican gubernatorial candidate was killed trying to cross Doaks Ferry Rd. Not granting the rezoning application will not bring Selma or other fatalities on Doaks Ferry and Orchard Heights roads back to life, but the fact remains; these roads are extremely hazardous. Adding more traffic from a new development and gussying up small pieces of the dangerous, overcrowded roads fronting the subject property will almost inevitably lead to more accidents, more deaths, more injuries and more property damage.

Are these concerns "insignificant" or "de minimus"? I don't think so. The .003 and .02 fudge factors are completely un reassuring and largely irrelevant. We cannot be hoodwinked into accepting false premises (the inaccurate and undoubtedly grossly understated traffic counts) and multiplying them by a co-factor to conclude that impacts will be insignificant. Bad math, bad science, bad reasoning.

The undeniable truths here are these:

Doaks Ferry Rd, Orchard Heights Rd and the relevant intersections on Wallace Rd are inadequate for the traffic they bear.

The proposed development would make dangerous and bad situations worse.

The neighbors and people of West Salem, whose lives would be less safe and whose quality of life would suffer are solidly opposed to the rezoning.

If this were your heart, would you add additional stresses deemed "insignificant" or "de minimus"? Why would you take that risk or impose it on others?

Sincerely,  
Robert L Steele, MD

Most damage allowable. Mitigation