

## Jamie Donaldson

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**From:** Robert Steele <sayheynap@gmail.com>  
**Sent:** Tuesday, February 8, 2022 4:57 PM  
**To:** Jamie Donaldson  
**Cc:** Shelby Guizar  
**Subject:** 2100 Doaks Ferry Rd proposal

“The submitted analysis shows that the rezone has the potential to create a significant impact at the Wallace Road/Glen Creek intersection. The intersection is already forecast to operate beyond its adopted mobility standard without the rezone, and with the additional trips from the multifamily zoning would exacerbate this condition.”

“The study provides a theoretical assessment of “worst-case” analysis scenarios for rezoning. . “

“our team can explore traffic calming strategies”

“Similar to current conditions, the future queues at intersections operating at or over their carrying capacity will be long with or without the rezone.”

More lipstick on a pig.

The applicant purports to provide a “worst case scenario” impact for review. There is a snowstorm of data which easily obscures underlying truths and errors.

It has already been established that the data points for traffic counts were cherry-picked- a “de minimus” data set. To further concoct a “worst-case scenario”, the applicant relies upon an “average” of 4.54 trips per unit day. “Average”, “best case” and “worst case” numbers have different meanings and different mathematical denotations. “Average” is NOT a worst-case scenario; to establish a “worst-case scenario” a range of best-to-worst possibilities is required and this requirement is not met.

Knowing that it is axiomatic that the “worst case scenario” is never the “worst case scenario”, and that an “average” “worst case scenario” is not a “worst case scenario” at all, how can we possibly use this data to predict “insignificant or “de minimus effects”? Even the question of how much of the time will there be above average traffic or “significant” effects cannot be divined.

It is irresponsible and irrational to conclude that the applicant's proposal would not cause a "significant effect" on the City's transportation system. Despite the best and most sophisticated modeling, it is well known that with high traffic densities, traffic behaviors become wildly unpredictable. Bottlenecks, traffic jams, accidents, pile-ups, even road rage events all occur unexpectedly and with increased, often devastating frequency. In an overloaded system, the impact of "small" changes cannot be inferred to be "insignificant" or "de minimus" without understanding the system as a whole. Some simple examples;

Ask the camel;

I imagine one could measure camel-loading in units of "straws." A single straw here or there could be deemed "insignificant" but for an overburdened camel, even one extra, proverbial straw could be VERY significant.

Ask the passengers;

Recently, on the day Biden visited Pittsburgh, a bridge collapsed. By some engineering standard, there was probably an "insignificant" amount of extra weight or an insignificant number of extra passengers the bridge. Should the passengers on that bridge that day feel reassured? Obviously not.

Ask the citizens of West Salem;

With overburdened streets and intersections should a few thousand or more trips a day be considered "insignificant?"



8 February 2022

**TO:** Salem Planning Commission

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

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

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

First, we appreciate Jamie Donaldson providing the Jan 18<sup>th</sup> ODOT TIA review letter to us in a timely manner so as to aid in review of the Jan 31<sup>st</sup> Bessman report. What is clear from all the technical discussion is that “ODOT maintains jurisdiction of the Salem-Dayton Highway No.150 (OR 221)” and “ODOT approval shall be required for all proposed mitigation measures affecting this facility” (e.g., trip caps) Wallace road and its intersections. Furthermore, ODOT stated that “No mitigation measures to a state highway have been proposed.”

### **Background**

Given that the facility (Wallace Road and its intersections) is a failed system not meeting its mobility target (see our previous comments), a mitigation analysis is required to demonstrate that the proposed 2270 trips per day trip cap from this proposed development does not exceed the “No Impact” No Degradation requirements of OAR 660-012-0060, Transportation Planning Rule 1F.5. This is the overriding compliance standard here. Attachment 1: Decision Diagram shows that any daily trips greater than 1000 is not consider a small increase in traffic therefore the 2270 trip cap is not a small increase, it is significant requiring a mitigation analysis to define “No Net Impact” No Degradation to the facility (Wallace Road and its intersections). The V/C ratio analysis in the applicant’s traffic impact study is not enough to meet this requirement. The mobility target for Wallace Road and its intersections (Glen Creek and Orchard Heights here) is considered the standard for purposes of determining compliance with OAR 660-012-0060, the Transportation Planning Rule 1F.5,



not just less than 0.03 changes in the V/C ratios as analyzed by the applicant. While the changes in V/C ratios is valuable information more is needed to determine if any traffic number greater than a 1000 trips per day can be considered “No Net Impact” No Degradation compliant (see Attachment 1: Decision Diagram). The applicant has not met their burden of proof. No mitigation measures to a failed state highway facility were offered per ODOT, and ODOT was not provide a mitigation analysis to determine if the proposed 2270 trip cap indeed achieved the “No Net Impact” No Degradation standard for the Transportation Planning Rule 1F.5 compliance.

**Applicant burden of proof not met here. Staff has provided no analysis (only a statement as to V/C ratio significance) to address the “No Net Impact” No Degradation requirement 1F.5. The Planning Commission has insufficient evidence to approve the 2270 proposed trip cap. It is left with the 1000 daily trip number that defines a small increase in traffic (Attachment 1: Decision Diagram). Any approved trip cap greater than 1000 is not supported in the record.**

The WSNA recommends that the trip cap in Condition 1 be changed to 1000 trips per day, not 2270 since 1000 average daily trips is the trigger point between “Not Significant” and “Significant” without any supporting mitigation analysis. This is the only supportable value in law and regulations to achieve “No Net Impact” No Degradation compliance. The Planning Commission can impose a stronger trip cap with supporting evidence. We believe that we have offered herein supporting evidence that the 1000 average daily trips are an acceptable trip cap for this proposed development. With this 1000 average daily trips trip cap according to OAR 660-012-0060, the Transportation Planning Rule 1F.5, the proposed development meets the “No Net Impact” No Degradation compliance requirement.

### **Decision Logic for 1000 trips per day trip cap**

The Salem-Dayton Highway No.150 (OR 221) is acknowledged by ODOT as a failed facility. This is that it does not meet its mobility target. The City of Salem has acknowledged this in testimony (see our previous comments). The mobility target (0.95) for the impacted facility (Wallace Road and its intersections Glen Creek and Orchard



Heights here) is considered the standard for purposes of determining compliance with OAR 660-012-0060, the Transportation Planning Rule 1F.5, not the V/C ratios changing less than 0.03.

The Bessman report and comments to the Jan 18<sup>th</sup> ODOT letter show V/C ratios significantly over 1.0. The Bessman report confirms that the proposed 2270 trip cap does not comply with the “No Net Impact” No Degradation compliance requirements.

- Mobility target for Wallace Road and its intersections (0.95)
- 2270 trip cap analysis showing V/C ratios significantly over 1.0
- 2270 trip cap fails “No Net Impact” No Degradation compliance requirement
- Bessman report concludes no significant impact at the 2270 trip cap, false as no mitigation analysis demonstrating “avoid further degradation” not in the record

### **Calculation Example**

- Mobility Target per OAR 660-012-0060, the Transportation Planning Rule 1F.5 allows a 0.03 variance.
  - $0.95 + 0.03 = 0.98$
  - Any V/C ration greater than 0.98 adversely impacting the failed facility (Wallace Road and its intersections) and thus causing further degradation
  - Bessman reports V/C ratios greater than 1.0 at the proposed 2270 trip cap which exceeds the allowed mobility target 0.98

### **Conclusion**

- 1.0 V/C ratios in Bessman report greater than facility mobility target (0.98)
- A 2270 trip cap insufficient mitigation to meet OAR 660-012-0060, the Transportation Planning Rule 1F.5 “No Net Impact” No Degradation compliance
- No mitigation analysis provided
- Therefore, anything greater than 1000 trips per day not supported in the record
- 1000 trip cap meets the requirement to “avoid further degradation” of the failed transportation facility



- Planning Commission can assign a 1000 trip cap to Condition 1 consistent with the record in this case and requirements of OAR 660-012-0060, the Transportation Planning Rule 1F.5

### **Recommendation**

**The WSNA recommends that the trip cap in Condition 1 be changed to 1000 trips per day, not 2270** since 1000 average daily trips is the trigger point between “Not Significant” and “Significant” (Attachment 1: Decision Diagram) OAR 660-012-0060, the Transportation Planning Rule 1F.5 (“No Net Impact” No Degradation).

### **Additional Observations and Request**

The staff report relating to traffic impacts here was written and submitted before the deadline for public comments. They provided no recognition, analysis, or findings to the five SRC criteria issues we raised along with four policy matters. **This is a significant procedural error.** This is the first time we have observed staff not addressing our comments in a land use action. Frankly, it is offensive and outside Goal 1 provisions in these matters. If an oversight or deliberate, we ask that the Planning Commission address this in their decision and admonish staff to be more respectful to Neighborhood Association comments and not ignore them in the future.

Respectively,

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

Cc:/ Michael Fretias, West Salem Neighborhood Association Chair

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

Is this land use action subject to OAR 660?



YES

Does this highway segment meet mobility targets?



NO

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

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



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



Land Use action increases average daily trips < 1,000

Not Significant



Land Use action increases average daily trips > 1,000



Requires Mitigation to achieve “no net impact”  
No Degradation