



Staff Report

File #: 16-269

Version: 1

Date: 10/10/2016

Item #: 7.1a.

TO: Mayor and City Council

THROUGH: Steve Powers, City Manager

FROM: Peter Fernandez, PE, Public Works Director

SUBJECT:

Ordinance Bill No. 14-16 making major comprehensive plan amendments pertaining to the Salem River Crossing Preferred Alternative.

Ward(s): 1, 5, and 8

Councilor(s): Bennett, Dickey, Lewis

Neighborhood(s): Highland and West Salem

ISSUE:

Shall the City Council conduct first reading of Ordinance Bill No. 14-16, which makes major comprehensive plan amendments pertaining to the Salem River Crossing Preferred Alternative?

RECOMMENDATION:

Conduct first reading of Ordinance Bill No. 14-16 (Attachment 1), which makes major comprehensive plan amendments pertaining to the Salem River Crossing Preferred Alternative.

SUMMARY AND BACKGROUND:

The Salem River Crossing refers to the environmental planning process in which the City of Salem has been participating to identify the preferred location for a new bridge across the Willamette River in the Salem-Keizer area. The Federal Highway Administration published the Draft Environmental Impact Statement (DEIS) for this project in 2012. In February 2014, the Salem River Crossing Oversight Team advanced the Salem River Crossing Preferred Alternative to the Final Environmental Impact Statement.

The State Agency Coordination Rule (Oregon Administrative Rule 731-015-0075(3)) requires that the Oregon Department of Transportation (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 Environmental

Impact Statement.

The City must take a number of land use actions in order to demonstrate compliance with statewide planning goals and compatibility with the *Salem Area Comprehensive Plan*. The land use actions include: amending the *Salem Transportation System Plan* (Salem TSP), modifying the Urban Growth Boundary (UGB), amending the Salem Area Comprehensive Plan Map, and taking an exception to Statewide Planning Goal 15 (Willamette River Greenway).

The UGB amendment is a "regional policy" decision under the comprehensive plans of City of Keizer, Marion County, and Polk County, in addition to the City of Salem. All affected jurisdictions must concur with the proposed amendment.

After the City of Salem's first reading of the ordinance, the four jurisdictions will conduct a joint hearing to consider the matter. This hearing is set for 6:00 p.m. on Wednesday, October 12, 2016, and will take place at Salem's *Center 50+*. Following the joint hearing, each jurisdiction will reconvene separately and in their respective jurisdiction to take action. As set forth in the Regional Procedures and Policies Section of the *Salem Area Comprehensive Plan*, the other jurisdictions must take action at least 15 days prior to the City's final action on the proposed amendments.

FACTS AND FINDINGS:

Initiation of Plan Amendments

On August 8, 2016, the Salem City Council adopted Resolution No. 2016-35, initiating major comprehensive plan amendments pertaining to the Salem River Crossing Preferred Alternative. These amendments are being processed together as Land Use Application Case No. CA16-04. A web page has been created to share case file records and testimony (www.cityofsalem.net/CA16-04 <<http://www.cityofsalem.net/CA16-04>>).

Polk County, the City of Keizer, and Marion County all initiated their respective actions by resolutions, which are available in the case file.

Notice of the proposed amendments was submitted to the Department of Land Conservation and Development on September 7, 2016.

The Salem River Crossing Preferred Alternative

The process that was followed that resulted in the Salem River Crossing Preferred Alternative is described in Chapter 2 of the Findings Report. Three key points:

1. The Salem City Council rejected the alternative originally recommended by the Salem River Crossing Oversight Team, known as Alternative 4D, and instead supported a hybrid alternative, called the Salem Alternative.
2. The Council concluded that the social, economic and fiscal costs of Alternative 4D outweighed the benefits that these recommended improvements would have provided.

3. The Salem Alternative is 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 City Council, one of the important goals of the Salem River Crossing is to improve multi-modal access and connectivity between the east and west parts of the Salem.

Specifically, the Salem Alternative:

- Provides regional mobility by: (1) including ramps connecting Marine Drive NW and Highway OR 22, and: (2) making direct surface street connections from the east bridgehead to the Salem Parkway.
- Improves Salem area street connectivity by providing residents with direct access between north Salem and west Salem.
- Improves bicycle and pedestrian access and connectivity across the Willamette River by providing for complete multi-modal facilities that will allow residents in neighboring areas access to regional parks and commercial areas on both sides of the river. The Salem Alternative also prioritizes maintaining multi-modal connectivity for Front Street NE traffic.
- Reduces potential negative impacts by limiting the size of the bridge to four lanes instead of the originally proposed six. The Salem Alternative also reduces the amount of elevated structure on both sides of the river.

One of the refinements made to the "Salem Alternative" before it could be approved as the "Preferred Alternative" involved Rosemont Avenue NW. Specifically, in the Preferred Alternative, the Rosemont Avenue NW exit from OR 22 is assumed closed. This is necessary to avoid the otherwise substantial impacts to businesses along the south side of Edgewater Street NW. Salem City Council, however, could not approve this closure unless language was incorporated into the preferred alternative requiring an alternative plan for access. Accordingly, the City's adoption of the "Salem Alternative" as the Preferred Alternative includes the following statement:

Access to OR 22: The City will not support closure of the exit at Rosemont Avenue NW until a facility plan has been adopted that addresses access to the southwest portion of west Salem from westbound OR 22. The City further supports design efforts to reduce the length of bridge structure along the riverbank associated with the eastbound OR 22 ramp to Marine Drive NW.

An overview of the Salem River Crossing Preferred Alternative, including maps, is included as Attachment 2.

Summary of Required Land Use Actions

The following four land use actions are necessary for the Salem River Crossing Preferred Alternative

to achieve compliance with statewide planning goals and compatibility with the Salem Area Comprehensive Plan:

1. Amend the Salem TSP to include the Salem River Crossing Preferred Alternative and make associated changes to maintain consistency with the Salem TSP and the *Salem Area Comprehensive Plan*.
 - a. The map changes are illustrated on Attachment 3, *Salem River Crossing Preferred Alternative TSP Amendments*. In addition, all maps that include the portion of the UGB subject to this amendment will be amended to show the new UGB. Note that the future Marine Drive NW is already in the Salem TSP; the proposed amendment is to change its classification from collector to minor arterial for the portion of Marine Drive NW south of Hope Avenue NW.
 - b. Text amendments to the Salem TSP are proposed to describe the Salem River Crossing Preferred Alternative, set policy direction regarding future design and mitigation, and update previous references to this process. The description of the Salem River Crossing Preferred Alternative and associated design mitigations is excerpted in Attachment 4. The full text of proposed changes is included in Exhibit 2 of Ordinance Bill No. 14-16.
2. Amend the UGB to include land needed to accommodate the Salem River Crossing Preferred Alternative, including portions of the planned Marine Drive NW (Attachment 5) and amend the Comprehensive Plan Map to apply the *Salem Area Comprehensive Plan* designation of “*Parks/Open Space/Outdoor Recreation*” (Attachment 6).
3. Take an exception to Statewide Planning Goal 15 (Willamette River Greenway) to allow roadway and bridge structure in the Greenway boundary. A figure showing the Salem River Crossing Preferred Alternative footprint with the Willamette River Greenway boundary is included as Attachment 7.

These amendments are further described in Section 1.3 of the Findings Report (Ordinance Bill No. 14-16, Exhibit 1).

Amending the Salem TSP, amending the UGB, amending the Comprehensive Plan Map, and taking an exception to Statewide Planning Goal 15 are considered major comprehensive plan amendments under *Salem Revised Code* (SRC) 64.020(b).

Amending the Salem TSP, amending the UGB, and taking an exception to the Willamette River Greenway Plan, as well as amending the Comprehensive Plan Map, will require amendments to their respective definitions included in SRC 64.005.

Summary of Key Findings to Support Plan Amendments

The criteria and findings that support the proposed land use actions are included in the Findings Report, which is provided as Exhibit 1 of Ordinance Bill No. 14-16 (Attachment 1). Some of the criteria support land use actions being considered by partner jurisdictions, such as amending the Polk

County *Transportation System Plan*. These criteria do not apply to the City decision, but are included in the Findings Report owing to the regional nature of this project.

The following is an overview of key criteria and findings for each of the actions summarized above, with references to the applicable sections of the Findings Report. This overview is not intended to be inclusive; for a full listing of criteria and associated findings refer to the Findings Report.

1. Findings in Support of Salem TSP Amendments

A primary criterion for amending the Salem TSP is Statewide Planning 12 (Transportation) and the relevant portions of OAR 660, Division 12 (the Transportation Planning Rule or TPR) which implements Goal 12("To provide and encourage a safe, convenient and economic transportation system."). Findings of consistency with these criteria are included in Chapter 4 of the Findings Report.

a. Determination of Transportation Need (OAR 660-012-0030).

The findings addressing this need are included in Section 3.1.3 of the Findings Report, including transportation needs that are both regional and local in nature.

Regional needs relate to movement of freight, access for recreationists bound for top recreation destinations in the state, and overall regional connectivity due to distances between river crossings in the mid-Willamette Valley. Peak hour congestion at the existing bridgehead areas is projected to reach severely congested conditions by 2035 under the "No Build" scenario and the existing crossing will have become a "choke point" in the regional system. A lack of alternative routes means that local, regional, and statewide trips will all be competing for the same capacity to cross the river. The existing bridges in Salem at Center Street NE and Marion Street NE carry over 80,000 vehicles per day and all of those vehicles are funneled through Salem's downtown core. The regional need for another bridge crossing is identified in the *Regional Transportation System Plan (SKATS, 2015-2035)*.

Local transportation needs are similar to regional needs, which include: lack of alternate routes, limited multimodal connectivity between west Salem and the rest of the city, and challenges in maintaining emergency response capabilities in the event of a bridge closure. In addition to the difficulties presented by a lack of system connectivity, the congestion at the bridgeheads creates problems for achieving goals related to urban development in the downtown core and the west Salem commercial district. Both of these areas have urban renewal districts that are working to enhance streetscapes and improve connectivity and circulation for alternative modes.

b. Evaluation and Selection of Transportation System Alternatives (OAR 660-012-0035).

The selection of the Preferred Alternative was the result of an evaluation of alternatives that included the components listed in this section of the TPR. As summarized in Chapter 2 (Project Background) of the Findings Report, the *General Corridor Evaluation (2002)*, the *Alternate Modes Study (2010)*, and the *SRC Project DEIS (2012)* included a

robust consideration of alternative modes, Transportation System Management (TSM), and Transportation Demand Management (TDM) to determine if any of these measures could reasonably meet transportation needs, either alone or in combination. The *Bridgehead Engineering Study* (1998) focused on implementing improvements to the existing bridges to maximize capacity and efficiency, thereby deferring the need for new facilities. Section 2.4.2 of the Findings Report documents why a stand-alone alternative that only included alternate modes, TSM, and TDM could not reasonably meet the identified transportation needs.

Additionally, the No Build and all of the Build Alternatives were evaluated assuming that the future peak-hour traffic volumes across the river would be eight percent less than those forecast in the Salem-Keizer Area Transportation Study (SKATS) regional traffic model. [Note: Traffic volumes were estimated for year 2031 for the DEIS and year 2040 will be used for the Final Environmental Impact Statement.] Furthermore, TSM, TDM, and a substantial increase in the use of alternative modes of transportation were all built into the transportation modeling for the Salem River Crossing project to ensure that the future need of highway capacity was not overstated.

Finally, the proposed TSP amendments will increase transportation choices and make walking, cycling, and using transit more convenient because the new infrastructure will provides new access for these modes to areas around the bridgeheads, which is consistent with the requirements of the TPR.

2. Findings in Support of Urban Growth Boundary Amendment

A primary criterion for amending the Urban Growth Boundary is Statewide Planning 14 (Land Need) and the relevant portions of OAR 660, Division 24, which implements Goal 14. Findings of consistency with these criteria are included in Chapter 3 of the Findings Report. Goal 12 (Transportation) and the Transportation Planning Rule (OAR 660-012-0030) set the context for this UGB amendment based on a specific transportation need, as discussed above. Chapter 2 of the Findings Report provides the project background, including a history of earlier transportation studies, a description of alternatives considered in the Salem River Crossing project DEIS, and reasons for selecting the Preferred Alternative.

a. Land Inventory and Response to Deficiency (OAR 660-024-0050)

This section of the Oregon Administrative Rules requires that, "Prior to expanding the UGB, a local government must demonstrate that the estimated needs cannot reasonably be accommodated on land already inside the UGB." The DEIS documents the development of the alternatives for analysis. Of the eight build alternatives, only Alternative 2A, which widens the existing Marion Street and Center Street Bridges, is fully contained within the UGB. However, Alternative 2A was not selected as the preferred alternative for several reasons:

i. *Improving Existing Bridge Footprint will not Meet Purposes and Needs*

Section 3.1.4.1 of the Findings Report documents that improvements within the existing bridge footprint cannot reasonably meet the identified purposes and

needs for the project, including reducing congestion levels at the existing bridgeheads, and addressing safety and operational deficiencies on the existing bridges and in the study area where crash rates are higher than average.

- ii. Alternative 2A Cannot Reasonably Accommodate the Transportation Needs
Section 3.1.4.2 of the Findings Report addresses to this point and concludes that Alternative 2A (the addition of new travel lanes to the existing Center and Marion Street Bridges) cannot reasonably accommodate the transportation need. The significant issues that make Alternative 2A an unreasonable solution to the identified transportation need are summarized below and documented in greater detail in the Findings Report.
- (a) Does not reduce congestion in downtown Salem.
The existing system funnels traffic to one crossing. Although capacity is added at the bridgehead intersections with Alternative 2A, the adjacent intersections within the downtown grid are also capacity-limited and are not likely to be modified with Alternative 2A, thus expanding the congestion problems further into downtown Salem.
- (b) Does not distribute traffic within the transportation system.
The population of west Salem will grow significantly over the next 20 years, and that growth will occur primarily on residential land located one to two miles north of the existing bridges. Alternative 2A requires that growth be funneled to the existing sole river crossing, thereby concentrating more traffic along Wallace Road and requiring widening and access restrictions within commercial sections of west Salem. With Alternative 2A, Wallace Road was proposed to be widened from the current four lanes to six lanes (three lanes in each direction) between the existing bridges and Glen Creek Road NW, plus accompanying necessary turn lanes.
- (c) Does not provide alternate routes for emergency responders.
Alternative 2A does not provide another option for emergency vehicles to travel, in the event the existing crossing is not available.
- (d) Does not provide an alternate route for regional trips.
Alternative 2A maintains the existing connections that require all trips to cross the river at one location.
- (e) Does not enhance multimodal connectivity.
Alternative 2A would require removal of existing bicycle and pedestrian facilities on the Marion and Center Street bridges, which would further exacerbate existing multimodal safety and connectivity issues across the river.
- (f) Does not support planned land uses in Downtown Salem and the Wallace

Road / Edgewater areas.

Alternative 2A reinforces the challenges faced by these key areas because it does little to balance the needs of through-traffic with the desire for walkable business districts.

b. Plan Designation and Zoning (OAR 660-024-0050(6)-(7)).

The City of Salem will apply a *Parks/Open Space/Outdoor Recreation* (POS) plan designation to the 35 acres added to the UGB. The Comprehensive Plan describes open space as follows:

Open space may be categorized as space which is incorporated into the design of a development and that which is maintained, at least in part, by natural conditions which limits more intensive use.

The plan specifically references the following under the heading of "Natural Open Space":

- Willamette River
- Agricultural land within the Floodplain
- Aggregate mining and directly related industrial use in the Floodplain

Polk County's current Exclusive Farm Use (EFU) zoning will be retained, at least on an interim basis. Polk County will earmark the land as a planned transportation facility. Ultimately, the City of Salem may annex the land and apply the Public Amusement (PA) zone, which implements the POS plan designation.

c. Evaluation of Land in the Study Area for Inclusion in the UGB; Priorities (OAR 660-024-0067)

The top three priorities of land to consider for inclusion in the UGB are not applicable. All of the build alternatives outside the UGB impact designated Agricultural land, and the impacts are not substantially different because similar lands are affected. The Preferred Alternative, and all of the Build alternatives evaluated in the DEIS, are located in close proximity to the current UGB. In contrast to larger blocks of designated Agricultural land further north of Riverbend Road NW, the affected area is a "notch" in the current UGB and land use patterns and parcel sizes are already shaped by: 1) the proximity of urban development to the west of the Marine Drive NW Extension; 2) the extensive floodplain; and 3) the existing and future aggregate extraction area to the east.

3. Findings in Support of Greenway Goal Exception

Statewide Planning Goal 15 is intended to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River as the Willamette River Greenway. Within urban areas, Goal 15 and OAR 660-004-0022(6) prohibit siting of uses or structures that are not considered water-

dependent or water-related within the Greenway setback line without taking an exception. Roads and highways are generally not considered water-dependent or water-related uses, therefore an exception is required. Criteria and findings to support taking an exception to Goal 15 are documented in Chapter 5 of the Findings Report.

- a. *OAR 660-004-0022(6)* provides guidance on specific reasons that can be used to support an exception to Goal 15. These reasons and associated findings are documented in Section 5.1.2.1 of the Findings Report and summarized below. The findings in Sections 5.1.2.2 through 5.1.2.6 address the more general exception requirements of OAR 660-004-0020 and the provisions in OAR 660-004-0018 relating to planning and zoning for exception areas.
 - i. *Greenway Values - Natural Qualities*

Based on evidence in the DEIS and FEIS technical report addendums in the record, the Preferred Alternative will not have a significant adverse effect on Greenway natural values at the new bridge crossing locations or where the footprint of OR 22 is expanded onto the riverbank.
 - ii. *Greenway Values - Scenic Qualities*

Based on the evidence in the DEIS and the Visual Resources Technical Report Addendum (2016), the Preferred Alternative will not have a significant adverse effect on Greenway scenic values. In addition, the new bridge, and associated bicycle and pedestrian facilities on and off the bridge, would provide additional opportunities for views of the Willamette River, McLane Island, and Wallace Marine Park and riparian areas that are not available today. In the subsequent Greenway Development Permit phase, the public and decision-makers will have an opportunity to review the bridge design details, bicycle facilities, pedestrian facilities, and amenities to ensure that the new bridge results in an overall net positive impact on the visual and scenic quality of the Willamette River Greenway.
 - iii. *Greenway Values - Historical Qualities*

Based on the evidence in the record, the Preferred Alternative will not have an adverse impact on properties either designated as, or eligible to be National Register of Historic Properties within the Greenway Overlay. Therefore, the Preferred Alternative will not have a significant adverse effect on Greenway historic values.
 - iv. *Greenway Values - Agricultural Qualities*

There are no designated agricultural lands within Salem's Greenway Overlay. Therefore, this provision is not applicable to the Greenway goal exception.
 - v. *Greenway Values - Economic Qualities*

The Preferred Alternative would displace only a few businesses within the

Greenway Overlay. In addition, refinements to the Preferred Alternative (following the initial recommendation of Alternative 4D) were intended in part to minimize impacts on the Edgewater and North Salem Business Districts. The Preferred Alternative will not have a significant adverse effect on Greenway economic values in terms of existing commercial uses of the waterway or water-dependent or water-related uses, or on business districts in proximity to the new bridge crossing or the Marine Drive NW to OR 22 ramps.

vi. Greenway Values - Recreational Qualities

The Preferred Alternative would permanently incorporate approximately 1.4 acres of land from Wallace Marine Park for placement of bridge footings in the northern area of the park. This affected area is undeveloped and contains predominantly non-native forest and other vegetation such as invasive blackberries. Construction of the Marine Drive NW connection to OR 22 would incorporate a thin strip of land from the western edge of the park for installation of piers and footings for the fly-over ramp. The ramps to OR 22 will cross over the Union Street Pedestrian Path, but the recreational function of the path will continue. The Preferred Alternative would not negatively impact the primary active areas of Wallace Marine Park. Prior to project construction, ODOT and the City of Salem would coordinated with the Oregon Parks and Recreation Department and the National Park Services regarding potential conversion and replacement properties associated with the Preferred Alternative. Based on the above information, it is determined that the placement of fill within the Greenway to construct the Preferred Alternative will have some adverse effect on Greenway recreational values, however the overall effect is small and does not rise to the level of being a significant adverse effect.

a. Sites Available for Water-Dependent or Water-Related Uses

The Preferred Alternative will not significantly reduce the sites available for water-dependent or water-related uses in Salem.

b. Significant Public Benefit

The findings for the UGB amendment (Chapter 3) and the TSP amendments (Chapter 4) address the transportation need for the project and document that the project will provide a significant public benefit.

c. Salem Area Comprehensive Plan - Willamette River Greenway Plan

Salem's *Willamette River Greenway Plan* is adopted as a component of the *Salem Area Comprehensive Plan*. In addition, Salem has adopted specific code regulations for the Willamette River Overlay in SRC Chapter 600. Because roads and highways are not generally considered a water-dependent or water-related uses under Goal 15, a Greenway goal exception must be approved as a first step. Compliance with the other

relevant policies in Section IV.O of the *Salem Area Comprehensive Plan* will be addressed in the subsequent Greenway Development permitting process set out in SRC Chapter 600.

4. Additional Findings in the Findings Report

a. Chapter 6

This chapter (Findings Addressing Other Statewide Planning Goals and Administrative Rules) considers and makes findings addressing:

- i. Relevant Statewide Planning Goals and related Administrative Rules. The Statewide Planning Goals are applicable to all of the plan amendments.
- ii. The findings generally address the consolidated plan amendments for the Preferred Alternative as a whole. However, the findings address Goal 5 (mineral aggregate site) are only applicable to the UGB Amendment.
- iii. Findings in other chapters are cross-referenced for Goal 12 (Transportation), Goal 14 (Urbanization), and Goal 15 (Willamette River Greenway).

b. Chapter 7

This chapter (Findings in Support of Plan Amendments Package: Local Policies and Regulations) considers and makes findings addressing procedures and criteria applicable to the consolidated plan amendments.

- i. SRC Chapter 64 - Procedures and Criteria for Major Comprehensive Plan Amendments (applicable to UGB Amendment, Salem TSP Amendments, and Greenway Goal Exception)
- ii. Salem Area Comprehensive Plan - Section III, Regional Procedures and Policies (applicable to UGB Amendment)
- iii. Polk Council Development Code Chapter 115 (not applicable to City of Salem)

Public Involvement

Public involvement has been extensive for the Salem River Crossing project. To date, public involvement has included open houses and public hearings by the regional project team as well as public hearings before the Salem City Council. *Salem River Crossing Project EIS, Public Involvement Summary*, CH2M, July 2016, (available in the case file) provides an overview of public involvement conducted throughout the Salem River Crossing Project.

Specific to the land use actions, staff provided an overview of the upcoming land use actions at the West Salem Neighborhood Association on August 15, 2016, and offered to attend the September meeting of the Highland Neighborhood Association. Notice of the joint public hearing on October 12,

2016, was provided as required by SRC 300.1110. In addition to the required mailing, the City mailed notice to property owners within the footprint of the Preferred Alternative and to property owners within approximately 500 feet of the proposed Urban Growth Boundary amendments in Polk County. Polk County, Marion County, and Keizer also mailed notice as required by their respective codes.

Robert D. Chandler, PhD, PE
Assistant Public Works Director

Attachments:

1. Ordinance Bill No. 14-16
2. Overview of Preferred Alternative
3. *Salem River Crossing Preferred Alternative TSP Amendments*
4. Proposed Addition to *Salem Transportation System Plan* Street System Element
(Excerpted from Ordinance Bill No. 14-16, Exhibit 2)
5. Proposed Urban Growth Boundary Amendment
6. City of Salem Proposed Comprehensive Plan Designations
7. Salem River Crossing Preferred Alternative within Greenway Overlay

09/27/2016