

ORDINANCE BILL NO. 9-24

AN ORDINANCE RELATING TO UTILITIES AND STORMWATER; AMENDING SRC 70.005, 70.070, 70.310, 71.025, 71.055, 71.080, 71.085, 71.087, 71.090, 71.095, AND 71.100.

The City of Salem ordains as follows:

Section 1. SRC sections 70.005, 70.070, 70.310, 71.025, 71.055, 71.080, 71.085, 71.087, 71.090, 71.095, and 71.100 are hereby amended as set forth in Exhibit A, attached hereto and by reference incorporated herein.

Section 2. Findings. SRC 110.085 (Amendments to the *Unified Development Code*) establishes two approval criteria that must be met for an amendment to the *Salem Revised Code* to be approved: 1. The amendment is in the best interest of the public health, safety, and welfare of the City; and 2. The amendment conforms with the *Salem Area Comprehensive Plan*, applicable Statewide Planning Goals, and applicable administrative rules adopted by the Department of Land Conservation and Development. These criteria are reviewed below.

1. The amendment is in the best interest of the public health, safety, and welfare of the City.

Finding: The Code amendments are in the best interest of the public health, safety, and welfare of the City because they reduce risks of flooding, reduce impact of high stormwater flows on the aquatic environment, and reduce discharges of pollutants into Salem’s creeks, lakes, and the Willamette River.

2. The amendment conforms with the Salem Area Comprehensive Plan, applicable Statewide Planning Goals, and applicable administrative rules adopted by the Department of Land Conservation and Development.

A. Conformance with the Salem Area Comprehensive Plan

The Salem Area Comprehensive Plan (SACP) is the long-range plan for guiding development in the Salem urban area. The overall goal of the plan is to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meet the needs of present and future residents of the Salem urban area.

Finding: The proposed amendments will, among other results, provide for orderly and efficient development by requiring new development and redevelopment projects to meet performance standards related to discharges into the public stormwater system. The proposed Code amendments were reviewed and found to be in conformance with the applicable goals and policies of the Salem Area Comprehensive Plan. Among these:

CE 1 (Community Engagement): The City’s collaborative work with the members of the Stormwater Advisory Group resulted in meaningful changes and overall improvements to the proposed amendments to SRC and updates to the Public Works Design Standards. (See Facts and Findings above.)

E 4.4 (Sustainability): The requirements contained in SRC Chapter 71 (Stormwater) reduce adverse impacts of stormwater runoff on the environment by removing pollutants, reducing flows, and encouraging the use of green stormwater infrastructure.

L 4.2 (State and federal regulations): Implementing the proposed amendments to SRC Chapter 70 and Chapter 71 will ensure the City remains compliant with the National Pollutant Discharge Elimination System Municipal Separate Storm Sewer Systems Phase I Individual Permit issued pursuant to the Oregon Revised Statute 458B.050 and Section 402 of the Federal Clean Water Act (Permit No. 101513, File No. 108919).

N 1.1 (Natura resource protection): The revised stormwater and treatment requirements contained in SRC Chapter 71 serve to protect and enhance the quality of Salem’s natural resources by reducing the introduction of pollutants into our waterways and lowering the adverse impacts of high stormwater flows into Salem’s creeks.

B. Conformance with Applicable Statewide Planning Goals

Goal 1: Citizen Involvement. Goal 1 calls for the opportunity for citizens to be involved in all phases of the planning process.

Finding: Residents were provided several opportunities for input as required by SRC 300.1110. Additionally, the involvement of the Stormwater Advisory

1 Group provided an opportunity for members of the business, engineering,
2 and environmental advocacy groups to be involved in the redrafting of the
3 codes and administrative rules. The work of the Stormwater Advisory Group
4 was posted on the City’s public website, meetings were open to the public
5 with times, locations, and minutes of previous meetings provided on the
6 public website. The Salem Area Home Builders Association of Marion and
7 Polk Counties (HBA) were made aware of the project at their monthly
8 meeting on February 12, 2024, and HBA had a representative on the
9 Stormwater Advisory Group. The proposed amendments satisfy this
10 criterion.

11 **Goal 2: Land Use Planning.** Goal 2 requires each local government in Oregon to
12 have and follow a comprehensive land use plan and implementing regulations.

13 **Finding:** The proposed amendments conform with the *Salem Area*
14 *Comprehensive Plan* (see discussion in Section 2.A above). Therefore, this
15 criterion is satisfied.

16 **Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces.**

17 Goal 5 is a broad statewide planning goal for local governments that covers more
18 than a dozen areas of interest, natural resources among them.

19 **Finding:** The proposed amendments will reduce the adverse impacts of
20 stormwater runoff on Salem’s waterways from new development and
21 redevelopment. These will accomplish this by the proposed new
22 requirements related to stormwater treatment and stormwater flow control
23 standards. The amendments satisfy this criterion specifically for natural
24 resources.

25 **Goal 6: Air, Water and Land Resources Quality.** Goal 6 instructs local
26 governments to consider protection of air, water and land resources from pollution
27 and pollutants.

28 **Finding:** The proposed amendments specifically address protection of water
29 resources through its post-development requirements that are intended to
30 reduce pollutants in stormwater runoff. The proposed amendments therefore

1 conform with this goal.

2 **Goal 7: Areas Subject to Natural Disasters and Hazards.** Goal 7 requires local
3 governments to address Oregon’s natural hazards.

4 **Finding:** The proposed amendments will minimize peak stormwater
5 discharges from new development and redevelopment, thereby reducing risks
6 and severity of flooding. The proposed amendments therefore conform with
7 this goal.

8 **Goal 11: Public Facilities and Services.** Goal 11 is related to local governments
9 ensuring timely, orderly, and efficient arrangement of public facilities to support
10 urban development.

11 **Finding:** The proposed amendments support public infrastructure by
12 reducing stormwater flows into the public stormwater system through the
13 flow control thresholds and performance standards. The proposed
14 amendments therefore conform with this goal.

15 *Statewide Planning Goals 3 (Agricultural Lands), 4 (Forest Lands), 8*
16 *(Recreational Needs), 9 (Economic Development), 10 (Housing), 12*
17 *(Transportation), 13 (Energy Conservation), 14 (Urbanization), 15 (Willamette*
18 *River Greenway), 16 (Estuarine Resources), 17 (Coastal Shorelands), 18*
19 *(Beaches and Dunes), and 19 (Ocean Resources) are not applicable to this*
20 *proposed amendment.*

21 **C. Conformance with Applicable Administrative Rules adopted by the Department**
22 **of Land Conservation and Development**

23 Oregon Administrative Rule (OAR) 660-018-0020 requires that notice be
24 provided to the Department of Land Conservation and Development (DLCD) on
25 any proposed amendment to a local land use regulation at least 35 days prior to
26 the first public hearing. Notice to DLCD was provided within 35 days of the
27 proposed hearing date. The proposed amendments comply with this requirement.

28 **Section 3. Codification.** In preparing this ordinance for publication and distribution, the
29 City Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but
30 within such limitations, may:

- 1 (a) Renumber sections and parts of sections of the ordinance;
- 2 (b) Rearrange sections;
- 3 (c) Change reference numbers to agree with renumbered chapters, sections or other
- 4 parts;
- 5 (d) Delete references to repealed sections;
- 6 (e) Substitute the proper subsection, section or chapter, or other division numbers;
- 7 (f) Change capitalization and spelling for the purpose of uniformity;
- 8 (g) Add headings for purposes of grouping like sections together for ease of
- 9 reference; and
- 10 (h) Correct manifest clerical, grammatical or typographical errors.

11 **Section 4. Severability.** Each section of this ordinance, and any part thereof, is
 12 severable, and if any part of this ordinance is held invalid by a court of competent
 13 jurisdiction, the remainder of this ordinance shall remain in full force and effect.

14 **Section 5. Effective Date.** The effective date of this ordinance shall be November 1, 2024.

15
 16 PASSED by the City Council this _____ day of _____, 2024.

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 18 ATTEST:

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 21 City Recorder
 22 Approved by City Attorney: _____

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 24 Checked by: R. Chandler

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