

ORDINANCE BILL NO. 6-25

AN ORDINANCE RELATING TO FLOODPLAIN DEVELOPMENT PERMITS;
AMENDING SRC 220.005, SRC 300.100, SRC 300.850, SRC 601.005, SRC 601.040, SRC
601.045, SRC 601.050, SRC 601.075, AND CREATING NEW PROVISIONS SRC 601.100

The City of Salem ordains as follows:

Section 1. The following Salem Revised Code (SRC) chapters are hereby amended as set forth in Exhibit A, attached hereto and by this reference incorporated herein: SRC 220.005, SRC 300.100, SRC 300.850, SRC 601.005, SRC 601.040, SRC 601.045, SRC 601.050, SRC 601.075, and creating new provisions SRC 601.100.

Section 2. Findings. SRC 110.085 establishes the following approval criteria that must be met for a code amendment to be approved:

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 ensure the City's continued compliance with the National Flood Insurance Program (NFIP) Endangered Species Act Integration in Oregon by the Federal Emergency Management Agency (FEMA), maintaining lower flood insurance costs for Salem residents, while affording greater protections of the floodplain.

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.*

Finding: 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.

The proposed Code amendment was reviewed for conformance with applicable goals and policies of the SACP, Statewide Planning Goals, and administrative rules adopted by the Department of Land Conservation and Development (DLCD). The Following goals and policies relate to the proposed Code amendments:

SACP Goal CE1 (Community Engagement) – *Engage the public in planning, investment, and policy decisions and in the implementation of this Comprehensive Plan through inclusive, equitable, transparent, and collaborative processes that foster meaningful involvement from all members of the community.*

Finding: Public notice and the process of a public hearing on proposed changes provide opportunities for citizen participation in the decision-making process.

SACP Goal N1 (Environmental Protection) – *Protect and enhance the quality and function of Salem’s natural resources, ecosystems, and environment.*

Policy N 1.1 Natural resource protection: The quality and function of natural resources in the Salem Urban Area shall be protected, including wetlands, waterways, floodplains, and critical habitat.

Policy N 1.2 Water quality: The City shall facilitate and support efforts to protect and improve water quality in the Willamette River, streams, floodplains, wetlands, and groundwater to benefit ecological health as well as the health and safety of the community.

Finding: The proposed amendments are intended to ensure compliance with the *National Flood Insurance Program (NFIP) Endangered Species Act Integration in Oregon* by the Federal Emergency Management Agency (FEMA). The proposed amendments will require a Mitigation Assessment for all new development in the floodplain. The Mitigation Assessment and mitigation plan are required to ensure no-net loss of the natural and beneficial functions of floodplains in the Special Flood Hazard Area, pertaining to floodplain storage; water quality; and riparian vegetation. The proposed amendments comply with SACP Goal N1 by providing additional protections for endangered species habitat within the City’s Special Flood Hazard Area.

SACP Goal C2 (Climate Change and Natural Hazards): *Prepare and protect the community from the impacts of natural hazards, climate change, and other disasters.*

Policy CC 2.3 Flood prevention and mitigation: The City shall pursue a variety of flood prevention and mitigation strategies, including incentivizing property owners to make improvements that incorporate green infrastructure.

Policy CC 2.4 Development in floodplains: Development in floodplains shall be regulated to minimize negative impacts on natural resources and potential danger to life and property.

Finding: The Federal Emergency Management Agency has directed communities to require a Mitigation Assessment for all new development in the floodplain in order to remain in compliance with the National Flood Insurance Program (NFIP). Adopting the code amendment prevents potential FEMA audits or NFIP suspension, thus preserving eligibility for federally backed flood insurance in Salem as well as federal disaster relief.

Statewide Planning Goal 1 (Citizen Involvement): *To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.*

Finding: Public notice and the process of a public hearing on proposed changes provide opportunities for citizen participation in the decision-making process.

Statewide Planning Goal 2 (Land Use Planning): *To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

Finding: The proposed Code amendments are being presented to the community through a public notification and hearing process that includes the public and DLCDC as is consistent with the decision-making process identified for land use actions under Goal 2.

Statewide Planning Goal 7 (Areas Subject to Natural Hazards): *To protect people and property from natural hazards.*

Goal 7(c)(4): Local governments will be deemed to comply with Goal 7 for coastal and riverine flood hazards by adopting and implementing local floodplain regulations that meet the minimum National Flood Insurance Program (NFIP) requirements.

Finding: The Federal Emergency Management Agency has directed communities to require a Mitigation Assessment for all new development in the floodplain in order to remain in compliance with the National Flood Insurance Program (NFIP). Therefore, the amendments ensure compliance with the minimum NFIP standards, in conformance with Goal

The proposed implementation conforms to these goals and policies because it implements the recommendations approved by the Department of Land Conservation and Development and the Federal Emergency Management Agency.

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

- (a) Renumber sections and parts of sections of the ordinance;
- (b) Rearrange sections;
- (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- (d) Delete references to repealed sections;
- (e) Substitute the proper subsection, section or chapter, or other division numbers;
- (f) Change capitalization and spelling for the purpose of uniformity;

1 **(g)** Add headings for purposes of grouping like sections together for ease of
2 reference; and

3 **(h)** Correct manifest clerical, grammatical or typographical errors.

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

7 PASSED by the City Council this _____ day of _____, 2025.

8 ATTEST:

9 City Recorder

10 Approved by City Attorney: _____

11 Checked by: Laurel Christian