

Appendix 3

Example Response Letters

Urban, Multiple Criteria

May 12, 2003

ODOT Case No: XXXX

Timberland County

Department of Transportation & Development
517 SE Glenbrook Blvd.
Salmon, OR 97555

Attn: Rick O'Brien, Planning

Re: **Local Application Files No. Z0794-02-CP, Z-705-02-Z, Z-706: Welkommen Engineering; Highway 173/94 EcoDevo Center; Embert Development LLC, Applicant**

Dear Mr. O'Brien:

We have reviewed the applicant's proposal for a comprehensive plan map amendment and zone change from light industrial to general commercial to allow the development of a big box retail commercial center on 24.55 acres. The site is located on OR 94 and ODOT has serious concerns about this proposal from both regional transportation and land use perspectives.

At this time, ODOT is recommending denial of the application as submitted because it does not meet the burden of proof to demonstrate compliance with applicable criteria. Specific areas of concern are discussed below. We will be meeting with the applicant's representative on April 24th to discuss additional traffic analysis that must be provided before we can adequately assess the traffic impacts of the proposal. The applicant may wish to ask for a continuance of the local hearing until the requested supplemental Traffic Impact Analysis (TIS) can be produced and reviewed by ODOT and the County.

ODOT Facilities and Standards

The site is adjacent to OR 173. The *Oregon Highway Plan (1999)* classifies this highway as having Statewide Urban significance. It is a state Freight route on the National Highway System. The posted speed is 45 miles per hour, and has an access spacing standard of 990 feet. The ODOT mobility standard is .99 volume to capacity ration (v/c) in this Metro section.

The *Metro Functional Plan, Title 4* identifies the properties as Industrial. *Metro's 2000 Regional Transportation Plan* designates OR 173 as a Regional Street.

The *2000 Regional Transportation Plan* includes Project 6003: Moonglow Corridor on the Financially Constrained System. The project description states: Construct a new four-lane highway from I-555 to SchSchrock Creek/52nd Avenue. Project includes construction of

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interchanges at 122nd Avenue, 35th Avenue, and the SchSchrock Creek Junction, and modification of I-605 interchange. The *Timberland County Transportation System Plan, Table V-1, 20-Year Capital Improvement Needs* lists both Phase 1 (as described above) as well as Phase 2 to US 46.

The October 1996 *Draft Environmental Impact Statement (DEIS), Moonglow Corridor, I-555-US 46* was published. To prepare the EIS, detailed analysis and consideration of transportation, land use, socioeconomic and environmental impacts were considered. There was an extensive public involvement process. The DEIS selected the proposed Central Alignment as the Preferred Alternative for Unit 1. In 1996, the Timberland County Board of Commissioners endorsed this alignment.

The Central Alignment of the Moonglow Corridor calls for a new expressway on a separate alignment to the north of existing OR 173-94.

Currently, the County is taking the lead in preparing a Supplemental EIS for the Moonglow Corridor that will “update the design and environmental information, consider whether alternatives to the Moonglow Corridor should be considered and determine the construction phasing of Unit 1.” (*Timberland County Work Program, EXHIBIT B to Resolution No. 03-3306: Moonglow Corridor I-555 to 72nd EIS Project, Work Program.*)

The above process may result in modifications to the proposed Moonglow Corridor alignment. The possibility of expanding OR 173/OR 94 to serve the regional and statewide transportation needs in the corridor, rather than building a separate facility as proposed in the Central Alignment preferred alternative, will be a considered alternative.

The 2020 future year analysis contained in the *Welkommen Engineering (2/03) Highway 173/94 EcoDevo Center Traffic Impact Study* provided by the applicant assumes available roadway capacity based on construction of the Moonglow Corridor. While the road may be considered “planned” in concept, the ultimate capacity of the Moonglow Corridor is unknown until the SEIS and Final EIS have been completed. In addition, given the limited options for roadway alignment in this area, it is likely that at portion of the subject property will be needed for highway expansion.

The applicant has proposed an Alternative Alignment and Configuration for the Moonglow Expressway (*Exhibit H and H1-6*) for the Phase 1 (I-555 to Schrock Creek). Their narrative states that the new alignment would decrease the amount of right-of-way needed, save project costs as well as jobs. The applicant has also proposed that the County’s approval of the comprehensive plan amendment and zone change include a condition that their proposed Moonglow Corridor alignment be adopted prior to the initiation of development on the site.

ODOT does not support these proposals for several reasons:

- 1) The proposal would allow a comprehensive plan map amendment and zone change from industrial to commercial designation. While a more extensive traffic analysis is needed to fully assess the impacts, we do know that impacts on area transportation facilities would be significantly higher with commercial development than with the industrial development allowed under the existing zoning.

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- 2) It is premature to consider comprehensive plan map amendments and zone changes in this vicinity until the proposed alignment and function of the Moonglow Corridor project have been determined. The county's EIS process is the proper vehicle for making such decisions, not the development review process.
- 3) Amending the comprehensive plan and zoning maps from industrial to commercial zoning would increase the value of the subject properties. Even if the Moonglow Corridor were to be realigned as proposed by the applicant, a portion of the subject property may still be needed for the highway project. Upzoning the parcels now, even if development were conditioned to be delayed until the Final EIS, may raise the cost of the Moonglow Corridor project.

Transportation Analysis

ODOT has conducted a technical review of the *Highway 173/94 EcoDevo Center Traffic Impact Study* (Welkommen Engineering, February 2003). Please see the attached memorandum by Parker McLane, Traffic Analysis, ODOT Region 6.

ODOT and Timberland County engineering staff have discussed the report, and have requested supplemental traffic information from the applicant. Until additional information has been provided, ODOT cannot make findings whether state or county transportation mobility and safety criteria will be met.

Approval Criteria

ODOT findings on relevant County code criteria are noted below in *italics* following each referenced section.

ZDO 1202.01 C. 1.

The Moonglow Corridor Phase 1 and 2 are both listed in the *Timberland County Transportation System Plan (2001) and Capital Improvement Plan – 20 Year Project Needs* list. This criteria is not met, as the Moonglow Corridor would need to be redesigned to accommodate the traffic from this proposal. In addition to realigning the proposed corridor, plans for the Moonglow Corridor call for a grade separated partial interchange at SE 35th, and an overcrossing at SE 42nd. Access to the subject parcel would need to be relocated several blocks away from the highway (whether on separated or expanded OR 173 expressway alignment); this access scenario may not be acceptable to the applicant or future site tenants.

ZDO 1202.01.C.2.

ODOT is unable to make a determination on future transportation system adequacy until additional traffic analysis is provided by the applicant.

ZDO 1202.01.C.3

The County code requires that adequacy be demonstrated within a 5 year study horizon. The County has a LOS E for industrially zoned lands, but a higher LOS D for

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commercially zoned lands (outside of the Timberland Regional Center.) TIS shows that County road-highway intersections will not operate adequately within the five year horizon required by the County.

ZDO 1202.01.D

The attached technical memorandum by Parker McLane, ODOT Region 6, indicates existing safety issues at several intersections on OR 173 within the site's traffic impact area. ODOT cannot make a finding regarding the safety of the future transportation system until supplemental analysis has been provided by the applicant and the feasibility of proposed mitigation is demonstrated.

ZDO.1202.01.C.4.

This section requires that state transportation facilities shall be evaluated pursuant to the Oregon Highway Plan (OHP) rather than the Comprehensive Plan. The Oregon Highway Plan (1999), Policy 1F: Mobility Standards includes these relevant criteria:

- Evaluate the impacts on state highway of amendments to transportation plans, acknowledged comprehensive plans and land use regulations pursuant to the *Transportation Planning Rule (OAR 660-12-060)*.

OAR 660-12-060 Plan and Land Use Amendments is relevant to this proposal. ODOT believes that this proposal may "significantly affect" the transportation system because the subject parcel is in the Central Alignment of the planned Moonglow Corridor. As explained in the Moonglow Corridor section above, ODOT does not find it reasonable to assume adequate capacity with the future construction of the Moonglow Corridor when the development of this proposal as submitted limits the alternatives and increases the costs of that project, consequently increasing the uncertainty whether and when it will be built.

OAR 660-012-0060 (2) (c) – Even if the County were willing to accept the applicant's assumptions about the Moonglow Corridor, ODOT is unable to make a finding regarding transportation adequacy until the traffic study has been revised. From preliminary information, it appears that the proposal would result in "Allowing types or level of land uses which would result in level of travel or access that are inconsistent with the functional classification of the transportation facility," as prohibited by the rule.

ZDO 1202.01.E requires that development based on a zone change granted pursuant to the ZDO shall be subject to ZDO Section 1022. ODOT does not believe that the ZDO 1022 Concurrency ordinance can adequately protect the state transportation system because the code allows traffic impacts to be mitigated by an applicant's "substantial contribution" toward a transportation improvement project in the County's 5 Year CIP. If a "substantial contribution" is volunteered, then impacts to other affected facilities are no longer considered. For this reason, and also because the County's 5-Year CIP does not list state highway projects, ODOT has a concern that the traffic impacts of the proposal be addressed at the comprehensive plan amendment/zone change stage.

Timberland County Comprehensive Plan, Chapter 5 Transportation

We have particular concern about the impacts of this proposal on the following policies pertaining to transportation:

General Transportation Goals

ODOT has requested supplemental traffic analysis in order to more accurately determine the impacts of the proposal. Please see the enclosed Technical Memorandum by Parker McLane, ODOT Region 6.

Needed Roadway Improvements, Policies 7.0 and 7.1

The proposal does not appear to be “consistent with the Designation of the Moonglow Corridor along a new alignment of Highway 173” as stated in the application narrative. Specifically, if approved, the proposal may inhibit the County’s policy to “Meet the future transportation demands of the County.”

Functional Classifications and Roadway Standards, Policy 11

Until additional traffic analysis has been conducted, it is unknown whether the zone change would require “A roadway as planned in the Capitol Improvement Plan to be redesigned or increased to a higher functional classification in order to maintain the minimum acceptable performance evaluation.”

Access Standards, Policy 14

The policy directs ??? to “Plan and control access onto roads within the County...for both new and existing uses, and coordinate with the ODOT for access control on state highways.” The Moonglow Corridor is planned as a controlled access facility. Direct access to the site would be prohibited. ODOT would purchase access control on the connecting roadways to 1350 feet to address our interchange management spacing standard. This access scenario may be problematic for the proposed retail development. If development were to proceed prior to construction of the Moonglow Corridor, direct access to OR 173 may not be supported by ODOT, as the site’s frontage does not allow for the required 990 foot minimum access spacing.

Improvements to Service Development, Policies 15 & 16 and Operating Standards, Policy 29

The applicant has not demonstrated that the transportation system will be adequate to support the zone change or that mitigation measures identified in their Traffic Impact Analysis are technically feasible and would be approved by ODOT. We anticipate that the supplemental TIS will identify additional impacted intersections. Compliance with these policies cannot be determined until the supplemental TIS is provided and the feasibility of proposed mitigation is demonstrated.

Industrial Lands Policies

The *Metro Urban Growth Report* which formed the basis for the December 2002 Urban Growth Boundary amendment decision showed a region-wide deficit of industrial lands and an excess of commercial lands. Specially, the industrial land deficit prior to the UGB amendment was 5,685 acres. There was a shortage of industrial lands of all parcel sizes. Commercial land, on the other hand, showed a surplus of 760 acres region-wide. In terms of parcel size, there is an oversupply of commercial lands of all but the smallest (<1 acre) lot sizes. After the UGB was amended in December 2002, there remained a need for 1968 net acres of industrial lands, and a commercial land surplus of 393 acres. In view of these numbers, this application has not adequately demonstrated compliance with *Statewide Planning Goal 9, the Economy*, the *Metro Urban Growth Management Functional Plan*, and the *Timberland County Comprehensive Plan* Industrial Lands policies.

Given the scarce resources available to build and maintain additional transportation infrastructure for the region, we must be prudent about how existing and proposed facilities should be used. As planned, the Moonglow Corridor will serve existing industrially-zoned lands that is much needed in Timberland County.

Recommendation

ODOT recommends that the application be denied at this time. If the hearing is continued and supplemental traffic analysis is provided, we respectfully request to be provided a minimum of 10 working days to review and comment prior to the final hearing.

Thank you for coordinating this review with the ODOT.

Sincerely,

Dusty Rhoades, Assoc. Planner

Encl. K. Freitag traffic memo to S. Kazen, 4/21/03

DATE: April 21, 2003

TO: Dusty Rhoades
Region 6 Planning

FROM: Parker McLane
Region 6 Traffic

SUBJECT: Highway 173/94 EcoDevo Center (Embert)
Z0794-02-CP, Z0795-02-Z, Z0796-02-CP

Upon reviewing the February 2003 Traffic Impact Study (TIS) prepared by Welkommen Engineering for the proposed zone change and comp plan amendment, I have the following comments.

The property in question is located on Highway 173/94 between SE 136th Avenue and SE 142nd Avenue. A zone change/comp plan amendment is proposed to change the zoning of the property from industrial (I-2) to commercial (C-2). The TIS proposes that with commercial development of the property, direct access will be requested to Highway 173/94 in addition to the full access points on SE 136th Avenue and SE 142nd Avenue.

Highway 173/94 is classified as a Statewide Urban highway in the vicinity of the site. The speed is posted at 45 mph. The mobility standard for Highway 173/94 in this vicinity is a volume-to-capacity ratio (v/c) of 0.99. Highway 173/94 has a five-lane cross-section through the majority of the study area, with two through lanes in both directions and a center two-way left-turn lane or dedicated left-turn lane.

The TIS analyzed a 290,000-ft² shopping center as the reasonable worst-case under the proposed zoning. The trip generation analysis in the TIS provided site-generated volumes of 1,468 trips in the PM peak hour and 13,518 trips on a weekday. Compared to the 468 PM peak hour trips and 1,616 weekday trips generated by the industrial park under the existing zoning, the amount of additional traffic that will be generated by the zone change is significant.

The TIS analyzed five intersections on Highway 173/94 (in addition to the proposed site access) that will be impacted by the proposed zone change. Those intersections are SE 130th Avenue, SE 135th Avenue, SE 136th Avenue, SE 142nd Avenue, and SE 152nd Avenue.

The Statewide Priority Index System (SPIS) is a method developed by ODOT for identifying hazardous locations on state highways based on accident data over a three-year period and is comprised of three components: accident frequency, accident rate and accident severity. The Highway 173/94 @ SE 130th Avenue intersection as well as the Highway 173/94 @ SE 135th Avenue intersection have both been identified in the

2001 listings as top 10% SPIS sites, which is the highest priority ranking. This indicates that there are existing operational and safety concerns. The proposed zone change will add a significant number of trips to both intersections. Review of the crash data for these intersections for a five-year period (1997-2001) indicated that the majority of the crashes were rear-end crashes, which is typical for signalized intersections. There was not a significant pattern of turning-movement crashes at either intersection.

The TIS analyzed conditions for existing traffic, 2004 (year of potential buildout), 2007 (County requirement for zone changes), and 2020 (ODOT requirement for zone changes). No short-term improvements were assumed in the analysis. For the 2020 analysis, it was assumed that the Moonglow Corridor was built.

Existing Conditions

All study intersections were found to be operating within ODOT and County standards (v/c of 0.99 or better and LOS D or better) in the PM peak hour under existing conditions.

2004 Background Conditions

All study intersections are expected to operate within ODOT and County standards in the PM peak hour under background conditions, with the exception of the intersection of Highway 173/94 and SE 135th. That intersection is expected to operate at a v/c of 1.0 under background conditions, which exceeds ODOT's mobility standard (v/c=0.99).

2004 Total Traffic Conditions (Background + Site Traffic)

With the addition of the site traffic generated by the 290,000-ft² shopping center is expected to degrade several of the study intersections below ODOT and County standards. The SE 135th Avenue intersection is expected to degrade to a v/c of 1.1 and LOS E. The SE 136th Avenue intersection is anticipated to operate at a LOS F with the addition of the site traffic. The SE 142nd Avenue intersection is expected to degrade to a v/c of 1.2 and LOS F.

Some potential improvements were proposed to mitigate the transportation facilities back to within ODOT and County standards. Dual southbound left-turn lanes and a 130-second signal cycle were proposed for the SE 135th intersection. Dual southbound and northbound left-turn lanes were proposed as mitigation for the SE 142nd intersection. No mitigation was proposed for the SE 136th intersection.

Dual turn lanes must meet approval from the State Traffic Engineer to be installed. At this time, ODOT has no indication of whether the proposed dual left-turn lanes at either intersection would be acceptable or approvable in these locations.

The traffic signals on Highway 173/94 are part of a coordinated signal system. This means that if the signal at SE 135th Avenue was retimed for a 130-second cycle, then every signal in the system would have to be retimed for that cycle length. No analysis

was provided that would show that the other intersections in the signal system would operate sufficiently under this modified cycle length of 130 seconds.

2007 Background Conditions

Conditions for 2007 were analyzed to meet Timberland County's Zone Change Criteria. It should be noted that both the 2007 and 2020 zone change analysis should be reviewed and all requirements for both analysis years should be applied. This is due to the fact that although the County Zone Change Criteria yields to the Oregon Highway Plan for ODOT facilities, the intersections being reviewed in the TIS are intersections of a state highway with County streets. The signalized intersections that were studied are part of a signal system; therefore the amount of green time that could be allowed to the side streets is limited. Adding site-generated traffic to the study intersections would have a significant effect on the County streets.

Under background conditions, the SE 135th Avenue intersection was analyzed to be operating at a v/c of 1.3 and LOS F. The SE 142nd Avenue intersection was analyzed to be operating at a v/c of 1.0. The SE 152nd Avenue intersection is expected to operate at a LOS E.

2007 Total Traffic Conditions

With the addition of the site-generated traffic, the transportation facilities are expected to degrade. The SE 130th Avenue intersection is anticipated to operate at a v/c of 1.0. The SE 135th Avenue intersection is expected to operate at a v/c of 1.5 and a LOS F. The SE 136th Avenue intersection is expected to degrade to LOS F. The SE 142nd Avenue intersection is expected to operate at a v/c of 1.2 and LOS F. The SE 152nd Avenue intersection is expected to operate at LOS F.

Potential mitigation measures were proposed for the intersections that were not meeting ODOT or County standards. The TIS proposed to change the signal cycle length at the SE 130th Avenue intersection to 140 seconds. Dual southbound left-turn lanes, a northbound right-turn lane, and a westbound right-turn lane are proposed to mitigate for failing conditions at the SE 135th Avenue intersection. No mitigation was proposed for the failing conditions at the SE 136th Avenue intersection. A northbound left-turn lane and dual southbound left-turn lanes were proposed as mitigation at the SE 142nd Avenue intersection in addition to increasing the signal cycle length to 130 seconds. Separate southbound left- and right-turn lanes are proposed at the SE 152nd Avenue intersection.

Any proposal for additional turn lanes at an intersection on Highway 173/94 would be subject to ODOT review and approval. Dual turn lanes must meet ODOT State Traffic Engineer approval.

The TIS proposes to modify the signal cycle lengths at two different intersections to two different cycle lengths. As these signals are part of a coordinated signal system, the cycle lengths for all signals within the system must be the same. This is required in

order to maintain traffic progression through the system. In addition, analysis must be provided to show that the other intersections in the signal system will continue to operate adequately with a modified cycle length.

A previous application for a conditional use daycare facility had looked into constructing separate left- and right-turn lanes on SE 152nd Avenue as mitigation for their impacts. The County informed the applicant (Love n' Learn Daycare) that there was not sufficient right-of-way to construct separate turn lanes at the intersection. As a result, the daycare application was denied on the grounds of inadequate facilities. Unless additional right-of-way has been obtained in order to construct separate turn lanes on SE 152nd Avenue at Highway 173/94, this is not feasible mitigation.

2020 Traffic Conditions

Analysis for the year 2020 was done for conditions both with and without the Moonglow Corridor. As the Moonglow Corridor is considered planned, it should be accounted for in the analysis. Therefore, all of the analysis results referenced below are for the scenarios that include Moonglow Corridor.

All of the intersections analyzed in the TIS are expected to operate within ODOT and County standards for background conditions in 2020. Under total traffic conditions, the SE 130th Avenue intersection is expected to degrade to a LOS E. All other intersections are anticipated to either operate within ODOT and County standards or be removed as a result of the construction of the Moonglow Corridor.

The TIS proposes that dual southbound left-turn lanes be constructed to mitigate for the traffic impacts at the SE 130th Avenue intersection. Such a proposal would have to meet ODOT standards and State Traffic Engineer approval.

General Comments

The SE 152nd Avenue intersection was incorrectly analyzed in the TIS. It was analyzed with a continuous two-way left-turn lane on the highway on both sides of the intersection. In reality, the two-way left-turn lane terminates on the west side of the intersection and does not continue on through the intersection. It is expected that if the intersection were re-analyzed using the correct median treatment, the intersection would be operating more poorly than was indicated in the TIS. This intersection should be re-analyzed.

The TIS only analyzed for the weekday PM peak hour. Highway 173/94 is a major commuting route with high AM and PM peak hour traffic volumes. While the proposed shopping center would add significantly less traffic in the AM peak hour, analysis should be included for the weekday AM peak hour. In addition, a shopping center would add a significant number of trips on the weekends. Therefore, analysis of the Saturday peak hour should be done.

Schrock Creek Junction (Timberland Highway @ Timberland-Boring Highway) should be analyzed. A significant amount of the site traffic will utilize this intersection.

The narrative for the proposed land use case states that a shopping center in this location would be beneficial to I-555. No traffic analysis was provided that would support this claim. If the applicant wishes to make this statement in support of the proposed zone change and comp plan amendment, they must provide sufficient evidence in the form of traffic analyses that this statement is factual.

The TIS identified a signal at Highway 173/94 and SE 152nd Avenue as a potential mitigation measure under future year (2020) conditions without the Moonglow Corridor. ODOT identifies the desirable spacing of signalized intersections as being 0.5 mile (2460 feet) apart. This intersection is located approximately 0.15 mile (792 feet) from Schrock Creek Junction. It is unlikely a signal would be approved for the Highway 173/94 @ SE 152nd Avenue intersection, due to the close intersection spacing and other potential operational concerns. A proposed signal would have to meet State Traffic Engineer approval.

The applicant is proposing direct access in some form to Highway 173/94. The TIS shows a single right-in, right-out access point. Other documentation provided in the application packet showed either one or two access points, neither of which seem to be restricted. Any proposal for access would be considered a deviation from ODOT's access spacing standards and would be subject to review by ODOT under OAR 731-051.

Any proposals to modify signal timing must meet ODOT approval. The applicant (or representative) should discuss these proposals with Nelson Chi, ODOT Signal Manager. In addition, all analysis must be done using ODOT's signal timing parameters for the signal system on Highway 173/94 to accurately analyze the study intersections. Again, Nelson Chi is the appropriate contact for this information. He can be reached at (503) 731-3014.

Please let me know if there are any questions regarding ODOT's review of the TIS. I can be reached at (503) 731-8220.

Sincerely,

Parker McLane

Review Will Require TIS

July 23, 2003

ODOT Case No: XXXX

City of Salmon

Planning Department
PO Box 958

Salmon, OR 97555

Attn: Mike McGillicutty, Sr. Planner

Subject: **CPA/ZC2005-2: Four Eagles Annexation & CPA/ZC**
29736-30000 SE Eagle Creek Road at OR 94

Dear Mr. McMcGillicutty:

We have reviewed the applicant's proposal to annex 26 acres into the City of Salmon. A comprehensive plan and zoning map designation from light industrial to general commercial is also proposed. The property is adjacent to OR 94, and traffic generated by the proposal has the potential to impact the state highway.

ODOT Standards

According to the Oregon Highway Plan (1999), OR 94 is classified a District Rural highway. The posted speed in this section is 45 miles per hour. Based on speed and classification, the access spacing standard is 500 ft., however, the site's OR 94 frontage may be access controlled. The mobility standard is 0.8, volume to capacity ratio (v/c).

ODOT Review

The applicant did not provide a traffic impact analysis to support this proposal. For comprehensive plan and zoning map amendments, the state *Transportation Planning Rule*, OAR 660-12-060, as well as the *Oregon Highway Plan, Policy 1F*, place the burden of proof on the applicant to demonstrate that the planned transportation system is adequate to support the proposed land use designation. A detailed transportation impact analysis comparing typical trip generation for reasonable 'worst case' development under existing light industrial zoning compared to the proposed general commercial zoning projected to year 2020 (the City of Salmon's transportation system plan horizon) will be needed in order to make an assessment of the proposal's impacts.

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The proposal also fails to address *Salmon Code 17.101.015.A.* that requires that it be demonstrated that transportation facilities are, or can be made, adequate to support the proposed zone change.

ODOT Recommendation

We recommend that the City deny the proposed annexation and comprehensive plan/zoning map amendment at this time. The applicant has failed to demonstrate that the planned transportation system can support the land uses that would be allowed under the proposed general commercial zoning.

Please contact me at 541.777.5353 if you have questions regarding this case. Please forward a copy of the decision and findings when they have been issued. Thank you.

Sincerely,

Dusty Rhoades, Assoc. Planner

Cc: Transportation Planner, DLCD

Response to Code Amendment

January 14, 2005

ODOT Case No: XXXX

City of Salmon

Planning Department
PO Box 958
Salmon, OR 97555

Attn: Mike McGillicutty, Sr. Planner
City of Salmon Planning Commission

Re: **Local File No. CA 05-07: City of Salmon Zoning Districts**

Dear Mr. Lazenby,

We have reviewed the proposed changes to *City of Salmon Municipal Code, Title 19*. ODOT operates two state highways in the City, US 36 and OR 311, and has a concern about the impacts that the proposals may have on the state as well as the local transportation system.

ODOT Review of Proposed Code Language

Central Business District – Chapter 19.42

We are not opposed to the consolidation of listed allowed uses in the Central Business District. We support the prohibition of new auto-oriented and drive-through uses because these can be detrimental to a viable pedestrian-oriented downtown. However, it is recommended that a definition of “auto oriented” be added to *SDC Chapter 19.30* to ensure consistent implementation. The proposal to allow light industrial uses in the downtown core, however, may not be compatible with a pedestrian environment. Industrial uses generally generate high truck traffic, and truck access maneuvers from Pioneer and Proctor, the US 36 couplet, could conflict with pedestrian, transit and bicycle use and reduce visibility for parking in the downtown core. This provision may be acceptable if the type of use referred to is clearly distinguished from light industrial uses that typically require regular truck traffic, and is otherwise defined narrowly enough to ensure that traffic impacts are consistent with the commercial land uses that are also allowed.

General Commercial – Chapter 19.44

We are not opposed to the consolidation of the list of permitted land uses. The proposed increase from 60,000 to 80,000 SF for gross floor area could have an impact; additional traffic analysis to support this change would be necessary if the zoning code in place at the time of the *City's Transportation System Plan* did not allow buildings up to 80,000 square feet.

The proposed addition of light industrial uses and residential planned unit developments warrants further discussion. While in theory this change could open up many acres to industrial and residential construction, experience has shown that parcels with commercial zoning will primarily continue to develop with commercial uses unless there are complementary regulations

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that include requirements or incentives for residential or industrial development. To our knowledge, the City of Salmon zoning code does not include such provisions and none are proposed.

Neighborhood Commercial 19.46

We are not opposed to the consolidation of the list of permitted commercial land uses. The proposed limitations on office and retail building size, auto-oriented uses, drive-throughs and truck traffic within the designated “neighborhoods” is very supportive of neighborhood livability.

Single Family Residential 19.34-Intent and Low Density Residential 19.36.00 Intent

The proposed text would eliminate required minimum densities of 2 units and 5 units per gross acre respectively, and replace with a maximum limit of 6 units and 10 units per gross acre respectively. The proposed maximums appear to be typical for the referenced zone types. However, because minimum density requirements are an effective tool to reduce sprawl, we recommend that the minimum density requirement also be retained. The City could consider adopting language that allows cluster development and flexible design standards where slope maximums or riparian setbacks preclude development on portions of a site as a means to meet minimum densities and provide development opportunities.

Industrial Park 19.48, Light Industrial 19.50 and General Industrial 19.52

The proposed language changes for Uses Permitted Outright (1) would allow “Any commercial, institutional, civic or industrial uses that comply with the design standards for the district, unless specifically excluded.” Auto-oriented or drive-through uses would also be allowed.

The *City of Salmon Transportation System Plan* was formulated on traffic analysis from 1994/1995 existing conditions projected to year 2015. The analysis was based on future build-out of lands according to the *Comprehensive Land Use Map*, and in tandem with the comprehensive plan and development code language developed through the *2040 Regional Coordination Study*. The TSP was adopted in 1996, and the complementary comprehensive plan and development code revisions were adopted in 1997. These planning efforts included extensive public involvement and participation by service providers, and resulted in consistency between the comprehensive plan policies and plan map and implementing land use ordinances. The current proposal does not appear to meet the growth concepts and goals developed in the *2040 Regional Coordination Study* or the *Town Center Plan*.

As the City is aware, the gap between transportation project needs and available state and local funding is wide. There are numerous projects discussed in the *City's Transportation System Plan* considered to be needed in the near or long term that are not programmed in the *State Transportation Improvement Program* or the *City of Salmon's Capitol Improvement Plan*. For example, traffic studies for recent development proposals showed that four intersections on US 36: Bufford, Industrial, 62nd and Robin that are expected to fail by 2006. While the need for signal upgrades for three of these highway intersections was identified in the TSP, these projects are not listed in the TSP's Implementation Plan and they are not programmed in either the STIP or the City's CIP. Uses already allowed under the City's existing zoning code will exacerbate the anticipated deficiencies and it is likely that the improvements needed at these intersections may be disproportionate to the mitigation that could reasonably be required to offset impacts of a specific development. Exacerbating this situation further with code changes

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that permit more intensive traffic-generating land uses without concurrently providing mechanisms to mitigate their impacts is not recommended.

ODOT has a serious concern with this proposal, as the potential traffic generation from commercial as well as some institutional and civic uses is substantially higher than for industrial development. Under the proposed code, a major chain grocery store, a large church complex that includes weekday activities, schools and a sports arena would all be permitted as long as each building was kept to less than 80,000. The impacts of this change on the 30 acres of industrial zoning currently within the city limits, as well as lands within the City's urban growth boundary could be substantial. The text change could also result in dispersed auto-oriented strip development, especially along US 36, which might reduce the attractiveness of downtown or other neighborhoods for retail development. Dispersed commercial growth could also increase the number of locations where transportation improvements are needed that were not anticipated in the *City of Salmon Transportation System Plan*.

The attached chart, prepared by Parker McLane, Traffic Analyst, ODOT Region 6 presents a rough comparison of the typical trip generation from development allowed under the City's existing and proposed industrial zoning code. As you can see, the potential increase in trip generation is substantial. The Permitted Uses now allowed in the City's three industrial zoning districts are typical of those found in industrial zones around the state. The proposal to allow general commercial development in industrial zones is not a standard practice. It is highly probable that primarily commercial development would occur on industrially-zoned parcels if this zoning code text change were to be adopted. Cities that previously allowed commercial development on industrial lands, such as the City of Murrelet, saw their industrial land supply erode due to commercial development; Murrelet recently amended their development code to eliminate commercial uses in their industrial zones to address this issue.

In order to assess the adequacy of the state and local transportation system to accommodate the proposed code changes, the City should conduct a traffic impact analysis that compares reasonable worst case development as allowed under the current zoning codes to the development that would be allowed under the proposed code. The analysis will need to be based on the acreage that will be affected and be consistent with the study area of the *TSP*, and calculate site densities according to all provisions in the City's existing and proposed development code. Such a study is needed to demonstrate the potential impacts of these text changes, and would identify necessary transportation system improvements. Based on the analysis, the City and service providers could ascertain the feasibility of providing necessary infrastructure, and/or propose alternate zoning code revisions that address concurrency of transportation infrastructure. Potential options could include moving commercial, institutional or civic uses into the "conditional use" category, adding requirements for traffic analysis and for demonstration of transportation adequacy as approval criteria.

ODOT has a strong interest in establishing a *Special Transportation Area (STA)* along the US 36 couplet in downtown. An expectation for STA designation, which would create the potential for more pedestrian-friendly highway design standards and allow lower speeds within the downtown core, is that mobility standards be maintained on highway segments outside of the STA. The proposed zoning code amendments may foster additional strip commercial

development along US 36 outside of downtown that in turn would diminish the mobility of through travel along US 36.

ODOT FINDINGS

The following state and local approval criteria pertain to this proposal:

http://arcweb.sos.state.or.us/rules/OARS_600/OAR_660/660_012.html

The Oregon Highway Plan (1999) Action 1F.2

...When evaluating highway mobility for amendments to transportation system plans, acknowledged comprehensive plans and land use regulations, use the planning horizon in adopted local and regional transportation system plans or a planning horizon of 15 years from the proposed date of amendment adoption, whichever is greater. To determine the effect an amendment to a transportation system plan, acknowledged comprehensive plan or land use regulation has on a state facility, the capacity analysis shall include the forecasted growth of traffic on the state highway due to regional and intercity travel and to full development according to the applicable acknowledged comprehensive plan over the planning period.

Oregon Highway Plan, Action 1F.6

For purposes of evaluating amendments to transportation system plans, acknowledged comprehensive plans and land use regulations subject to OAR 660-12-060, in situations where the volume to capacity ratio for a highway segment, intersection or interchange is above the standards in Table 6..., or those otherwise approved by the Commission, and transportation improvements are not planned within the planning horizon to bring performance to standard, the performance standard is to avoid further degradation. If an amendment to a transportation system plan, acknowledged comprehensive plan or land use regulation increases the volume to capacity ratio further, it will significantly affect the facility.

The City has not conducted a transportation impact analysis to assess the effects of the proposed zoning code amendments. Based on available information, there are existing and anticipated deficiencies in the transportation system that are not addressed in the adopted City of Salmon *Transportation System Plan*. The proposed zoning code amendments have the potential to exacerbate deficiencies, and could have a *significant impact* on the transportation system.

City of Salmon Municipal Code 19.24.70 REVIEW CRITERIA *Comprehensive Plan amendments shall be reviewed to assure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. Amendments shall be approved only when the following findings are made:*

- A.** *The change being proposed is the best means of meeting the identified public need; and*
- B.** *The change will result in a net benefit to the community.*

The City has not yet identified their objectives with this proposal and what public need is being addressed. Based on the information at hand, it appears that the code revisions could result in a negative impact on community livability.

RECOMMENDATION

ODOT does not support adoption of the zoning code revisions proposed at this time. The changes may result in conditions that are inconsistent with State Planning Goals and with the objectives of the City's adopted comprehensive plan. The changes to permitted uses in the Industrial and Commercial zones are likely to cause a *significant effect* on the transportation system (which triggers the requirements of the TPR, OAR 660-012), and are inconsistent with State Planning Goal 12 – Transportation.

We would welcome the opportunity to meet with City staff and board members along with representatives of other affected state agencies (DLCD, OECDD) to learn more about the City's objectives and to explore alternatives.

Please contact me at 533.732.5555 if you have questions regarding this letter. I would appreciate receiving a copy of the staff report and planning commission recommendation as soon as they are available prior to City Council hearing.

Sincerely,

Dusty Rhoades,
Assoc. Planner

Notice Required

ODOT NOTIFICATION PROCEDURES

The State Agency Coordination Program, ODOT (1990) and the Oregon Transportation Planning Rule (1991) identify local requirements for notification and coordination with ODOT concerning local land use and transportation planning activities. A Notice of Decision with Conditions of Approval must be sent for all cases for which ODOT provides comments.

House Bill 2219, effective date January 2004, requires notification to ODOT and the railroad for land use actions in which a railroad-highway crossing provides or will provide the only access to a property. Applicants are required to indicate that fact in the application submitted to the decision maker.

CRITERIA TRIGGERING NOTIFICATION

- Any development proposing access to a state highway facility (includes state highways and frontage roads) or across railroad right of way
- Modifications to existing developments that have access to a state highway or across railroad right of way
- All zone changes and comp plan amendments (legislative and quasi-judicial)
- Any development that generates 50 or more trips to a state highway (includes all state highways, interchanges, ramps and frontage roads) or a railroad crossing
- Any development proposed w/in 500 ft of ODOT right of way or railroad right of way
- Land divisions with property adjacent to ODOT right of way
- All proposed access or activities within the state highway right of way require ODOT permits, even if local land use review is not required. Please notify the district contact of all activities within state right of way.

Helpful Information to Send:

- Applicant's Name, Address, Phone #
- Project Name
- Local File Number (previous actions)
- Location & Legal Description of Property
- Description of Proposal
- Type of Land Use Review
- Current and Proposed Zoning
- Comment Deadline
- Assigned Planner and phone number

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- Public hearing date and location
- Vicinity Map
- Traffic Impact Study, if available
- Site Plan (to scale, showing existing and proposed accesses and rail facilities)
- Landscape/grading and drainage plans when adjacent to highway

SEND NOTICES AND APPLICATION MATERIALS TO

ODOT Region 1 Planning Development Review Planning 123 NW Flanders Portland, OR 97209 503-731-8200	ODOT District 2A Sam Hunaidi, Assist. Manager 5440 SW Westgate Dr. #350 Portland, OR 97221 503-229-5002	ODOT Rail Division Dave Lanning, Sr. Crossing Safety Specialist 555 13 th St NE Suite 3 Salem, OR 97301 503-986-4267
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No Significant Effect

May 12, 2006

ODOT Case No: XXXX

Timberland County

Department of Transportation & Development
517 SE Glenbrook Blvd.
Salmon, OR 97555

Attn: Rick O'Brien, Planning

Re: Local File No ZA-113-05: Burlwood Subdivision; Becker Lane and OR 94; Red Burl, Applicant

Dear Mr. O'Brien:

Thank you for providing ODOT the opportunity to review this proposed zone change to R-8 and R12 to allow development of a 27-lot subdivision plat.

Based on our review and analysis, we find that capacity and operations of the affected state highway, OR 94 and the interchange at Hwy 173 will not be significantly affected by the proposal in the near or long term. The planned interchange modernization project provides capacity to meet the transportation adequacy provisions of the Transportation Planning Rule, 660-12-060. The revised traffic analysis shows that the proposal meets the County's transportation concurrency Level of Service D standard.

The Hwy 173 / 94 interchange fails the state's volume-to-capacity mobility standard. However, ODOT does not believe that any mitigation by the applicant is warranted because background conditions are already anticipated to exceed our .99 v/c standard and the development's traffic will not cause a significant worsening of the situation. The proposal appears to meet the County's approval criteria.

Parker McLane, Traffic Analyst, ODOT Region 6 has provided the following technical review of the TIS:

The proposed zone change is to facilitate the development of a 27-lot subdivision with access to Becker Lane, which accesses Hwy 94 at MP 9.70. This intersection and the intersection of Hwy 173 with Hwy 94 (Hwy 173 Interchange) are expected to be impacted by the development, and were analyzed in the Strata Engineering traffic impact study (TIS), dated April 2004. The TIS stated that emergency access to Hwy 94 will be available through 65th Avenue, but that intersection was not included in the analysis. This review considers possible mitigation measures dealing with traffic operations or safety of the state facilities.

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According to the *1999 Oregon Highway Plan (OHP)*, Hwy 173 is a District Urban facility. It is a two-lane highway with a posted speed of 45 mph. The *OHP* classifies OR 94 as a Statewide Urban highway in this vicinity. It has four lanes and a posted speed of 45 mph. The *OHP* mobility standard for both facilities is a volume to capacity (v/c) ratio of 0.99 for the peak two consecutive hours. Becker Lane is under the jurisdiction of Timberland County and is classified as a collector street. Additionally, Timberland County's Concurrency Ordinance requires a level of service of "D" or above for all facilities.

The TIS listed some recent improvements in the area, including a 150 ft southbound left-turn lane on Hwy 224 for access to Becker Lane, and widening of Becker Lane to 48', which affords room for separate left and right turn egress lanes. A new westbound through lane has recently been added to Hwy 94 at its intersection with Hwy 224. In-process development that was considered in the analysis include a total of 26 currently undeveloped single-family lots in the Hall Heights, Orchard Hill, and English Ivy subdivisions. The TIS does not consider the traffic generated by the recently approved Sunnyside Community Church, which will access Hwy 94 just east of the Hwy 173 Interchange. However, that development will have a negligible impact during the critical analysis period, as it is only expected to generate about six PM peak hour trips.

Trip generation for the Burlwood development was derived from ITE Trip Generation code 210 - Single Family. The development is expected to generate 153 daily trips, with 12 AM peak hour, and 16 PM peak hour trips. The TIS analyzed future year conditions for the subject intersections for the year 2007, which included trips from the in-process developments noted above, as well as a 3% per year growth factor applied to highway volumes.

The analysis showed the intersection of Hwy 224 and Becker Lane operating well below ODOT's mobility and Timberland County concurrency standards for all development scenarios. A revised analysis submitted by Strata Engineering in May 2005 showed the Hwy 173 Interchange exceeding ODOT's mobility standard for both background and build scenarios for 2007. The facility was shown to meet the County Concurrency standard of LOS "D." ODOT's preferred basis for analyzing zone changes is a 20 year future year analysis, which was not provided for this proposal. However, improvements to the Hwy 173 Interchange are identified in the County and Regional TSP. These improvements are expected to accommodate future traffic growth in the area.

It should be noted that the analysis method was not done according to Highway Capacity Manual (HCM) standards. The TIS analysis divided the peak two hours into two one-hour blocks, and these blocks were analyzed separately. ODOT expects intersection capacity analysis to reflect the peak 15-minute operating conditions, which are approximated by the use of peak hour factors. Further, it appears that the cycle length had been modified, which may have decreased theoretical delay (LOS), but lowered capacity (increased v/c). Nevertheless, other analyses have indicated that the intersection will approach capacity even under background conditions, and the subject development alone would not have a significant impact on operations.

Possible safety concerns include sight distance restrictions, documented crash history, and observed operational problems. The TIS indicates that sight distance was measured in

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excess of 550 in both directions. However, it was not specified what method was used for measuring sight distance. Sight distance for state facilities should follow the methodology outlined in the 2001 AASHTO "Policy on Geometric Design of Highways and Streets." For a speed of 45 mph, the necessary distance is 500', indicating that existing sight distance is adequate. Visual inspection from the Video Log does appear to confirm this. The crash history revealed no documented safety problems at either of the subject intersections. Recent improvements, such as the installation of a southbound left-turn lane on Hwy 94 at Becker Rd may reduce the occurrence of the types of crashes typically associated with this type of intersection.

The TIS did not recommend any mitigation measures for the subject intersections. ODOT concurs with this assessment, as a signal at Hwy 94/Becker Lane is not warranted, and the existing southbound left-turn lane storage is adequate. There are no other safety or operational concerns with the intersection that warrant mitigation measures at this time.

Please forward a copy of the Decision for File No ZA-113-05 when it has been issued. Thank you.

Sincerely,

Dusty Rhoades, Assoc. Planner

Cc: Parker McLane, Traffic, ODOT Region 6

Form Letter Example: ODOT Response to Local Land Use Notification



Oregon

Theodore R. Kulongoski, Governor

Oregon Department of Transportation

ODOT Region 1
123 NW Flanders St
Portland, OR 97209
Telephone (503)731-8200
FAX (503)731-8259

ODOT Response to Local Land Use Notification

Jurisdiction:	Case #:	
Applicant:	Project Name:	
Address:		
Legal Description:	Tax Lot(s)	
State Highway: <i>Highway Route Number</i>	Mileposts: -	
TRAFFIC CONTACT: Traffic Analyst		Phone:
PERMIT CONTACT: Access Mgt & Engineering Coordinator	ODOT District:	Phone:

***Please see reverse side for Recommended Local Conditions of Approval.**

The site is adjacent to the referenced state highway. ODOT has permitting authority for the state highway and an interest in ensuring that the proposed land use is compatible with its safe and efficient operation.

Please direct the applicant to the District Contact indicated above to determine permit requirements and obtain application information.

ODOT has determined there will be no significant impacts to state highway facilities and no additional state review is required.

The applicant is advised that a residential development on the proposed site will likely be exposed to traffic noise levels that exceed federal noise guidelines. Builders should take appropriate measures to mitigate this impact. It is generally not the State's responsibility to provide mitigation for receptors that are built after the noise source is in place.

ODOT recommends that the applicant be required to submit a traffic impact analysis assessing the impacts of the proposed use on the State highway system. The analysis shall be conducted by a Professional Engineer registered in Oregon. Contact the ODOT traffic representative identified above to scope the study.

PROPOSED ACCESS TO STATE HIGHWAY

Site access to the state highway is regulated by OAR 734.51. Until the ODOT approach permit review has been completed, we cannot make a determination on the number, location or design of the proposed approach(es) to the highway.

ODOT is not obligated to provide additional approaches to the state highway for new parcels created through partition. If shared access is required by ODOT, the applicant would need to establish crossover easements or service roads between the new parcels to facilitate a shared approach.

ODOT has conditionally approved the highway approach location(s) based on the specific site plan and uses identified in the applicant's approach road permit application. The locally approved site plan and uses must be consistent with the site plan and uses identified for the ODOT permit in order for the ODOT conditional permit approval to remain valid. If the site plan or proposed uses are modified, the conditional access approval may be invalidated and no permit issued by ODOT.

RECOMMENDED LOCAL CONDITIONS OF APPROVAL

Curb, sidewalk and bikeways shall be constructed consistent with the local Transportation System Plan and Regional Transportation Plan (if applicable) to current local, ODOT/ADA standards to provide pedestrian and bicycle access to the site.

Right of way dedication as necessary to accommodate the planned cross section identified in the Transportation System Plan shall be provided through deed to the Oregon Department of Transportation.

Either an ODOT approach permit(s) for access to the state highway or a written determination (e-mail, fax or mail is acceptable) from ODOT that the existing approach(es) are legal for the proposed use is required.

An ODOT Miscellaneous Permit is required for all work in the highway right of way.

An ODOT Drainage Permit is required for connection to state highway drainage facilities. Connection will only be considered if the site's drainage naturally enters ODOT right of way. The applicant must provide ODOT District with a preliminary drainage plan showing impacts to the highway right of way.

A drainage study prepared by an Oregon Registered Professional Engineer is usually required by ODOT if:

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1. The total peak runoff entering the highway right of way is greater than 1.77 cubic feet per second; or
2. **The improvements create an increase of the impervious surface area greater than 10,758 square feet.**

ADDITIONAL COMMENTS:

Signed:	Development Review Planner
Phone:	Date: