

# **Salem River Crossing Proposed Land Use Amendments**

## **Draft Summary of Responses to Public Testimony**

**Prepared November 4, 2016**

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This document briefly summarizes substantive issues raised during testimony submitted in relation to proposed amendments to the Salem Keizer Urban Growth Boundary, the Salem Transportation System Plan, the Polk County Transportation System Plan, and an exception to Statewide Planning Goal 15 (Willamette River Greenway). The responses here reflect the Findings prepared in support of the amendments as well as additional evidence added to the record during the Open Record Period associated with a multi-jurisdictional public hearing conducted on October 12, 2016.

The document is organized by issue. The issues are stated as paraphrased comments or statements provided in testimony. Many of the issues were raised by multiple commenters and have been further paraphrased or combined. Information in this document will be incorporated in a set of Supplemental Findings to be submitted in conjunction with ordinances proposed for adoption by the cities of Keizer and Salem and Marion and Polk Counties. Additional information and citations to specific documents and evidence will be included in those supplemental findings.

### **Paraphrased Testimony Issue #1. *Alternative 2A can reasonably meet the project needs and is less impactful than the Preferred Alternative.***

While Alternative 2A would cost less to build and result in fewer dislocations than the Preferred Alternative, Alternative 2A would not address key aspects of the needs identified for this project and is inferior to the Preferred Alternative in a number of respects, including:

- Would continue to funnel all traffic into and through downtown and contribute to related livability issues.
- Would result in a bridge that is too large in the context of connecting infrastructure at either end of the bridge.
- Has significant operational issues in relation to connections to facilities at either end of the bridge.
- Would not be able to provide multi-modal (bicycle/pedestrian) facilities.
- Does not provide redundancy which is important for emergency preparedness and resiliency.

**Paraphrased Testimony Issue #2. Improvements to the existing bridges must be considered prior to consideration of a new river crossing.**

It is true that improvements to the existing bridge must be considered as part of this process. However, state and federal requirements do not preclude simultaneous consideration of a new facility along with improvements to the existing bridges. Over the last several decades, a variety of improvements have been considered and made to the existing bridges. Those improvements are described in the Land Use Findings and further detail will be provided in the Supplemental Findings. In addition, the No Build alternative and all build alternatives included modifications to the existing bridgeheads that are already adopted in the Regional Transportation Systems Plan. Separately, Alternative 2A proposed adding lanes to the existing bridges. However, as noted elsewhere in this document, that alternative fails to adequately address key elements of the project's goals and objectives and was not chosen as the preferred alternative for that reason.

**Paraphrased Testimony Issue #3. Alternative 2A should have included additional components, including transportation demand management strategies and other physical improvements.**

One of the commenters enumerated additional potential elements that, in the commenter's opinion, should have been included in Alternative 2A. In fact, that alternative included a variety of physical improvements and strategies to reduce traffic congestion, including some of those noted by the commenter. For example, all "build" alternatives (including the Preferred Alternative) assumed a set of transportation demand management and transportation system management (TDM and TSM) measures, such as ones which were evaluated as part of the Alternative Modes Study prepared concurrently with the EIS process. While aggressive implementation of these strategies is estimated to result in a further reduction in traffic of eight percent, that is still not enough to solve the transportation issues identified in the project's purpose and need statement.

**Paraphrased Testimony Issue #4. The thresholds analysis used in draft EIS documents is flawed in a variety of ways.**

One commenter described a number of issues associated with a "Thresholds Analysis" that was included in early draft of the FEIS Land Use Technical Report. However, that analysis was not included in the Final Technical Report or in the Findings prepared in support of the proposed UGB analysis and was not ultimately used to justify the UGB expansion. As a result, much of that testimony is not relevant to the decision at hand. In cases where the comments on the Thresholds Analysis are related to specific land use findings, they will be addressed in Supplemental Findings.

**Paraphrased Testimony Issue #5. *The Preferred Alternative should not be carried forward due to the relatively high cost of the new crossing and because potential funding sources are not guaranteed.***

This is a valid policy question, but the amount of the cost and certainty of funding it is not a criterion for this land use decision. In addition, a cost-benefit analysis is not required for either the EIS process or the findings required for the UGB amendment or the TSP and Comprehensive Plan amendments. That said, the issue of cost is addressed in the UGB amendment findings with the following language: *Portions of the project will likely be under the jurisdiction of the State (ODOT), while other portions will be maintained and operated by the City. The overall project is a high priority for the City of Salem, but given the significant costs, it will likely be designed and constructed in phases. Costs associated with the Salem River Crossing Preferred Alternative (\$425M) are noted in the High Priority Street Improvement Projects Table of the proposed Salem TSP amendments, with a footnote that costs will be shared by Local, State, and Regional partners.* Clearly, there is awareness that funding is a significant issue to be addressed as the project moves forward.

However, approval of funding is not feasible without completing the EIS process and the EIS process cannot be completed without approval of the UGB amendment process. Furthermore, implementation of the project will require significant partnerships and phasing to make it a reality. These partnerships and decisions cannot be made until the footprint and general design are established, which also requires completion of the UGB amendment process. For all these reasons, it is not feasible to have an approved funding plan at this stage in the planning process.

**Paraphrased Testimony Issue #6. *An exception to Statewide Goal 12 (the Transportation Planning Rule) is required for approval of the UGB amendment and has not yet been justified.***

This is incorrect. A goal exception is required where it is not otherwise possible to comply with the statewide planning goals. If it is possible to justify a UGB amendment, then it is possible to comply with the goals and no exception is needed. The provisions cited in relation to a Goal 12 exception (660-12-0070) apply to certain transportation improvements on rural lands. Through the UGB amendment, these lands are converted to urban and urbanizable lands. As a result, no exception is required.

**Paraphrased Testimony Issue #7. *The Preferred Alternative continues to result in congestion at a number of study area intersections and is therefore inconsistent with project goals and not superior to Alternative 2A.***

It is true that some intersections in the study area will remain congested in the future under the Preferred Alternative. However, this alternative improves performance of the transportation system overall in comparison to the No Build alternative and Alternative 2A. Improvements to the overall system and the portions of the system associated with the existing bridges and downtown Salem are a key objective of the project. There is no review standard that requires that the proposed alternative must result in less congestion than the no-build at every affected intersection or at some minimum number of intersections.

**Paraphrased Testimony Issue #8. *Closure of the Rosemont Ramps will have a significant adverse impact on traffic in the study area.***

The project assumes future closure of the Rosemont Avenue off-ramp with the possibility of relocating it to Eola Drive or further west. The primary reason for the closure of the westbound Rosemont off ramp is the short weave distance and the anticipated high volume of traffic that would be using both ramps. Illustrations entered into the record illustrate these unsafe conditions. During peak traffic periods, the weave movement would be heavier, resulting in this area becoming congested as drivers slow down to make the weave movement. The potential for conflict would occur during all periods of the day, but would likely be more severe during the off-peak periods when speeds would be higher. The DEIS and Land Use findings state that the potential relocation of the Rosemont Interchange to Eola will be deferred pending development of a Facility Plan for OR 22 to be prepared by ODOT in coordination with local jurisdictions (Salem and Polk County). That Facility Plan will identify measures to mitigate any adverse impacts of the Rosemont closure and strengthen beneficial impacts. The City adoption of the Preferred Alternative into the Salem Transportation System Plan includes the following language:

*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.*

**Paraphrased Testimony Issue #9. *The population projections used as part of the analysis were incorrect and significantly overestimate future population growth.***

The issue of which population projections to use is very complicated. Two different set of administrative rules (Division 32 and Division 24 of OAR 660) identify different effective dates

for the use of official or “acknowledged” population projections in the case of evaluating UGB decisions and it is not completely clear as to which date applies. In addition, multiple population forecasts have been prepared, adopted and acknowledged for the cities of Salem and Keizer and for the region through different planning and population forecasting processes.

Nearly all technical analysis and traffic modeling was completed prior to the adoption of either Division 32 or the most recent update to Division 24. The population projections used for the analysis were consistent with the rules in place at that time. However, changes to the OARs guiding population projections that occurred after traffic analysis was completed result in different methodology for preparing projections. The new methodology would result in a relatively modest (roughly 5%) reduction in the projected population of the UGB in 2035. The total population is the basis for the traffic analysis, rather than the increase in population, as cited in some commenters’ testimony.

The project’s transportation planning consultants note that “a 5% difference in the population forecast will not have a substantive influence on the design of the transportation system, nor the resulting traffic performance” and further states that this change “would not have an appreciable influence on design of the street or highway to address the capacity needs and such a difference falls within the level of accuracy of travel forecasting models.” In addition, Division 24 rules explicitly states that: “The 20-year need determinations are estimates which, although based on the best available information and methodologies, should not be held to an unreasonably high level of precision.”

**Paraphrased Testimony Issue #10. *The bridge structure will have significant impacts on river hydrology and on McLane Island which will impact use of McLane Island and the Willamette River Water Trail by recreational boat users.***

The 4F Recreational Resources Technical Report and Land Use Findings recognize that the Willamette River Trail is a designated 4F resource. However, the Technical Report states that the placement of the bridge structure will have no long term impacts on the ability of recreational boaters to land on McLane Island and that it will have no impact to river navigability by small boats.

**Paraphrased Testimony Issue #11. *The project will have adverse impacts on the floodplain and on aquatic species within the Willamette River Greenway and it is unknown how the impacts***

**will be addressed by future Flood Plain Administration programs. Analysis of impacts and mitigation measures is not adequate.**

It is largely unknown as to how the recent NMFS Biological Opinion (BiOp) concerning the Endangered Species Act (ESA) will specifically impact this project. Currently, FEMA has established workgroups to develop policies and an implementation plan setting new minimum requirements for local floodplain ordinances. Interim measures are expected to be adopted in 2018 with future amendments to mapping, mitigation requirements, etc.

However, no matter how those rules ultimately are implemented, this project will be required to adhere to all adopted floodplain requirements as they exist now or at the time permit applications are filed and will obtain all required permits necessary to construct the project. The new floodplain measures are expected to require specific study, documentation, and design requirements. This project will not be able to move forward without meeting future floodplain management requirements and obtaining required permits.

In addition, due to the potential impacts of this project to aquatic species, continued coordination with the National Marine Fisheries Service (NMFS) is required and a Biological Assessment (BA) is currently being drafted in coordination with NMFS and ODOT. The BA will make some conservative estimates about bridge design and will include potential mitigation measures that are agreed upon by NMFS to offset any impacts the project may incur, including impacts to listed species and their habitat. Once the draft BA is complete, the Federal Highway Administration (FHWA) will submit it to NMFS officially and NMFS will issue a Biological Opinion (BiOP). This BiOP will affirm and/or refine recommended mitigation activities and must be issued by NMFS prior to FHWA approving the project by signing the Record of Decision (ROD).

These documents will require a variety of mitigation measures to be undertaken as part of any future bridge construction. Those measures are generally described in technical reports prepared for the FEIS and will be described in more detail in the BiOP.

**Paraphrased Testimony Issue #12. In general, the Land Use Findings do not adequately address impacts associated with the Willamette River Greenway.**

The findings contain extensive information related to potential impacts on the Greenway, as well as impacts to economic, social, environmental and energy impacts within the study area as a whole. Those impacts were evaluated at the study area scale, rather than the Greenway area scale, given the overall framework of the analysis conducted during the EIS process. Many of the results of that analysis can be applied to the area within the Greenway. Supplemental Findings will highlight these issues in more detail.

**Paraphrased Testimony Issue #13. *There was not adequate coordination with the Oregon Department of Parks and Recreation (OPRD) during the planning process.***

Coordination with state agencies is required as part of a UGB amendment. However, coordination is not defined as formal support or concurrence. The OPRD was notified of the project through the DEIS coordination process and was provided notice of the proposed land use amendments. The OPRD has continued to be consulted during preparation of the Final EIS and will continue to be consulted during any future bridge design and construction processes in regards to potential impacts and mitigations to the Willamette River Water Trail and Willamette Greenway.

**Paraphrased Testimony Issue #14. *There was not adequate coordination with the Salem Parks Board, given their testimony at the October 12 public hearing.***

The Salem Parks Board is an advisory committee to the Salem City Council per Salem Revised Code Chapter 13 (SRC 13.080). They are not a separate agency or a formal decision-making body. Staff to the Board reviewed all EIS analyses associated with impacts to City park and recreation facilities. In addition, City of Salem staff met with the Parks and Recreation Advisory Board both before and after the October 12 hearing to review the status of the project, discuss the concerns raised by the Board at the October 12 hearing and review procedures for continued involvement of the board in the design of the project if it ultimately proceeds. Based on that consultation, the Board passed a motion regarding future participation in the bridge design process that reads: “*The Salem Parks and Recreation Advisory Board (SPRAB), being concerned about the effects on Wallace Marine Park, supports the amendments to the Salem Transportation System Plan with the design mitigation provisions outlined in the draft ordinance text amendments to the Transportation System Plan, which includes having SPRAB weigh in on future design phases.*”

**Paraphrased Testimony Issue #15. *Impacts to scenic and connectivity impacts associated with new bridge ramps and other structures in relation to nearby parks and areas adjacent to the Willamette River have not been adequately addressed.***

These issues have been addressed in the EIS analysis and are documented in multiple technical reports, including the 4F and Visual Impacts Reports. The Visual Resources Technical Report includes photographic simulations of the bridge structures from viewing locations within the study area, including within Wallace Marine Park. While these reports note that new structures would result in visual impacts, they would be within the context of a number of elevated structures (including the existing bridges) already located within the area. They also would be

generally consistent with adopted plans for a road proposed to be located along the western edge of the park shown in the adopted Wallace Park Master Plan. Physical connectivity under the new ramps also would be maintained where feasible. In addition, a variety of improvements would be undertaken as part of the process which would result in beneficial impacts to park users and others, including bicycle and pedestrian pathway improvements, park enhancements, new and enhanced viewing points, acquisition of additional public land and enhanced public access to other areas along the river.

**Paraphrased Testimony Issue #16. *Is inclusion of the Marine Drive improvements in the UGB amendment necessary and can that element of the amendment be separated from the location and implementation of the new bridge?***

Improvements to Marine Drive have been contemplated for many years. Since 2001, the City of Salem and its partner local jurisdictions have determined that a UGB amendment or goal exception would be needed to allow for these improvements. As part of the EIS process for the proposed river crossing, Salem has gone to extensive lengths in the findings package to demonstrate how the new bridge and Marine Drive will work together to provide an overall transportation system that will function more efficiently and effectively as planned. While the inclusion of Marine Drive impacts the project and makes up over half of the acreage needed in the proposed UGB expansion (approx. 19 acres), without that element, the project could not be effectively implemented. Furthermore, without a UGB amendment or an exception to the statewide goals, urban improvements to Marine Drive to meet other local transportation needs could not be undertaken.

Some commenters implied that the UGB expansion needed for Marine Drive should be undertaken now, but either did not support or took no position on the new bridge and plan amendments needed to allow for it. As noted above, extending Marine Drive has been in the City's plans for years, but that alone does not meet the identified transportation need to provide better multimodal connections across the Willamette River.

**Paraphrased Testimony Issue #17. *The project would impact the viability of nearby agricultural operations and compatibility between the project and those operations, as required by statewide planning rules has not been shown.***

Only one small parcel (less than one acre) within or abutting the proposed UGB amendment areas is currently receiving farm deferral for agricultural activities. This parcel would be acquired for right-of-way to construct Marine Drive and the property owner would be offered compensation.

Several parcels within the general vicinity of the proposed UGB expansion area are receiving farm deferral and/or are being farmed. Access to these properties from adjacent roads or via any



needed easements across land needed for construction of the bridge or associated transportation facilities will continue to be provided.

As a result, the proposed UGB amendment and bridge implementation will be compatible with surrounding agricultural activities. Additional information on this topic will be included in Supplemental Findings.

**Paraphrased Testimony Issue #18. Construction of the bridge will displace housing units, including multi-family units which will violate Statewide Planning Goal 10 (Housing).**

The Preferred Alternative is projected to displace approximately 40 residential units, including 16 multi-family housing units according to right-of-way acquisition reports. Recent case law indicates that amending a TSP or Comprehensive Plan to include proposed transportation improvements, where transportation improvements are a permitted use within the zoning district, does not violate Goals 9 or 10 even if those improvements require right-of-way acquisition or result in displacement of other uses. In addition, while the most recently completed, but as yet unacknowledged housing needs analysis (HNA) for Salem indicates a deficit of land needed for multi-family units, the current acknowledged HNA does not indicate a deficit. Finally, the potential displacement would be mitigated through a combination of factors, including refinements to design to reduce displacements and adoption of housing and land use efficiency measures to increase the development of future multi-family units.

**Paraphrased Testimony Issue #19. Construction of the bridge is not consistent with goals to reduce the impacts of climate change. In particular, the new bridge will result in “induced traffic” and energy usage will increase.**

Potential impacts of climate changes are addressed in the analysis of the Preferred Alternative in several ways:

- Reduction in vehicle trips through transportation demand management. Analysis of all “build” alternatives, including the Preferred Alternative and Alternative 2A assume a set of transportation demand management and transportation system management (TDM and TSM) measures, such as ones which were evaluated as part of the Alternative Modes Study prepared concurrently with the EIS process. These strategies are consistent with climate change strategies and are estimated to result in a further reduction in traffic of eight percent, which is a significant reduction.
- Improved multi-modal facilities. The conceptual design of the new bridge assumes development of significantly improved bicycle and pedestrian facilities in comparison to the no build alternative and improvements that would be feasible through improvements

to the existing bridge under Alternative 2A. Providing these and other multi-modal improvements is consistent with strategies to address climate change.

- Analysis of induced traffic. There is projected to be increased traffic due to future increases in population no matter which improvement alternative is implemented, in comparison to the No-Build alternative. The potential for induced growth and induced traffic caused by construction of a new facility was addressed in the Land Use Technical Report for the DEIS. That report indicates that a review of literature associated with the issue of induced traffic does not provide the basis for a measurable increase in traffic which would be induced by a new transportation facility. Increases in traffic are much more likely to relate to population increases and other socio-economic factors than to construction of a new bridge or other transportation improvements.
- Overall energy impacts. There is expected to be an increase in energy usage associated with all of the build alternatives. However, even with the increased energy usage, the regional emissions analysis findings show that vehicle operations of the preferred alternative would contribute fewer overall emissions to the project area than they would under the No Build Alternative (see Table 4.2-1 of the draft *Air Quality Final Technical Report Addendum*). The reason the No Build Alternative would result in higher criteria pollutant emissions in 2040 than the preferred alternative is because under the No Build there would be a greater amount of delay and a lower average speed compared to the preferred alternative. In addition, current and future improvements in non-fossil fuel vehicle technologies as well as coordinated land use and transportation planning efforts may further substantially offset energy usage impacts. Reduction of emissions is a key strategy in addressing climate change.
- Transportation Rule requirements. Goal 12, Transportation, and its implementing rule, the Transportation Planning Rule (TPR), direct local governments to adopt transportation system plans that consider all modes of transportation, including highways. While attention must be given to climate change impacts, concerns regarding climate change impacts are not sufficient in themselves to remove roadway and highway improvements as reasonable and often necessary transportation options under Goal 12 and the TPR. Indeed, where need for such improvements has been demonstrated, the failure to plan for them might itself violate Goal 12.

**Paraphrased Testimony Issue #20. *Coordination with the public and with coordinating public agencies, including the Salem Transit District was not adequate and violates Goal 2 of the Statewide Planning Goals.***

The Salem Transit Board has had ample opportunities to be engaged in and comment on this project. The Transit District, along with other local agencies, was a part of the Oversight Team for the NEPA process, providing a direct avenue for input from the Transit District. Salem staff also attended and made presentations to the Transit Board at least five times between 2012 and 2014 regarding the selection of the Preferred Alternative (see Transit Board Coordination email

included in the record from 10/18/2016). Comments from the Transit Board have been considered throughout the process. In addition, many of the issues raised by the Transit District would be more appropriately addressed during project design. Accommodations for transit operation also will require greater clarity from the Transit District as to future operational needs. Creating an alternate crossing of the Willamette River is intended to support all modes of transportation, including transit.

**Paraphrased Testimony Issue #21. ODOT must revise its Alternative Mobility Targets related to state highways associated with the bridge prior to amendment of the UGB.**

ODOT guidelines and administrative rules do not require revision of the Alternative Mobility Targets prior to adoption of a UGB amendment. ODOT is in the process of developing alternative mobility targets for the state highway intersections affected by, and consistent with, the Preferred Alternative for the Salem River Crossing project. ODOT Region 2 will prepare documentation and a recommendation for the Oregon Transportation Commission (OTC) to amend the Oregon Highway Plan (OHP) to include the alternate mobility targets. By ODOT and OTC policy, the proposed amendment will not be presented to the OTC until the local land use adoption process for the Salem River Crossing has been completed. This is consistent with other ODOT and local planning processes where OHP amendments are adopted as the last step after local adoption to demonstrate the local agency support for the amendment.

**Paraphrased Testimony Issue #22. The land use findings do not adequately address the state transportation planning rule requirements regarding the impact of changes in land use.**

These requirements are addressed in the Land Use Findings. The commenter that cited lack of compliance with these requirements (DLCD) was reviewing an early draft of the findings.

**Paraphrased Testimony Issue #23. The proposed plan and zoning designations do not appropriately limit future uses in the UGB amendment areas.**

The proposed UGB amendment is based on a specific need for an urban transportation planning facility within the 20-year planning horizon. No land is being added to meet other urban land needs (such as housing or employment). Under Oregon's planning framework, local jurisdictions do not typically apply specific plan designations or zones to transportation facilities (including highways, bridges, roads, bicycle and pedestrian paths, etc.). Salem's zoning designations extend to the centerline of the right-of-way and the zoning code does not include a specific "use category" for linear transportation facilities; the use is permitted outright in all zones.

The existing Polk County EFU zoning will be retained as interim zoning and will maintain the land for the planned transportation facility. The affected area is a “notch” in the current UGB and land use patterns and parcel sizes are already shaped by the proximity of urban development to the west of the Marine Drive Extension, and the extensive floodplain and the existing and future aggregate extraction area to the east. Prior to construction of the new bridge and related transportation facilities, the City of Salem will annex the land and apply the Public Amusement (PA) zone that implements the *Parks, Open Space, and Outdoor Recreation* comprehensive plan designation.

**Paraphrased Testimony Issue #24. *The SRC does not comply with state and local requirements to reduce reliance on the automobile.***

TPR provisions related to TSP updates and the overall transportation system. These criteria cited by commenters (OAR 660-012-0030(4) and OAR 660-012-0035(4)) apply to overall updates to a local Transportation System Plan and/or to performance of the transportation system. They do not apply to specific transportation projects or to targeted amendments to a TSP (as is the case here). As a result, neither of these criteria are applicable to the proposed UGB amendment.

The Preferred Alternative includes a variety of measures to reduce reliance on the automobile, including enhanced transit service, improved bicycle and pedestrian facilities, and other transportation demand and system management strategies to meet this goal.

**Paraphrased Testimony Issue #25. *Additional bridge capacity (widening existing bridges or a new bridge) is not needed; congestion can be addressed through minor improvements to existing facilities and greater investment in alternative modes.***

One of the alternatives considered focused exclusively on transportation demand and system management strategies within the existing corridor and associated facilities. This alternative included a combination of new high capacity transit service; a lane of capacity across the river dedicated to transit, with supportive improvements to the roadway, pedestrian, and cycling system; a set of demand management policies; and a set of changes to comprehensive plan designations in west Salem. This option was evaluated and found not to meet the mobility objectives of the project. It also would not have addressed the redundancy and emergency operations goals of the project.

**Paraphrased Testimony Issue #26. The City did not meet Goal 1 because there was inadequate time for the public to review documents and findings prior to the hearing.**

Generally, Goal 1 is satisfied when a local government follows the public involvement procedures set out in its acknowledged comprehensive plan and land use regulations. AS noted in the Land Use Findings, outreach and citizen involvement have been a central part of the NEPA environmental process for the SRC project for about ten years and these activities are described in detail in the Land Use Findings and in Chapter 5 of the DEIS. The City of Salem initiated the current land use proceedings, consistent with its policies and procedures for such land use actions. The City coordinated with the City of Keizer and Marion and Polk Counties in these actions and has exceeded the City's requirements for public notification for this type of land use procedure. The City provided required published notice of the action and associated hearings and mailed public notice of the first evidentiary hearing to those entitled to mailed notice under SRC 300.1110(e)(1). Salem also provide a "courtesy notice" of the proposed plan amendments beyond the notice requirements for a legislative amendment. This noticed provided ample time to submit testimony as evidenced by the number and length of comments submitted (up to 30 pages of testimony from individual reviewers).

At the conclusion of the October 12 hearing, the City kept the record open for public testimony for an additional seven days and allowed additional rebuttal testimony for another 7 days. The City has established and consistently maintained a website to provide public access to all plan amendment materials, including initiation resolutions, staff reports, evidence in the record, public hearing notices, minutes of public hearings, etc. The website will continue to be maintained and regularly updated throughout the course of the plan amendment process. The City also conducted briefings with interested parties and responded to requests for information during that same time period. Overall, the City has met and exceeded its own guidelines for informing the public and providing opportunities for public comments during this process.

**Paraphrased Testimony Issue #27. The Preferred Alternative does not adequately address seismic and geological hazards because the existing bridges would not be retrofitted and soil stability is a concern for the new bridge.**

As noted in the Land Use Findings for the UGB Amendment, the Preferred Alternative would include construction of a new bridge built to current standards that take a magnitude 9.0 CSZ and liquefaction into account and would be consistent with the purpose of Goal 7 to protect people and property from natural hazards. On a long-term basis, having a new bridge across the Willamette River would improve connectivity and reduce local vulnerability to a major seismic event relative to the No Build and Alternative 2A.

However, construction of a new bridge would not replace the need for continued local and regional support and advocacy for seismic improvements to the existing bridges, particularly in light of the designation of the segment of OR 22 that includes the existing bridges as a Tier 3

(lower priority) seismic lifeline route by ODOT. Towards that end, the City of Salem has partnered with ODOT in submitting a request to SKATS for federal funding to complete a seismic retrofit study for the Center Street bridge in 2017. This funding was approved by SKATS in September 2016. In addition, as part of the package of Draft Amendments to the Salem TSP supporting the Preferred Alternative, the following new text is proposed:

*While there is a need for a new bridge across the Willamette River, the Marion and Center Street bridges will continue to be a critical part of the local, regional, and state transportation system. The City will continue to advocate for ODOT to maintain these bridges in a state of good repair. The City fully supports cost-effective efforts to undertake seismic upgrades of these existing facilities to protect life safety and to minimize disruption in the event of an earthquake.*

**Paraphrased Testimony Issue #28. The Preferred Alternative would negatively impact neighborhoods on both sides of the river (West Salem / Edgewater and Highland Neighborhood).**

Virtually all transportation projects of this scale can expect to have some adverse impacts on affected neighborhoods. They also typically have benefits in terms of providing better mobility, improved access and enhanced safety. The Preferred Alternative would be no exception. However, the potential for negative impacts does not mean that such projects prohibited by law. Instead, transportation improvement projects are expected to identify adverse impacts and provide reasonable mitigation. It also should be noted that some impacts are subjective. For instance, some might consider a new bridge to be an eyesore, while others may look at it as something aesthetically pleasing.

The DEIS summarizes a number of measures that will be undertaken to address impacts to adjacent neighborhoods. For example the DEIS indicates that project design shall include consideration of traffic calming needs in neighborhoods adjoining the bridgeheads on both sides of the Willamette River. Mitigation measures may include access restrictions or other traffic calming features, such as speed humps, diverters, or similar measures. In addition to mitigating negative impacts, the Preferred Alternative was designed to avoid other negative impacts. For example, it displaces significantly fewer residents and businesses in comparison to other Build Alternatives. It also will provide improved multi-modal access across the river to adjacent and surrounding neighborhoods.

**Paraphrased Testimony Issue #29. A portion of the proposed UGB amendment is within the Polk County Willamette River Greenway and an exception to Statewide Goal 15 (Willamette River Greenway) by Polk County is required to move forward with the project.**

Polk County never represented that the Greenway Boundary was located within the limits of Polk County's Jurisdiction at the UGB expansion site as part of LA 16-02. Furthermore, the City of Salem has consistently represented the Greenway as within their jurisdiction and has provided maps as part of the application which clearly indicate that.

It is possible as some commenters have done, to zoom in on the Polk County Webmaps internet application, which provides an approximation of the boundary and interpret a portion of the Greenway as being within Polk County due to the fact that the County's Greenway layer that was hand geocoded is not at a scale that approximates with the alignment with the city limits layer at a scale beyond the official scale of the map. However, the Polk County Zoning Ordinance identifies the Official Zoning Map in PCZO 111.090 and the scale of 1:24,000 and PCZO 111.130 describes the rules for interpretation of zone boundaries. Use of those guidelines and review of maps prepared by the City and County at their official scale confirm that the portion of the Greenway in question is entirely within the City of Salem's jurisdiction.