



## Staff Report

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**File #:** 16-014

**Version:** 1

**Date:** 5/23/2016

**Item #:** a.

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**TO:** Mayor and City Council

**THROUGH:** Steve Powers, City Manager

**FROM:** Peter Fernandez, PE, Public Works Director

### **SUBJECT:**

Second Reading *Engrossed* Ordinance Bill No. 6-16, Creating Salem Revised Code Chapter 82, Clearing and Grading

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

### **ISSUE:**

Shall the City Council engross Ordinance Bill No. 6-16, which adds a new chapter to the Salem Revised Code concerning clearing and grading of land, and conduct second reading for enactment?

### **RECOMMENDATION:**

Engross Ordinance Bill No. 6-16, which adds a new chapter to the Salem Revised Code concerning clearing and grading of land, and conduct second reading for enactment.

### **SUMMARY AND BACKGROUND:**

On May 3, 2016, a public hearing on proposed Ordinance Bill No. 6-16 was held before the Planning Commission at which time witnesses were heard and testimony received. The Planning Commission recommended adoption of the ordinance bill with minor revisions to proposed SRC 82.005(a)(4) and SRC 82.010(b)(10) based on public testimony.

### **FACTS AND FINDINGS:**

1. Public testimony submitted as part of the public hearing process included the following issues:
  - a. A group of four citizens submitted written and oral testimony expressing overall support of the ordinance with one objection to the limitations of liability provisions in SRC 82.010. The City Attorney provided a memorandum (Attachment 3) responding to the

objections and recommending the limitation of liability section remain in the ordinance.

- b. The Oregon State Board of Geologist Examiners submitted written testimony requesting that Certified Engineering Geologists be included in the list of certified professionals. The *Engrossed* Ordinance Bill No. 06-16 has been modified (SRC 82.050(a)(4) to include engineering geologists and geotechnical engineers in the list of certified professionals. The Board also requested that the ordinance be modified to expand the role of certified professionals on all projects. The ordinance was not modified to expand the role of certified professionals. The ordinance includes prescriptive standards in order to limit the financial impact on developers and property owners where additional technical expertise is not warranted.
- c. The Salem Area Home Builders Association requested clarification about the phrase "segmented walls" in SRC 82.020(b)(10). The *Engrossed* Ordinance Bill No. 6-16 has been modified to clarify that use of a certified professional is not required for minor landscape terracing that does not need a building permit.

Robert Chandler, PhD, PE  
Assistant Public Works Director

**Attachments:**

- 1. Ordinance Bill No. 16-014
- 2. Planning Commission Recommendation to Council
- 3. Memorandum from the City Attorney's Office

05/12/2016