

ORDINANCE BILL NO. 11-20

AN ORDINANCE RELATING TO AMENDING THE STORMWATER MASTER PLAN, A COMPONENT OF THE SALEM AREA COMPREHENSIVE PLAN, AND AMENDING SALEM REVISED CODE 64.005

The City of Salem ordains as follows:

Section 1. Findings. *Salem Revised Code* (SRC) 64.020(f)(1) establishes the criteria under which a major comprehensive plan amendment may be made:

(A) *The amendment is in the best interest of the public health, safety, and welfare of the city;*

Finding: The proposed amendments to the Stormwater Master Plan are in the best interest of the public health, safety, and welfare of the City in the following ways:

1. It contains goals and policies that apply system-wide and are designed to support capital project and programmatic decision-making by providing information, establishing policies, and identifying and prioritizing action items;
2. It identifies short- and long-term stormwater capital projects necessary to support the land uses designated in the *Salem Area Comprehensive Plan*;
3. The capital projects identified in the plan are intended to safely and efficiently convey stormwater runoff in manner that reduces risks of flooding while being protective of the natural environment; and
4. Adoption of the plan by City Council and final approval of the plan by the Federal Emergency Management Agency (FEMA) are a minimum prerequisite for Salem to achieve a Class 4 or better ranking under the Community Rating System. This will enable all residents and businesses in Salem to receive a 30 percent or greater discount on flood insurance premiums.

(B) *The amendment conforms to the applicable statewide planning goals and applicable administrative rules adopted by the Department of Land Conservation and Development.;*

Finding: The amendment conforms to all applicable statewide planning goals, as described below:

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.)

1 The proposed amendment complies with Goal 1 because residents of Salem were provided
2 various opportunities to be involved in its development.

- 3 1. A Stormwater Advisory Committee was formed during development of the policies
4 contained in the proposed amendment to the *Stormwater Master Plan*. Its members
5 represented a range of personal and professional perspectives, including engineering,
6 architecture, construction, home builders, businesses, development, local
7 governments, real estate, environmental advocacy, and more.
- 8 2. During development of the proposed amendment to the *Stormwater Master Plan*,
9 staff made in-person presentations in 2018 and 2019 to the following neighborhood
10 associations: CAN-DO, ELNA, Faye Wright, NOLA, Northgate, SCAN, South
11 Gateway, Sunnyslope, and SWAN.
- 12 3. Electronic versions of the draft *Battle Creek Basin Plan*, draft *Mill Creek Basin Plan*,
13 and draft *Pringle Creek Basin Plan* have been available on the City of Salem public
14 website since October 2019, with a point of contact email and phone number
15 provided.
- 16 4. The electronic version of the draft amendment to the *Stormwater Master Plan* has
17 been available on the City of Salem public website since April 2020, with a point of
18 contact email and phone number provided.
- 19 5. A virtual open house was available online for three weeks in July/August of 2020.
20 Up to 50 key stakeholders were notified of the open house by email. Approximately
21 1,500 residents were reached directly via social media/web, and even more were
22 reached indirectly through stakeholder organizations. The open house received 135
23 total page views and 180 unique page views with an average of nearly eight minutes
24 average time on the page. The open house generated 14 comments from community
25 members. Most comments were supportive of the City's stormwater programs.
26 Concerns from community members included protection of riparian areas and
27 transparency in budgeting stormwater revenues.

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

The proposed amendment complies with Goal 2 because the capital projects identified in the *Stormwater Master Plan* were determined using the land use classifications designated in the *Salem Area Comprehensive Plan*. Specifically, the impervious surface values of the existing undeveloped areas, golf courses, agricultural areas, and other open land within the Urban Growth Boundary (UGB) were modified to reflect the full build-out land cover classifications.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces (To protect natural resources and conserve scenic and historical areas and open spaces.)

The proposed amendment to the *Stormwater Master Plan* complies with Goal 5 through its policies and projects. For example:

- Policy 1.3 (Willamette Greenway) states that “All programs and projects conducted within the Willamette Greenway Overlay Zone will serve to protect and enhance the natural, scenic, recreational, historical, and economic resources of the Willamette River corridor.
- Policy 2.1 (CIP Project Criteria) places protecting and enhancing “the functions of creeks, lakes, ponds, waterways, wetlands, and their associated riparian zones” as the third highest priority, behind reducing risks to life and reducing risks to property by flooding.
- The goal of Policy 5 (Quality and Quantity Facilities) is “to reduce the adverse impacts of high stormwater flow rates and volumes, remove pollutants from stormwater runoff, and safely convey stormwater flows to receiving water bodies.”
- The basin plans contain projects intended to reduce high flows, stabilize banks, improve channels, and enhance riparian zones.

Goal 6: Air, Water, and Land Resources Quality (To maintain and improve the quality of air, water, and land resources of the state.)

The proposed amendment complies with Goal 6 specific for water resources of the state through its policies and projects that mitigate the adverse impacts of high flows on water resources and reduce the amount of pollutants in stormwater runoff carried into receiving waters.

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

3 The proposed amendment complies with Goal 7 through its policies and projects that
 4 reduce risks of flooding. For example:

- 5 • Policy 2.1 (CIP Project Criteria) places reducing the risks to life caused by
 6 flooding and reducing the risks to property caused by flooding as the highest two
 7 among the 12 criteria for prioritizing stormwater capital projects.
- 8 • The goal of Policy 3 (Flood Risk Reduction) is “to identify flood-related hazards,
 9 establish actions to mitigate those hazards, and provide information related to
 10 flood risks to residents and businesses in Salem.”
- 11 • The majority of the 300-plus capital projects identified in the proposed
 12 amendment to the *Stormwater Master Plan* are intended to improve the
 13 performance of the City’s municipal separate stormwater system, thereby
 14 reducing risks of flooding. Included in the proposed amendment are projects that
 15 augment conveyance capacity, add storage, improve natural flow channels,
 16 increase infiltration, and enhance riparian corridors.

17 *Goal 11: Public Facilities and Services (To plan and develop a timely, orderly, and efficient*
 18 *arrangement of public facilities and services to serve as a framework for urban and rural*
 19 *development.)*

20 The proposed amendment complies with Goal 11 through its policies and projects, which
 21 are specifically developed to support the timely, orderly, and efficient arrangement of
 22 stormwater facilities and services. The proposed timeframes for the capital projects are
 23 identified as short-term, intermediate-term, and long-term. The analysis conducted to
 24 develop the projects was based on information contained in the *Salem Area*
 25 *Comprehensive Plan*, which is the governing document for planning and development in
 26 the Salem area.

27 *Goal 14 Urbanization (To provide for an orderly and efficient transition from rural to urban*
 28 *land use.)*

29 The proposed amendment complies with Goal 14 in that it addresses expected increases
 30 urban stormwater runoff owing to increases in impervious surface area as undeveloped

lands are urbanized within the Salem-Keizer UGB. Capital projects are proposed to address increased flow rates, flow volumes, and pollutant transport.

Urbanization is also addressed directly in Policy 6.4 (Balancing Urban Development and Stormwater Risks), which states “Stormwater regulations and standards will be adopted and administered in a manner that reasonably balances the need to encourage efficient use and development of buildable land within the Salem-Keizer Urban Growth Boundary with the need to avoid significantly increasing risks to existing properties and the environment from damage caused by runoff.”

Goal 15: Willamette River Greenway (To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.)

The proposed amendment complies with Goal 15 specifically through Policy 1.3 (Willamette Greenway), which states “All programs and projects conducted within the Willamette Greenway Overlay Zone (See *Salem Revised Code* Chapter 600) will serve to protect and enhance the natural, scenic, recreational, historical, and economic resources of the Willamette River corridor.”

The following statewide planning goals are not applicable to the *Stormwater Master Plan*: Goal 3 (Agricultural Lands), Goal 4 (Forest Lands), Goal 8 (Recreational Needs), Goal 9 (Economic Development), Goal 10 (Housing), Goal 12 (Transportation), Goal 13 (Energy Conservation), Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 (Ocean Resources).

Section 2. The *Stormwater Master Plan* is hereby amended as set forth in “Exhibit 1,” which is attached hereto and incorporated herein by reference.

Section 3. SRC 64.005 is amended to read as follows:

Stormwater Master Plan means that certain document of that title adopted by ~~Ordinance No. 52-2000, enacted September 25, 2000, and Ordinance No. 11-20, enacted~~ [insert date].

Section 4. 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.

PASSED by the City Council this _____ day of _____, 2020.

ATTEST:

City Recorder

Approved by City Attorney: _____

Checked by: Robert Chandler