



CITY OF SALEM

555 Liberty St SE
Salem, OR 97301

Revisions to the Agenda # 2

City Council

Monday, August 12, 2019

6:00 PM

Council Chambers

6.e. [19-371](#)

Planning Commission Decision - Fairview Refinement Plan / Class 2 Adjustment / Subdivision Case No. FRP-ADJ-SUB19-01 - Approved - Olsen Design Development, Inc. - An application to develop approximately 14.07 acres of the former Fairview Training Center site pursuant to the requirements of the Fairview Mixed-Use zone and the Fairview Plan, the adopted master plan for the former Fairview Training Center site.

This decision has been appealed (Attachment 2) and will be scheduled for a public hearing before the City Council at a future date.

Ward(s): 3
Councilor(s): Nanke
Neighborhood(s): Morningside

Revised - Report Revised.

7.1c. [19-373](#)

Repealing Salem Revised Code chapter 48, relating to plastic carryout bags; and declaring an emergency

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Good Governance; Natural Environment Stewardship; Welcoming and Livable Community.

Deleted - This item has been removed from the agenda.

Page
Break



Staff Report

File #: 19-371
Version: 1

Date: 8/12/2019
Item #: 6.e.

TO: Mayor and City Council
THROUGH: Steve Powers, City Manager
FROM: Norman Wright, Community Development Director

SUBJECT:

Planning Commission Decision - Fairview Refinement Plan / Class 2 Adjustment / Subdivision Case No. FRP-ADJ-SUB19-01 - Approved - Olsen Design Development, Inc. - An application to develop approximately 14.07 acres of the former Fairview Training Center site pursuant to the requirements of the Fairview Mixed-Use zone and the Fairview Plan, the adopted master plan for the former Fairview Training Center site.

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Ward(s): 3
Councilor(s): Nanke
Neighborhood(s): Morningside

RECOMMENDATION:

Information Only.

Bryce Bishop
Planner II

Attachments:

1. Land Use Decision FRP-ADJ-SUB19-01
2. Appeal

07/26/2019



Staff Report

File #: 19-373

Version: 1

Date: 8/12/2019

Item #: 7.1c.

TO: Mayor and City Council
THROUGH: Steve Powers, City Manager
FROM: Robert Barron, Chief Financial Officer

SUBJECT:

Repealing Salem Revised Code chapter 48, relating to plastic carryout bags; and declaring an emergency

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Natural Environment Stewardship; Welcoming and Livable Community.

ISSUE:

Shall City Council conduct first reading of Ordinance Bill No. 13-19, repealing Salem Revised Code chapter 48 - Plastic Carryout Bags?

RECOMMENDATION:

Conduct first reading of Ordinance Bill No. 13-19, repealing Salem Revised Code chapter 48 - Plastic Carryout Bags; and declaring an emergency.

SUMMARY:

Repealing SRC chapter 48 (Attachments 1 and 2) will prevent conflict with state law. The legislature passed HB 2509 (Attachment 3) prohibiting distribution of single-use checkout bags to customers at retail establishments and restaurants. The law takes effect January 1, 2020.

The state law prohibits cities from adopting or enforcing plastic bag ordinances that vary from most of the statewide requirements. The state law provides two exceptions to the statewide requirements for city plastic bag bans. Cities may require retailers to charge more than five cents for checkout bags and cities may assign a different penalty amount for violations than the maximum fine amount

of \$250. Chapter 48 aligns with these discretionary provisions in the State law.

Salem retail establishments under 10,000 square feet in size are required to comply with SRC chapter 48 beginning September 1, 2019. Beginning January 1, 2020, the state law allows thick plastic bags to be distributed at checkout with a minimum five-cent charge. By repealing chapter 48 and declaring an emergency, City Council would assist small businesses by eliminating four months of compliance with City requirements that differ from the state law.

FACTS AND FINDINGS:

Chapter 48 generally aligns with the state law, but there are some differences. The state law permits retailers and restaurants to provide thick plastic bags at checkout for a minimum five cent charge. The state law includes restaurants. Restaurants can provide paper bags at no charge.

City Council could modify and retain chapter 48. Chapter 48 is in alignment with the state law for the two provisions that the legislature has allowed city policy discretion. Under Chapter 48 and the state law, retailers may charge more than five cents for a paper bag and the maximum penalty for a violation is \$250. With the City's policy specifications in the state law, the only benefit of retaining the city code is city enforcement. City enforcement, however, would be negligible because plastic bag infractions are a very low priority compared to code violations that impact life, health, and safety.

City Council could repeal chapter 48 without declaring an emergency. Without the emergency declaration, Salem small retailers would be prohibited from distributing plastic bags from September 1, 2019 to December 31, 2019. On January 1, the state law will allow all retailers to distribute thick plastic bags with a minimum five-cent charge.

The City will continue to communicate the plastic bag restrictions to the public. A benefit of the state law is that the Oregon Department of Environmental Quality will be reporting to the legislature on bag fees collected and types of bags selected by customers. The information will be helpful to the City's communications regarding natural environment stewardship and plastic bag use.

BACKGROUND:

On November 13, 2018, City Council enacted engrossed Ordinance Bill No. 20-18, restricting the use of plastic carryout bags. Large retail establishments were no longer allowed to provide plastic bags at checkout and were required to charge five cents for each paper bag by April 1, 2019. All other retailers are required to comply by September 1, 2019.

Kali Leinenbach
Management Analyst I

Attachments:

1. Ordinance Bill No. 13-19
2. Exhibit A for Ordinance Bill No. 13-19

3. State of Oregon Enrolled House Bill 2509