



Oregon

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October 12, 2016

Salem City Council
Polk County Board of Commissioners
Keizer City Council
Marion County Board of Commissioners

c/o City of Salem Public Works Department
555 Liberty St SE / Room 325
Salem, OR 97301

RE: Salem River Crossing (Salem File No. CA16-04; DLCD File No. 016-16)

SUBMITTED VIA EMAIL

Thank you for the opportunity to comment on the joint urban growth boundary (UGB) expansion and associated plan amendments to accommodate the Salem River Crossing (SRC), a new bridge across the Willamette River.

The department previously commented, in a letter dated September 27, on the proposed Goal 15 exception and related comprehensive plan amendments. This letter provides review and comments on the following findings submitted to us on September 26, 2016:

1. Proposed amendments to the Salem-Keizer UGB to be adopted by the Salem, Keizer, Polk County and Marion County.
2. Comprehensive plan and transportation system plan (TSP) amendments to be adopted by Salem and Polk County.

The findings must demonstrate compliance with statewide planning goals, administrative rules, and statutes, which are reviewed individually below. We understand that the proposal is based on the transportation need for an additional bridge crossing of the Willamette River and related transportation improvements in the 20-year planning horizon (2015-2035). No land is being included for employment, housing or other urban land needs.

Population Forecast

The UGB amendment is based on the 20-year population forecast for the Salem-Keizer UGB included in the adopted 2015-2035 Regional Transportation System Plan (2035 RTSP) and the acknowledged Salem TSP. Table 8 from the RTSP, depicted below, shows the population forecast.

TABLE 8
Salem-Keizer Urban Growth Boundary Population Forecast

	2000	2010	2015	2035
Salem portion of UGB	171,072	193,640	199,030	273,902
East Salem	151,189	167,499	171,394	230,138
West Salem	19,883	26,141	27,636	43,763
Keizer portion of UGB	32,203	36,478	37,086	42,577
Total UGB	203,275	230,118	236,116	316,479

Sources: SKATS Regional Transportation System Plan (2015) and Salem Transportation System Plan.

For the purposes of a UGB amendment, the population forecast used, if less than 10 years old, must be an adopted county forecast or, after June 2017, the adopted Portland State University forecast for cities within Marion and Polk counties (*see Oregon Administrative Rules (OAR) 660-032-0040*). While the city is justified in using an updated forecast, the 2009 Marion and Polk County forecast must be the basis for the forecast the UGB amendment relies upon and therefore the findings should refer to it and compare the extension of that forecast to the numbers in Table 8. We understand the city will include the appendix containing this information in the final record, but it was not submitted with the draft findings.

Goal 10 Housing Multifamily Units Displaced

All of the build alternatives evaluated in the SRC project draft environmental impact statement identify multifamily residential units displaced, with estimated displacement impacts ranging from 30 to 120 residential units. As documented in Figure 4.2-1 of the *Right-of-Way Technical Report Addendum* (Universal Field Services, Inc., 2016), an estimated 45 to 50 residential units would be displaced with the preferred alternative, primarily west of the Willamette River.

Salem City Council advocated for the preferred alternative in part because it reduced residential displacement impacts relative to the initial alternative (4D, with 85 to 95 residential unit displacements) recommended by the oversight team. On page 240 of the submittal, the recently “accepted” Salem Housing Needs Analysis is mentioned and the city council concludes that the existing UGB includes sufficient buildable land to meet Salem’s forecast housing needs over the 2015-2035 planning horizon. However, since this document is not yet adopted and acknowledged, the findings should reflect this fact. The city’s discussion of the housing impact of this proposal must be based upon acknowledged provisions of the Salem Comprehensive Plan.

The city is required to identify “efficiency measures” to accommodate the displacement of needed multifamily units with the preferred alternative or make findings that this need can be met elsewhere within the existing UGB. In conclusion, the consolidated plan amendments are not consistent with Goal 10 or OAR chapter 660, division 8.

Goal 12 and Transportation Planning Rules

Goal 12 and the Transportation Planning Rules (OAR chapter 660, division 12) apply to the Salem TSP and UGB amendments, so the comments below apply to both of these actions.

Transportation Need

The findings for transportation need address some of the elements of Oregon Administrative Rules (OAR) 660-012-0030, but the findings are missing some key references.

OAR 660-012-0030(1) requires that the “TSP shall identify transportation needs ... including: (a) State, regional, and local transportation needs.” OAR 660-012-0015(3) requires that local TSPs must be “consistent with regional TSPs and adopted elements of the state TSP.” The findings (Section 3.1.3.1, page 80) note that the Oregon Highway Plan (OHP) does not identify a need for an improved Willamette River crossing in Salem. The findings include projections of future traffic volumes that would exceed the mobility targets adopted in the Policy 1F of the OHP. In response, the findings say that the “The State proposes to adopt Alternative Mobility Targets.” This implies that consistency with the state plan will be achieved by amending the standards within the OHP, rather than by adding a project to the state plans.

The findings in this section do not include OHP Policy 1G, which calls for improving the efficiency of, or adding capacity to, the existing highway system before adding new facilities. The findings include a cross-reference stating that “consistency with statewide transportation plans is provided in Section 4.2.4.” State transportation plans are actually addressed in Section 4.2.5 (page 168). OHP Policy 1G is included in Section 4.2.5.2 (page 172); however, this section does not contain any findings, and points back to “Section 3.X.” With this circular cross-reference, the findings do not address Policy 1G.

The findings for OAR 660-012-0030(3) include a discussion of consistency with population and employment forecasts, and a complete background of the city’s efforts to plan for increasing transportation choices and reducing reliance on the automobile. See above for a detailed discussion of consistency with the acknowledged population forecast in order to meet the requirement of OAR 660-012-0030(3)(a).

OAR 660-012-0030(4) provides, “In MPO areas, calculation of local and regional transportation needs shall also be based upon accomplishment of the requirement in OAR 660-012-0035(4) to reduce reliance on the automobile.” OAR 660-012-0035 requires that “local TSPs shall be designed to achieve adopted standards for increasing transportation choices and reduce reliance on the automobile.” The findings (Section 3.1.3.1, pages 84-85) describe existing spending on various projects at the MPO level to make the general point that funding is being provided for projects that could increase transportation choices. The findings do not analyze whether the need that has been identified for this project is based on the locally adopted standards.

Selection of Transportation Alternatives (OAR 660-012-0035)

The findings address some sections of OAR 660-012-0035; however, key information is missing for some sections, and there are applicable sections of the rule that the findings do not address at all.

The findings for OAR 660-012-0035(4) are incomplete, and miss the actual requirement of the rule. The rule requires provides, “local TSPs shall be designed to achieve adopted standards for increasing transportation choices and reduce reliance on the automobile.” The findings (Section 4.1.2.5, page 149) generally address whether the TSP amendment would “increase transportation choices and reduce reliance on the automobile,” but do not specifically address the locally adopted standards that must be used to measure progress. The findings list some general ways in which the proposed amendments might have the effect of increasing transportation choices as a secondary or indirect effect, but do not include any findings that the proposal was “designed” to achieve this outcome.

The findings do not address OAR 660-012-0035(7), which states:

... local governments shall evaluate progress in meeting benchmarks at each update of the regional transportation plan. Where benchmarks are not met, the relevant TSP shall be amended to include new or additional efforts adequate to meet the requirements of this rule.

Local governments in the region have not evaluated progress in meeting the adopted benchmarks. The findings do not include any analysis as to whether the TSP amendment would be adequate to meet the benchmarks.

Significant Effect on the Transportation System (OAR 660-012-0060)

There are no findings for OAR 660-012-0060. While findings for the proposed UGB amendment need not address 660-012-0060, findings are required for the proposed TSP amendments (changes to functional classifications), and for comprehensive plan map designation changes within the existing UGB (*see* OAR 660-024-0020(1)(d)).

Reasonably Accommodating Needs within the UGB

The findings (Section 3.1.4.1, pages 86-104) address whether the projected transportation needs could be reasonably accommodated on land already inside the UGB as required by OAR 660-024-0050(4). The findings include a brief discussion of alternatives studied other than the preferred alternative, a no-build alternative, and “Alternative 2A.” There is a detailed discussion of Alternative 2A. However evaluating a single alternative within the UGB may not be sufficient to “demonstrate that the estimated needs cannot reasonably be accommodated on land already inside the UGB” as required by OAR 660-024-0050(4). The findings should analyze whether the aspect that makes an alternative unreasonable is inherent to being within the UGB (and thus any alternative within the UGB would also be unreasonable) or whether the unreasonable aspect is specific to that alternative (and thus different alternatives within the UGB could be reasonable).

The department has previously provided advice on how to analyze the reasonableness of alternatives. The first step is to identify the factors that will be evaluated (for example: cost, traffic, congestion, residential dislocation). The second step is to select and justify thresholds (for example: 25 percent worse than the preferred alternative) that will determine whether an alternative is reasonable. The final step is to analyze a broad range of alternatives to determine whether any reasonable alternatives would accommodate the need within the UGB. The findings provide a large volume of information comparing two alternatives, but do not include a structured analysis of why they are reasonable or unreasonable.

The department understands that the draft environmental impact statement included additional alternatives that did not require a UGB amendment. The findings should make reference to these other alternatives and address why the alternatives are unreasonable.

Goal 14 Urban Growth Boundary Review

The city's analysis of boundary alternatives generally complies with ORS 197A.310. However, the analysis of the four Goal 14 location factors shown in the table on Pages 127 and 128 is insufficient for three reasons:

- 1) The table itself does not contain information in several cells regarding the preferred alternative that can be used to compare this alternative to the others;
- 2) There is no narrative indicating which factors were used to find why the preferred alternative was chosen – no “weighing and balancing” as is required by Goal 14 and relevant case law; and
- 3) The analysis of location factor 4, regarding impacts to farm and forest activities, incorrectly compares the loss of farmland for each alternative (a quantitative measure) while location factor 4 requires an analysis of the compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the urban growth boundary (a qualitative examination).

We recommend the city address the missing findings from Goal 14 location factors and submit that evidence into the record before taking any final action on this proposal.

Conclusion

The draft proposal submitted is missing some important findings, and does not adequately address the required goals and administrative rules as summarized above. The draft also includes numerous incomplete cross-references (e.g. “as described in Section X”) which makes it difficult to find the information, or determine whether the information has been provided at all. We recommend the city address the concerns raised in this letter so that it can have a solid, defensible factual basis for this UGB expansion.

Please enter these comments into the record for the plan amendment and contact Angela Carnahan at (503) 934-0070 or angela.carnahan@state.or.us if you should have any questions regarding these comments.

Sincerely,

Angela Lazarean Carnahan

Angela Lazarean Carnahan
Mid-Willamette Valley Regional Representative

cc: Amanda Punton, DLCD Natural Resources Specialist
Bill Holmstrom, DLCD Transportation & Land Use Planning Coordinator
Gordon Howard, DLCD Principal Urban Planner