

Summary of Proposed Amendments to SRC 70 and SRC 71

Overview. This attachment summarizes the proposed amendments to *Salem Revised Code* (SRC) Chapter 70 (Utilities) and SRC Chapter 71 (Stormwater). The majority of the proposed amendments are based on the requirements contained in the City’s Municipal Separate Storm Sewer discharge permit issued by the Oregon Department of Environmental Quality in 2021 under the authority of the federal Clean Water Act (“Municipal Stormwater Permit”). Some changes are proposed based on lesson learned over the past several years of implementing the codes, and other changes are to clarify or better codify existing practices. Proposed changes that involved correcting grammar, minor edits, or corrections to typographical errors are not addressed below.

Summary of Proposed Amendments to SRC 70.

The proposed amendments to SRC 70 fall into one of five categories as described below:

1. **Cross-reference.** Amendments are proposed to cross-reference one definition with another in SRC 70, or to cross-reference the SRC 70 definition with a term defined in another chapter of the SRC. These include the following terms: construction activity, contaminant, development, earth material, erosion, and single family residential project.
2. **Alignment.** Amendments are proposed to better align the City’s definition with the definitions and requirements contained in the Municipal Stormwater Permit. These include: green stormwater infrastructure (green infrastructure in the permit), impervious surface, numeric stormwater retention requirements (cross-referenced to our definition of “water quality design storm”), pollutant, and water quality design storm.
3. **Compliance.** Amendments are specifically proposed to comply with the requirements of the Municipal Stormwater Permit as shown in the table below.

| Proposed Amendment | Comment |
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| <p><i>Large project</i> means a project including 405,000 5,000 square feet or more of new pervious surface, new impervious surface, or replaced impervious surface, <u>or new pervious pavement</u>, individually or combined, on private property; or; a project including 405,000 5,000 square feet or more of new pervious surface, new impervious surface, or replaced impervious surface, <u>or new pervious pavement</u>, individually or combined, in public right-of-way.</p> | <p>The Municipal Stormwater Permit revises previous thresholds for “large projects” downward from 10,000 square feet to 5,000 square feet of impervious surface. The proposed revision to replace “pervious surface” with “pervious paving” reflects current practices which is to not consider pervious surfaces (examples include landscaping, turf, sand, and amended soils) when determining whether a project has exceeded a threshold.</p> |
| <p><i>Maximum extent feasible, MEF,</i> means the extent to which a requirement or <u>performance standard</u> must be complied with as constrained by the physical limitations of the site, practical considerations of engineering design, and <u>while providing</u> reasonable considerations of to <u>engineering design</u>, financial costs, and environmental impacts. <u>For compliance with SRC 71.100, MEF means using green stormwater infrastructure to meet performance standards for treatment (SRC 71.100(c)) by infiltrating and treating the water quality design storm.</u></p> | <p>The Municipal Stormwater Permit establishes MEF as infiltrating and treating the water quality design storm.</p> |

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| <p><u>Replaced impervious surface</u> means the removal of an existing impervious surface down to earth material and replacement with new impervious surface. Replacement <u>Replaced impervious surface</u> does not include repair or maintenance activities on structures, paved surfaces, or <u>stormwater</u> facilities taken to prevent decline, lapse, or cessation in the use of the existing impervious surfaces as long as no additional hydrologic impact results from the repair or maintenance activity. <u>By way of illustration but not limitation, hydrologic impacts can include changes in the routing of drainage water flows, changes in drainage water flow rates, changes in the duration of drainage water flows, or changes in drainage water flow volumes.</u></p> | <p>This proposed amendment incorporates examples to clarify the definition of “replaced impervious surface” and to clarify what is meant by the term “hydrologic impacts.”</p> |
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4. Addition. Amendments are proposed to incorporate provisions in SRC 71, to clarify or better codify existing practices as they have evolved over time, or to account for revisions in other City codes.

| Proposed Amendment | Comment |
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| <p><u>Flow Control Exemption Area</u> means the area determined by the Director to have sufficient capacity to receive discharges of drainage water such that a site discharging to the area is not required to meet the flow control performance standards of SRC 71.095(c).</p> | <p>This new definition is added because the City has identified certain receiving water bodies that are so large that additional discharge of stormwater from new development or redevelopment is not an issue. An example would be a direct discharge into the Willamette River. The City has mapped “Flow Control Exemption Areas” within which a development project is not required to meet flow control performance standards.</p> |
| <p><u>New impervious surface</u> means any impervious surface resulting from a project that: (1) is placed over a previously pervious surface; (2) is placed over a surface that was previously in a predeveloped state; or (3) is placed over an existing impervious surface that does not have a stormwater system.</p> | <p>This new definition is added to clarify what is considered to be a “new impervious surface” specifically for the purposes of determining whether a threshold for a “large project” has been exceeded.</p> |
| <p><u>Pervious pavement</u> means pervious concrete, porous asphalt, or permeable paver blocks that infiltrate drainage water.</p> | <p>This new definition is added to clarify what is considered to be a “pervious pavement” for the purposes of determining whether a threshold for a “large project” has been exceeded.</p> |
| <p><u>Pervious surface</u> means a surface that does not meet the definition of impervious surface. <u>By way of illustration but not limitation, pervious surfaces include landscaping, amended soils,</u></p> | <p>This new definition is added to support the definition of the term “pervious pavement” used in the code.</p> |

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| <p><u>uncompacted gravel not subject to vehicular traffic, lawns, sand, and pervious pavement.</u></p> | |
| <p><u>Residential project means any residential development, to include single family dwellings; two-family uses; three- and four-family uses, and/or accessory dwelling units, in which the total new pervious pavement, new impervious surface, and replaced impervious surface is 1,300 square feet or more, but less than 5,000 square feet.</u></p> | <p>This new definition replaces “Single family residential project” to account for changes in the City’s Development Code related to middle housing. The Municipal Stormwater Permit contains requirements for “single family residential projects” which in the proposed amendments will be cross-referenced to “residential project.”</p> |

5. Relocation. Amendments are proposed to account for revisions that will be incorporated in the next revision to Administrative Rule 109-004 that contains the *Public Works Design Standards*.

| Proposed Amendment | Comment |
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| <p>Design storm event means the size of the storm event with specific characteristics, such as recurrence interval, duration, intensity, and volume, that is used to calculate runoff volumes and peak rates of discharge when designing design stormwater facilities. The design storm event is the total inches of rainfall, distributed during a 24-hour period using a standard synthetic rainfall distribution identified as Type I-A by the Natural Resources Conservation Service. [NRCS]</p> | <p>The specific parameters for the design storm event will be established in Administrative Rule 109-004. A more general definition is retained here.</p> |

Summary of Proposed Amendments to SRC 71.

The significant proposed amendments to SRC 70 are primarily contained in seven subsections of the chapter.

1. Proposed amendments to SRC 71.025 (Fee-in-lieu of construction). Proposed amendments in SRC 71.025 acknowledge that retrofitting an existing stormwater facility to accommodate new discharges is an acceptable use of payments.
2. Proposed amendments to SRC 71.055 (Prohibited discharges). Amendments in SRC 71.055 are proposed to align the list of permissible discharges in this section of SRC Chapter 71 with the permissible discharges provided in the Municipal Stormwater Permit.
3. Proposed amendments to SRC 71.080 (Requirements for land divisions). SRC 71.080(a) clarifies that land divisions must be provided with stormwater facilities per SRC 71.85 (Requirements for residential projects) and SRC 71.90 (Requirements for large projects).
4. Proposed amendments to SRC 71.085 (Requirements for single family residential projects). These amendments account for recent changes in zoning and development codes to incorporate middle housing..
5. Proposed amendments to SRC 71.087 (Requirements for City projects). These amendments establish the date beyond which the new provisions in this code will apply to City projects. This subsection is required because the City does not obtain land use approvals or building permits

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which, for non-City developments, establish the point in time at which a project is vested in a set of development requirements.

6. Proposed amendments to SRC 71.095 (Flow control facilities). The proposed amendments in SRC 71.095(a)(1) provide for implementation of a “flow control exemption area” as newly defined in SRC 70.005. These areas discharge into a large water body, such as the Willamette River, for which post-construction flow control is unnecessary. The proposed amendments in SRC 71.095(b)(3) reflect the current practice that areas retained in a natural state and areas with amended soils may reduce the area of a site requiring flow control. Areas with permeable pavement, green roofs, or preserved trees do not reduce the area requiring flow control but may influence the ultimate size of the flow control facility. The proposed amendments to SRC 71.095(c) serve to clarify the performance standards for flow control and to align with the requirements of the Municipal Stormwater Permit.
7. Proposed amendments to SRC 71.100 (Treatment facilities). The amendments to SRC 71.100(c) are required by the Municipal Stormwater Permit, which states that the water quality design storm must be retained and offsite discharges minimized through infiltration and evapotranspiration.