



POLK COUNTY

COMMUNITY DEVELOPMENT

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MEMORANDUM

TO: Polk County Board of Commissioners and Polk County Planning Commissioners

FROM: Austin McGuigan, Community Development Director
Mark Bernard, Senior Planner

DATE: October 5, 2016

SUBJECT: Legislative Amendment 16-02; Salem-Keizer Urban Growth Boundary Amendment and Amendments to the Polk County Transportation System Plan

ISSUE:

Should Polk County adopt the proposed amendments to the Polk County Comprehensive Plan Map (Attachment A) and Polk County Transportation Systems Plan (TSP) (Attachment B)?

RECOMMENDATION:

Staff recommends that Polk County adopt the proposed amendments to the Salem-Keizer UGB Comprehensive Plan Map and the Polk County TSP as set forth in Attachments A and B.

STAFF REPORT:

I. BACKGROUND

The proposed amendments to the Salem-Keizer Urban Growth Boundary (UGB) and Polk County Transportation Systems Plan (TSP) would accommodate the transportation need identified in the Salem River Crossing Preferred Alternative (Preferred Alternative). Selection of the Preferred Alternative occurred during a lengthy Environmental Impact Statement (EIS) process to comply with the National Environmental Policy Act (NEPA), which is required to receive Federal highway funding programmed through the Oregon Department of Transportation (ODOT) and the Federal Highway Administration (FHWA). Polk County has been participating in the Salem River Crossing (SRC) transportation planning process to identify the preferred location for a new bridge across the Willamette River in the Salem-Keizer area since 2006.

The Willamette River bisects the city of Salem and defines the boundary between Marion County on the east side of the river and Polk County on the west side. Within the city limits, the portion of Salem situated on the west side of the Willamette River in Polk County is referred to as West Salem. The greater urban area includes the cities of Salem and Keizer (adjacent to Salem to the north) and portions of unincorporated Marion and Polk Counties.

The Salem-Keizer UGB abuts the Willamette River for a distance of about 8.7 river miles. The existing Marion and Center Street Bridges were built at a relatively narrow point of the river and linked the early settlement areas on both sides of the river. This crossing location made perfect sense for cost and other reasons – and the efficiency and capacity of the existing crossing location has been maximized with substantial public investment and improvements over more than 100 years. North and south of the existing bridges, the floodway of the Willamette River is much wider. In addition, large and regionally

significant parks and natural areas (Wallace Marine Park, Riverfront Park and Minto Brown Island Park) are located on the river immediately north and south of the existing bridges.

As described in Section 2.1 of the Findings Report (Attachment D), the existing bridges play a critical role in regional traffic and freight movements:

- OR 22 carries pivotal truck freight traffic movements between I-5 on the east and the Oregon Coast on the west, as well as to businesses in the Salem-Keizer metropolitan area, and mid-Willamette Valley region.
- OR 22 provides key access for mid-Willamette Valley and north-Willamette Valley recreationists bound for the Oregon Coast, two of the state’s major gaming casinos¹, and a growing number of wineries - all of which are top recreation destinations in the state.
- The existing two bridges are the only Willamette River crossings within the Salem-Keizer metropolitan area. The next closest bridges are at Independence (approximately 11.5 miles southwest) and Newberg (approximately 23 miles north). The result is that traffic from a large area has only one point to cross the Willamette River.

Peak hour congestion at the existing bridgehead areas is increasing and projected to reach severely congested conditions by 2035 under the No Build scenario (see Table 11, Table 12 and Figure 19 of the Findings Report). As a result, the existing crossing has become a “choke point” in the regional system. A lack of alternate routes means that local, regional and statewide trips are all competing for the same capacity to cross the river. The existing bridges carry over 80,000 vehicles per day and all those vehicles are funneled through Salem’s downtown core area.

In addition, as described in Section 2.1.3.2 of the Findings Report, the existing bridges provide a critical east–west transportation link for regional emergency vehicle response. Polk County has designated these bridges as Priority 1 Lifeline Routes, which means they are considered essential for emergency vehicle response during the first 72 hours after an event. The only hospital in the Salem-Keizer metropolitan area, the City of Salem Police Department, and 9 of the 11 existing City of Salem fire stations are located east of the river (only one of the two fire stations in West Salem is currently in full time operation). When traffic incidents or other issues require closure of one or both bridges, traffic for emergency vehicles, passenger vehicles, public transportation, and freight is substantially disrupted due to the lack of alternate routes. The existing bridges can be converted to two-way operation only with significant time, effort, work crews, and equipment (see pages 21 to 22 of the Findings Report for details). This is particularly troublesome because, due to their age, neither of the existing bridges is designed to withstand a Cascadia Subduction Zone earthquake. Thus, there is a compelling regional need to improve the resilience of the transportation system in the Salem region in the event of an emergency.

The Salem Keizer Area Transportation Study (SKATS) 2015-2035 Regional Transportation Systems Plan (RTSP) (amended June 28, 2016) identifies the constraint created by the existing system: “Only two bridges cross the river (at Marion Street and Center Street in downtown Salem) resulting in congestion and significantly reduced connectivity between West Salem and the rest of the metropolitan area” (p. 3-3). It also includes a conceptual alignment for a new bridge crossing (project number R001), and includes the related surface street improvements to support a new crossing in the financially constrained project list (Marine Drive and related connections – project S297; Front Street widening and realignment - project S096).

¹ Spirit Mountain Casino in Grand Ronde and Chinook Winds near Lincoln City are both linked to the Salem area via Highway 22.

Further, all regional partners - Salem, Keizer, Polk County and Marion County - include discussion of and/or policies relating to planning for a new bridge crossing in their acknowledged TSPs.² The multi-year EIS process has also included consideration of state, regional and local transportation needs and extensive coordination with ODOT and regional partners.

The Federal Highway Administration published the Draft EIS for the SRC project in 2012. After the initial Oversight Team recommendation of 4D as the preferred alternative, the Salem City Council conducted a public hearing and convened a series of work sessions between November 2012 and May 2013 to discuss the preliminary recommendation of 4D, its potential impacts, and various options and alternatives.

Ultimately, the City Council rejected Alternative 4D and instead proposed a hybrid alternative (Salem Alternative). The Salem City Council concluded that the social, environmental and fiscal costs of Alternative 4D outweighed the benefits that the recommended improvements would provide when compared to the hybrid alternative. The revised alternative was intended to focus transportation improvements on what is most important to the City of Salem, and to minimize the negative impacts associated with the project.

As articulated by the City Council, the most important goal of the SRC Project is improvement of multi-modal access and connectivity between the east and west parts of the city. Specifically, the Salem Alternative:

- Improves Salem area street connectivity by providing residents with direct access between northeast and west Salem.
- Provides regional mobility through its inclusion of ramps connecting Marine Drive and OR 22, and direct surface street connections from the east bridgehead to the Salem Parkway.
- Improves cross-river bicycle and pedestrian access and connectivity by providing for complete multi-modal facilities that will allow citizens in neighboring areas access to regional parks and commercial areas on both side of the Willamette River. The Salem Alternative also prioritizes maintaining multi-modal connectivity for Front Street traffic.

In February 2014, the Salem River Crossing Oversight Team identified the Salem Alternative as the Preferred Alternative for consideration by elected and appointed officials. A description of the Preferred Alternative is included with this memo as Attachment D. Detailed analysis of the Preferred Alternative will be documented in the Final EIS, scheduled for publication in 2017. Elements of the Preferred Alternative include a proposed new bridge over the Willamette River, freeway ramps connecting the new bridge to Hwy 22 and a proposed new road, Marine Drive, to serve the bridge traffic which require an amendment to the Salem-Keizer UGB.

² The existing Salem TSP includes a discussion of the Salem River Crossing in the Street System Element, pages 3-22 and 3-23, “Long-range Transportation Strategy” chapter, including on pages 16-3 and 16-6 and the “Issues Requiring Future Study” chapter, page 18-1. The Polk County TSP includes policy 3.6, which states: “Polk County supports planning for and construction of, a third bridge over the Willamette River.” The Keizer TSP discusses the Salem River Crossing Project and UGB expansion in the chapter on “Outstanding Actions, Steps, or Refinements” on page 10-2. The SKATS 2035 RTSP references the Salem River Crossing Project in Chapters 5 & 7, including on pages 5-9 to 5-16 and 7-4 to 7-5. The Marion County Rural TSP discusses “Additional Crossings of the Willamette River in Chapter 13 – Long Term Transportation Issues (pages 13-5 to 13-6).

³ Salem City Council packet for June 24, 2013, *Salem River Crossing Preferred Alternative – Input from City Council to Regional Partners*, Agenda Item 4(d). <http://www.cityofsalem.net/CouncilMeetingAgenda/Documents/273/4d.pdf>

The cities of Salem and Keizer share a regional Urban Growth Boundary (UGB) that encompasses a total of about 43,464 acres. The UGB includes land on both sides of the Willamette River. The UGB was acknowledged by LCDC in 1982, and it has been amended twice in the past 34 years.⁴

Figure 2 of the Findings Report (Attachment D) shows the location of the current UGB for regional context and Figure 3 of the same report provides an expanded view of the proposed UGB expansion. As shown in both figures, there is a notch in the UGB at this location, with a distance of approximately 2,200 lineal feet to bridge the notch. The portion of the new bridge across the Willamette River is within the current UGB and Salem city limits.

The majority of the “footprint” for the Preferred Alternative is already inside the UGB, largely within existing right-of-way, and most of the traffic the project would accommodate would originate in or be destined to urban areas. Multiple jurisdictions and agencies were involved in the extensive NEPA process that led to selection of the Preferred Alternative.⁵ The proposal to amend the UGB puts the land use decision in a regional context as well, and requires that elected officials in Salem, Keizer, Polk County and Marion County all concur in the decision based on the standards for amendment of a UGB in Statewide Planning Goal 14 (Urbanization) and the Goal 14 administrative rule (OAR 660, Division 24).

The proposed UGB amendment would include an additional approximately 35.7 acres and would authorize transportation improvements to connect and support development of lands that are already within the current UGB. The amendment is based on the need for transportation improvements and no land is being added to the UGB for housing, employment or other forms of urban development. Following the proposed UGB amendment, Salem’s Parks-Open Space-Outdoor Recreation Comprehensive Plan designation would be applied to the 35.7 acre amendment area, and the current Polk County Exclusive Farm Use (EFU) and Mineral and Aggregate Overlay zones would be retained, until the area is annexed by the City.

The State Agency Coordination Rule (Oregon Administrative Rule 731-015-0075(3)) requires that ODOT rely on affected cities and counties to make all plan amendments and zone changes necessary to achieve compliance with the Statewide Planning Goals and compatibility with local comprehensive plans prior to completion of the Final EIS.

On August 8, 2016, Salem initiated the UGB Amendment, Greenway Goal Exception and amendments to the Salem TSP. All of the plan amendments within Salem’s jurisdiction will be processed as Major Comprehensive Plan Amendments in accordance with the procedures and criteria in Salem Revised Code 64.020. Additional procedures apply to the UGB amendment because it requires concurrence and approval by the City of Salem, the City of Keizer, Polk County and Marion County. Polk County Zoning Ordinance (PCZO) 115.040 sets forth the Polk County procedures for a legislative amendment. Legislative amendments can only be initiated by the Board of Commissioners after findings are made that the proposed change is in the public interest and would be of general public benefit. The City of Salem requested that the Polk County Board of Commissioners initiate its legislative amendment process on July 19, 2016. On August 10, 2016, the Polk County Board of Commissioners adopted Resolution 16-14 (Attachment C) initiating LA 16-02.

After a legislative amendment has been initiated, the Polk County Planning Commission must hold a public hearing as provided in Chapter 111 and submits its recommendation to the Polk County Board of Commissioners. On October 4, 2016, the Polk County Planning Commission held a work session to discuss the legislative process and procedures for LA 16-02.

⁴ In 1998, the UGB was amended to remove about 5 acres at the request of the property owner. In 2014, the UGB was amended to add 58 acres of parkland (Keizer Rapids Park) at the request of the City of Keizer.

⁵ The Oversight Team that selected the Preferred Alternative included elected officials from the City of Salem, City of Keizer, Polk County, and Marion County; the Board Chair of Salem-Keizer Transit District; and ODOT’s Region 2 Manager.

The Board of Commissioners must also hold a public hearing on the proposed plan amendment as provided in Chapter 111. Any plan amendment or reclassification of property must be by ordinance passed by the Board of Commissioners. Any denial of a proposed plan amendment must be by order.

Findings must support the need for the proposed transportation facility, and demonstrate that the proposed UGB expansion is consistent with State statute and rule, the Statewide Planning Goals, and Polk County's Comprehensive Plan policies. These findings of consistency with State statute and rule, the Statewide Planning Goals and each jurisdiction's Comprehensive Plan and Zoning Ordinance have been crafted by Salem's land use consultant, Angelo Planning Group, and are included as Attachment D to this Memo.

Coordinating a UGB amendment with Marion County and the cities of Salem and Keizer provides the maximum opportunity for public input on the proposed plan amendment. As a result, a coordinated public hearing with these governing bodies will be held on October 12, 2016 at 6:00 P.M. Notice of the October 12, 2016 coordinated public meeting was provided to the Department of Land Conservation and Development (DLCD) on September 7, 2016, was mailed to area property owners and interested parties on September 16, 2016 and was published in the Itemizer-Observer newspaper on September 21, 2016 in compliance with PCZO Sections 111.350 and 111.370.

At the October 12, 2016 coordinated public hearing each governing body will call its meeting to order, conduct roll call, and adopt the coordinated public meeting agenda and meeting procedures. Staff reports will be presented by each jurisdiction. The public will then have an opportunity to testify. After conducting the public hearing and receiving both written and oral testimony, Staff recommends that Polk County close the public hearings and hold the record open until 5 pm on October 19, 2016. The Polk County Planning Commission will reconvene at 6 pm on October 19, 2016 to deliberate and make a recommendation to the Board of Commissioners. The Polk County Board of Commissioners will reconvene on Wednesday, October 26, 2016 to consider all of the testimony and evidence and Planning Commission recommendation and make a final local decision.

After conducting the public hearing and receiving both written and oral testimony on October 12, 2016, Staff recommends that Polk County close the public hearings and hold the record open until 5 pm on October 19, 2016. After the record closes, Staff recommends that the Polk County Planning Commission deliberate and make a recommendation to the Polk County Board of Commissioners who would then, subsequently, consider all the testimony, evidence and Planning Commission recommendation and make a final local decision.

II. COMMENTS RECEIVED

Comments received by Polk County prior to October 5, 2016 are attached as Attachment F.

III. CRITERIA FOR LEGISLATIVE AMENDMENTS

A legislative amendment to amend the Polk County Comprehensive Plan Map and text and figures in the Polk County TSP may be approved provided that the request is based on substantive information that supports the change. In amending the TSP, Polk County shall demonstrate compliance with PCZO 115.060. The applicable review and decision criteria are listed in bold, followed by Staff's analysis and findings.

- (A) **Compliance with Oregon Revised Statutes, and the statewide planning goals and related administrative rules. If an exception to one or more of the goals is necessary, Polk County shall adopt findings which address the exception criteria in Oregon Administrative Rules, Chapter 660, Division 4; [PCZO 115.060(A)]**
- (B) **Conformance with the Comprehensive Plan (PCCP) goals, policies and intent, and any plan map amendment criteria in the plan; [PCZO 115.060(B)]**

(C) That the proposed change is in the public interest and will be of general public benefit; and [PCZO 115.060(C)]

(D) Compliance with the provisions of any applicable intergovernmental agreement pertaining to urban growth boundaries and urbanizable land. [PCZO 115.060(D)]

Staff Findings: Findings of consistency with State statute and rule, the Statewide Planning Goals and each jurisdiction's Comprehensive Plan and Zoning Ordinance have been crafted by Salem's land use consultant, Angelo Planning Group, and are included as Attachment D of this Memo. The findings in Attachment D demonstrate compliance with Polk County's criteria for a Legislative Amendment to the Polk County Comprehensive Plan Map and TSP, and are based on substantive information and an extensive factual base of information included in the record (including but not limited to the SRC Project DEIS and updated technical reports for the FEIS Preferred Alternative).

The Findings Report demonstrates compliance with Oregon Revised Statutes, the statewide planning goals and related administrative rules as required by 115.060(A). In particular:

- Chapter 3 (Urban Growth Boundary Amendment) provides findings to addresses Goal 14, OAR 660-24 (Urban Growth Boundaries), and relevant portions of Goal 12 and OAR 660-012 (the Transportation Planning Rule).
- Chapter 4 (TSP Amendments) provides findings to addresses other sections of Goal 12 and the TPR, and relevant goals and policies in local, regional and state transportation system plans.
- The City of Salem is taking an exception to Goal 15 (Willamette River Greenway) as part of the consolidated plan amendments. However, the portion of the Preferred Alternative within the Greenway is entirely within Salem's land use jurisdiction, and Polk County is not taking exceptions to any statewide goals.

The Findings Report demonstrates compliance with relevant goals, policies and intent statements in the Polk County Comprehensive Plan and Polk County TSP as required by 115.060(B). In particular:

- Findings to address relevant Polk County Comprehensive Plan goals and policies proposed UGB Amendment are provided in Section 3.2.2 (page 136).
- Findings to address relevant Polk County TSP goals and policies are provided in Section 4.2.3 (page 166).

The Findings Report demonstrates that approval of the consolidated plan amendments required for the SRC Preferred Alternative is in the public interest and will be of general public benefit as required by 115.060(C). In particular:

- Chapter 2 (Project Background) summarizes the project history, purpose and need and numerous transportation studies that have addressed the need for additional transportation capacity across the Willamette River. The NEPA process for the SRC Project also articulates the purpose and need for the project and Chapter 3 (Urban Growth Boundary) confirms this need in the context of Statewide Planning Goal 14.

The regional partners in the NEPA process for the SRC Project, including Polk County, have agreed in the selection of the Preferred Alternative. Proceeding with adoption of the package of consolidated plan amendments to authorize the components of the Preferred Alternative that are not already included in adopted TSPs is required as a key step that must be completed before the FEIS and a Record of Decision can be issued by the Federal Highway Administration.

The Findings Report demonstrates compliance with applicable provisions of the intergovernmental agreement between Polk County and the City of Salem as required by 115.060(D). In particular, this agreement recognizes that the City shall have the lead role in planning and implementation decisions relating to land added to the UGB. The agreement also lays out the coordination roles for land added to the UGB prior to annexation, and specifically references that County zoning (EFU in this case) is an appropriate zone to retain under the County's "Urban Reserve" plan designation prior to annexation.

IV. CONCLUSION

Based on the findings above, Staff concludes that the proposed amendments to the Polk County Comprehensive Plan Map and TSP would comply with all of the applicable review and decision criteria for a Legislative Amendment.

PLANNING COMMISSION ACTION:

After opening the public hearing and receiving testimony, the Planning Commissions options include the following:

- (1) Close the public hearing and hold the record open for until 5 pm on October 19, 2016 (written testimony must be received by the Polk County Planning Division by no later than 5 pm on Wednesday October 19. The Polk County Planning Division is located on the second floor of the Polk County Courthouse, 850 Main Street, Dallas, OR); and
- (2) The Planning Commission will reconvene on October 19, 2016 at 6 pm to consider the testimony and evidence, deliberate and make a recommendation to the Polk County Board of Commissioners; or
- (3) Other.

BOARD OF COMMISSIONERS ACTION:

After opening the public hearing and receiving testimony, the Board of Commissioners options include the following:

- (1) Close the public hearing and hold the record open for until 5 pm on October 19, 2016 (written testimony must be received by the Polk County Planning Division by no later than 5 pm on Wednesday October 19. The Polk County Planning Division is located on the second floor of the Polk County Courthouse, 850 Main Street, Dallas, OR); and
- (2) The Board of Commissioners will reconvene on October 26, 2016 at 9 am to consider the testimony, evidence, and Planning Commission recommendation, deliberate and make a final local decision; or
- (3) Other.

ATTACHMENTS:

- A - Proposed Comprehensive Plan Map Amendment
- B - Proposed Amendments to the Polk County Transportation Systems Plan
- C - Resolution 16-14
- D - Findings Report
- E - Salem River Crossing Preferred Alternative
- F - Comments received by Polk County prior to October 5, 2016