

ENGROSSED ORDINANCE BILL NO. 17-19

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

The City of Salem ordains as follows:

Section 1. SRC 300.100 is amended to read as set forth in Exhibit A, attached hereto and by this reference incorporated herein.

Section 2. 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601.070, 601.075, 601.080, 601.085, 601.090, 601.095, 601.100, 601.105, 601.110, 601.115, 601.120, 601.125, are hereby repealed.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 23. 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 amendment is in the best interest of the public health, safety, and welfare of the City because it is required for ongoing participation in the National Flood Insurance Program.

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 the applicable goals and policies of the SACP, Statewide Planning Goals and administrative rules adopted by the Department of Land Conservation and Development. The following goals and policies relate to the proposed code amendment:

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

Policy 7: Flood Hazards

Development in the floodplain shall be regulated to preserve and maintain the capability of the floodplain to convey the flood water discharges and to minimize danger to life and property.

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.

- **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 DLCD and FEMA.

Section 34. 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;
- (g) Add headings for purposes of grouping like sections together for ease of reference; and
- (h) Correct manifest clerical, grammatical or typographical errors.

Section 45. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

Section 65. 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 chapters 300 and 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