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**ORDINANCE BILL NO. 17-19**

AN ORDINANCE RELATING TO FLOODPLAIN OVERLAY ZONE; AMENDING SRC CHAPTER 601

*The City of Salem ordains as follows:*

**Section 1.** SRC sections 601.005, 601.010, 601.015, 601.020, 601.025, 601.030, 601.035, 601.040, 601.045, 601.050, 601.055, 601.060, 601.065, 601.070, 601.075, 601.080, 601.085, 601.090, 601.095, 601.100, 601.105, 601.110, 601.115, 601.120, 601.125, are hereby repealed.

Chapter 601 is hereby replaced as set forth in Exhibit A, attached hereto and by this reference incorporated herein.

**Section 2. Statement of Purpose.**

(a) It is the purpose of this ordinance to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in flood hazard areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas;
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
7. Notify potential buyers that the property is in a special flood hazard area
8. Notify those who occupy special flood hazard areas that they assume responsibility for their actions
9. Participate in and maintain eligibility for flood insurance and disaster relief.

(b) In order to accomplish its purposes, this ordinance includes methods and provisions for:

1. Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage;
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

1 **Section 3. Findings.** SRC 110.085 establishes the following approval criteria that must be met  
2 for a code amendment to be approved:

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

4 **Finding:** The code amendment is in the best interest of the public health, safety, and welfare  
5 of the City because it is required for ongoing participation in the National Flood Insurance  
6 Program.

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

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

14 The proposed code amendment was reviewed for conformance with the applicable goals and  
15 policies of the SACP, Statewide Planning Goals and administrative rules adopted by the  
16 Department of Land Conservation and Development. The following goals and policies relate  
17 to the proposed code amendment:

- 18 3. **Natural Resources Goal:** *To conserve open space, protect natural, historic, cultural and  
19 scenic resources, and to protect life and property from natural disasters and hazards.*

20 *Policy 7: Flood Hazards*  
21 *Development in the floodplain shall be regulated to preserve and maintain the capability  
22 of the floodplain to convey the flood water discharges and to minimize  
danger to life and property.*

**Finding:** The proposed code amendment is consistent with the above SACP natural  
resources goal and policy because it implements the National Flood Insurance Program as  
required by FEMA.

4. **Statewide Land Use Planning Goal 7 – Areas Subject to Natural Disasters and Hazards:**  
*Goal 7(C)(7) 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.*

The proposed code amendment conforms to this goal because it implements the Oregon  
Model NFIP ordinance as approved by DLCDC and FEMA.

**Section 4. Additional Findings.** The flood hazard areas of the City of Salem are subject  
to periodic inundation which may result in loss of life and property, health and safety

1 hazards, disruption of commerce and governmental services, extraordinary public  
2 expenditures for flood protection and relief, and impairment of the tax base, all of which  
3 adversely affect the public health, safety, and general welfare. These flood losses may be  
4 caused by the cumulative effect of obstructions in special flood hazard areas which  
5 increase flood heights and velocities, and when inadequately anchored, cause damage in  
6 other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected  
7 from flood damage also contribute to flood loss.

8 **Section 5. Statutory Authorization.** The State of Oregon has in ORS 197.175  
9 delegated the responsibility to local governmental units to adopt floodplain management  
10 regulations designed to promote the public health, safety, and general welfare of its  
11 citizenry.

12 **Section 6. Codification.** In preparing this ordinance for publication and distribution, the  
13 City Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but  
14 within such limitations, may:

- 15 (a) Renumber sections and parts of sections of the ordinance;
- 16 (b) Rearrange sections;
- 17 (c) Change reference numbers to agree with renumbered chapters, sections or other  
18 parts;
- 19 (d) Delete references to repealed sections;
- 20 (e) Substitute the proper subsection, section or chapter, or other division numbers;
- 21 (f) Change capitalization and spelling for the purpose of uniformity;
- 22 (g) Add headings for purposes of grouping like sections together for ease of  
reference; and
- (h) Correct manifest clerical, grammatical or typographical errors.

19 **Section 7. Severability.** Each section of this ordinance, and any part thereof, is  
20 severable, and if any part of this ordinance is held invalid by a court of competent  
21 jurisdiction, the remainder of this ordinance shall remain in full force and effect.

22 **Section 8. Emergency Clause.** This act being necessary for the immediate preservation  
of the public peace, health and safety, an emergency is declared to exist, and this  
ordinance amending SRC chapter 601 shall be in full force and effect from and after the  
date of passage.

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PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

City Recorder

Approved by City Attorney: \_\_\_\_\_

Checked by: G. Davis