



Staff Report

File #: 17-589

Version: 1

Date: 12/11/2017

Item #: 7.2 d.

TO: Mayor and City Council

THROUGH: Steve Powers, City Manager

FROM: Dan Atchison, City Attorney

SUBJECT:

Salem Revised Code - Recodification Project - Unified Development Code.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

ISSUE:

Shall City Council conduct second reading for enactment of Ordinance Bill No. 26-17, which makes minor amendments and formatting changes to Title X of the Salem Revised Code, the Unified Development Code (UDC)?

RECOMMENDATION:

Conduct second reading for enactment of Ordinance Bill No. 26-17, which makes minor amendments and formatting changes to Title X of the Salem Revised Code, the Unified Development Code (UDC).

SUMMARY AND BACKGROUND:

The City has contracted with Municode, Inc. to host the Salem Revised Code ("Code") and perform codification services of the Code for the City. As part of their services, Municode has undertaken a comprehensive legal review of the Code, and proposed several changes to clarify existing code language, standardize formatting, and ensure that the Code is consistent with the requirements of Oregon and federal law.

The proposed code amendments have been separated into two ordinances; Ordinance Bill No. 25-17, relates to Titles I - IX of the Code, and Ordinance Bill No. 26-17, relates to Title X, the UDC. Because the UDC is a land use regulation, the City is required to conduct a public hearing and send notice of the proposed amendments to the Department of Land Conservation and Development (DLCD), neighborhood associations, and other stakeholders.

The complete proposed code amendment is set forth in Exhibit A (parts I and II) to this ordinance bill. Due to the size of the exhibit (over 900 pages), the physical file is not attached to this report, but will be available in council chambers on December 4 and December 11, is available via the City's website and may be viewed at the City Recorder's office.

Ordinance bill no. 25-17, relating to Titles I-IX, will appear on the December 4 Council agenda as a separate first reading, and is scheduled second reading on December 11, 2017, which is the same meeting a public hearing and second reading of the UDC ordinance has been scheduled.

FACTS AND FINDINGS:

There are few substantive changes to the UDC proposed in Ordinance Bill No. 26-17. The majority of the changes concern style and formatting, such as referring to the term "Director" instead of "Director of Community Development" or "Director of Public Works;" referring to "chapter" instead of "ordinance," and changing some section and subsection headings for clarity.

The proposed substantive changes are set forth below:

- Historic Resource Regulations - SRC 230.030 and Table 230-2; added new SRC 230.030 (l) providing standards for the replacement of significant site features of non-contributing buildings. This provision was inadvertently omitted from the chapter when adopted in 2010, and this will correct that error by providing standards for these alterations;
- Figure 230-1. Corrected map of the Gaiety Hill/Bush's Pasture Park Historic District; corrects the District boundary along Church Street, NE.
- SRC 300.1080. Changes requirement for action on remand of quasi-judicial decisions to 120 days from 90 days consistent with state law.

The applicable criteria for the proposed changes are set forth in SRC 110.085(b), whether;

- The amendment is in the best interest of the public health, safety, and welfare of the City; and
- The amendment conforms with the Salem Area Comprehensive Plan, applicable statewide planning goals, and administrative rules adopted by the Oregon Department of Land Conservation and Development.

In this instance, staff believes the non-substantive changes to the UDC do not impact any land use criteria, and therefore there are no applicable criteria for those changes. The changes to SRC chapter 230 and change to SRC 300.1080 comply with the applicable criteria as set forth in Exhibit B to the ordinance bill (Attachment 2)

After first reading, the ordinance bill is scheduled for a public hearing, and second reading for December 11, in conjunction with second reading of ordinance bill no. 25-17, Titles I-IX of the Code. If passed by Council, both ordinances will be effective January 1, 2018.

Dan Atchison
City Attorney

Attachments:

1. Ordinance Bill No. 26-17.
2. Exhibit A (Parts I and II) to Ordinance Bill No. 26-17 (electronic version only)
3. Exhibit B to Ordinance Bill No. 26-17 - Supplemental Findings