



## Staff Report

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**File #:** 18-389

**Version:** 1

**Date:** 8/27/2018

**Item #:** 7.2 b.

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**TO:** Mayor and City Council

**THROUGH:** Steve Powers, City Manager

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

### **SUBJECT:**

Proposed amendments to Salem Revised Code pertaining to Erosion Prevention and Sediment Control (Chapter 75), Sidewalks (Chapter 78), Clearing and Grading of Land (Chapter 82), Land Division and Configuration (Chapter 205), Planned Unit Development (Chapter 210), Procedures for Land Use Applications and Legislative Land Use Proposals (Chapter 300), and Floodplain Overlay Zone (Chapter 601).

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

### **ISSUE:**

Shall Council engross ordinance bill no. 15-18 and conduct second reading, which amends *Salem Revised Code* (SRC) Chapters 75, 78, 82, 205, 210, 300, and 601.

### **RECOMMENDATION:**

Engross ordinance bill no. 15-18 and conduct second reading, which amends *Salem Revised Code* (SRC) Chapters 75, 78, 82, 205, 210, 300, and 601.

### **SUMMARY AND BACKGROUND:**

The proposed ordinance includes a number of minor modifications to SRC Chapters 75, 78, 82, 205, 210, and 300 that have been compiled over time as staff has discovered, during the course of business, inconsistencies or missing information in the SRC. The changes to SRC Chapter 601 are a result of both changes to the National Flood Insurance Program and of the City's efforts to maintain compliance with the federal program. The proposed changes would:

- 1) Update portions of SRC 75, 78, and 82 to improve definitions and provide clarification in conformance with current policies.

- 2) Update SRC 205 and 210 to give authority for plat certification to the Public Works Director.
- 3) Add a section to SRC 205 to define and improve City and public utility easements provided to encompass City infrastructure.
- 4) Update portions of SRC 205 and 300 to improve definitions and provide clarification of property line adjustment requirements.
- 5) Update portions of SRC 601 to implement requirements of the National Flood Insurance Program.

## **FACTS AND FINDINGS:**

1. Under SRC 300.1100, legislative land use proceedings include proposals to amend the City's land use regulations and involve the creation, revision, or implementation of broad public policy generally affecting a large number of individual properties. The final decision in a legislative land use proceeding is an ordinance enacted by the City Council.

2. The purposes of the proposed code amendments are as follows:

- a) *Chapter 75 - Erosion Prevention and Sediment Control*

Adding a definition in SRC 75.020 for the Public Works Design Standards and a modification in SRC 75.050 to exempt only activities performed under a 1200-CA, rather than 1200-C, permit.

- b) *Chapter 78 - Sidewalks*

Modifying SRC 78.180 to clarify when existing sidewalks are to be replaced as a condition of development.

- c) *Chapter 82 - Clearing and Grading of Land*

Modifying SRC 82.030(b) to clarify the requirements for exempted activities.

- d) *Chapter 205 - Land Division and Reconfiguration*

Modifying SRC 205.035 to add a reference to a new section SRC 205.080, to change approval authority from City Engineer to Public Works Director, and remove redundant references to fee-in-lieu agreements.

Modifying SRC 205.055 to allow use of the property line adjustment process in order to

resolve issues in conveying remnant properties created by the dedications of right-of-way.

Modifying SRC 205.055 to clarify the requirements for processing property line adjustments. The additional documentation required by the proposed ordinance will allow the property line adjustments to be efficiently processed.

Adding SRC 205.080 to clarify use limitations within easements granted or conveyed to the City on plats. The provisions attempt to describe the existing rights an easement grantor and grantee have under the common law.

e) *Chapter 210 - Planned Unit Development*

Modifying SRC 210.030 to change approval authority from City Engineer to Public Works Director.

f) *Chapter 300 - Procedures for Land Use Applications and Legislative Land Use Proposals*

Modifying SRC 300.850 to define the expiration and extension of approvals for property line adjustments.

g) *Chapter 601 - Floodplain Overlay Zone*

Modifying SRC Chapter 601 to add requirements that were included in the City's original floodplain code (formerly SRC Chapter 140) but had been inadvertently removed when Chapter 601 was adopted during the Unified Development Code process. These omissions were identified by the Oregon Department of Land Conservation and Development as part of a Community Assistance Visit held earlier this year and are needed to maintain compliance with the National Flood Insurance Program.

3. On July 23, 2018, Council conducted first reading of the proposed amendments in Ordinance Bill No. 15-18. *Salem Revised Code* and Oregon state law require at least one public hearing before an amendment to a local government's land use code may be adopted. On August 13, 2018, Council held the public hearing and approved advancing Ordinance Bill No. 15-18 to second reading for enactment.
4. Staff has added Exhibit A to the ordinance bill, which includes findings necessary for the land use portions of the ordinance.

Robert D. Chandler, PhD, PE  
Assistant Public Works Director

Attachment:

1. Ordinance Bill No. 15-18

