



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

07/16/2012

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Salem Plan Amendment  
DLCD File Number 009-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, July 27, 2012

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

\*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Glenn Davis, City of Salem  
Gordon Howard, DLCD Urban Planning Specialist

Christine Shirley, DLCD Natural Hazards/Floodplain Specialist

Angela Lazarean, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

# Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person  electronic  mailed

**DATE STAMP**

**DEPT OF**

**JUL 09 2012**

**LAND CONSERVATION AND DEVELOPMENT**

For Office Use Only

Jurisdiction: **City of Salem**

Local file number: **CA12-04**

Date of Adoption: **6/25/2012**

Date Mailed: **6/29/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 4/25/2012

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amendment to Salem Revised Code Chapter 140 - Floodplain Overlay Zones. Purpose of the amendment is to reduce the 3-foot minimum clearance of new bridges above the base flood elevation. The proposed amendment requires 1-foot minimum clearance for new vehicular bridges and requires bridge replacements for new pedestrian bridges to be constructed in a manner that does not cause a rise in base flood levels.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLCD File No. 009-12 (19312) [17102]

DLCD file No. \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

---

Local Contact: **Glenn Davis, Chf Development Engr**    Phone: (503) 588-6211    Extension: 7377  
Address: **555 Liberty Street SE, Rm 325**                      Fax Number: **503-588-6025**  
City: **Salem**    Zip: **97301-3513**                      E-mail Address: **gdavis@cityofsalem.net**

---

### **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on **light green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 **green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).



<http://www.oregon.gov/LCD/forms.shtml>

Updated December 30, 2011

FUTURE REPORT: MAY 7, 2012

FOR COUNCIL MEETING OF:  
AGENDA ITEM NO.:  
PUBLIC WORKS FILE NO.:

May 14, 2012  
8.1 (a)

TO: MAYOR AND CITY COUNCIL  
THROUGH:  LINDA NORRIS, CITY MANAGER  
FROM: ROBERT CHANDLER, PH.D., P.E.   
INTERIM PUBLIC WORKS DIRECTOR  
SUBJECT: AMENDMENTS TO SALEM REVISED CODE CHAPTER 140 TO  
REDUCE MINIMUM BRIDGE CLEARANCE OVER THE BASE FLOOD  
ELEVATION

**ISSUE:**

Should Council direct staff to schedule a public hearing on Ordinance Bill No. 14-12, amending *Salem Revised Code* Chapter 140 to reduce minimum bridge clearance over the base flood elevation?

**RECOMMENDATION:**

Staff recommends Council direct staff to schedule a public hearing on Ordinance Bill No. 14-12, amending *Salem Revised Code* Chapter 140 to reduce minimum bridge clearance over the base flood elevation.

**BACKGROUND:**

*Salem Revised Code* Chapter 140 (Floodplain Overlay Zones) is the local ordinance that ensures development within Salem complies with the National Flood Insurance Program. Provisions of the existing Code require that bridges be constructed a minimum of three feet above the base flood elevation. The base flood elevation is the water surface elevation for the flood that has a one percent chance of being equaled or exceeded in any given year.

National Flood Insurance Program (NFIP) regulations require a community to "Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge" (44 CFR 60.3(d)(3)). The requirement for 3 feet of vertical clearance above the base flood elevation exceeds the standards of the National Flood Insurance Program (NFIP) and the Oregon Department of Transportation (ODOT) bridge construction standards. The amended Code language is consistent with NFIP and ODOT requirements.

The current ordinance language related to bridge clearance has been in place since the City's initial involvement in the National Flood Insurance Program. City staff has not found any positive benefits of the requirement. For construction of most bridges, the 3-foot clearance requirement has several negative impacts: (a) costs are increased substantially because of a taller structure and increased fill; (b) vehicular access is restricted because of increased vertical separation between the bridge access road and surrounding properties; and (3) flooding risks can increase because increased fill needed in the vertical approaches to the bridge structure can block overland flow of flood waters.

This 3-foot clearance provision has required the City to apply for variances in conjunction with a number of recent bridge replacements. Without a variance, those bridge replacements would have required downtown streets to be elevated over 5 feet surrounding the bridge. Amending the ordinance language is recommended in order to reduce the need to issue variances.

**FACTS AND FINDINGS:**

1. SRC 300.1110(a)(3) permits City staff to initiate a legislative land use proceeding by preparing an ordinance bill and placing it on the Council agenda for first reading. Council may schedule a public hearing to consider the proposal, refer the matter to the appropriate review authority for hearing, refer the matter to a Council subcommittee for further review, or decline to advance the ordinance to second reading. Staff recommends Council direct staff to schedule a public hearing before Council to consider the proposal.
2. SRC 300.1110(c)(1) requires the City to send notice to Department of Land Conservation and Development 45 days prior to conducting a hearing to consider an amendment to the Salem Area Comprehensive Plan or the City's land use regulations. Notice was hand-delivered to DLCD on April 26, 2012.
3. SRC 300.1110(c)(2)(A)(vii) requires the City to send notice to the Federal Insurance Administration, U.S. Department of Housing and Urban Development not more than 40 and not less than 20 days prior to the first evidentiary hearing.
4. SRC 300 requires a public hearing prior to adopting any change to the City's land use regulations.

Amendments to Salem Revised Code Chapter 140 to Reduce  
Minimum Bridge Clearance Over the Base Flood Elevation  
Future Report for Council Meeting of May 14, 2012  
Page 3

5. The proposed Code change reduces the existing requirement to elevate bridges 3 feet above the base flood elevation. New vehicular bridges require a 1-foot minimum vertical clearance above the base flood elevation. Vehicular bridge replacements and new pedestrian bridges shall not increase the water surface elevation of the base flood discharge.

Prepared by: Glenn Davis, P.E., Chief Development Services Engineer

Wards All  
May 4, 2012



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

construction; or alterations of the land, water or other areas outside of existing buildings or structures which significantly alters or affects the land or water. For the purposes of this definition, an existing open storage area shall be considered a building. "Change of use" does not include:

- (1) A change of use of a building or other structure which does not significantly alter or affect the land or water upon which it is situated.
- (2) The completion of a structure for which a valid permit has been issued and under which permit substantial construction was undertaken by June 15, 1979.
- (3) The sale of property.
- (4) Minor landscaping which does not have an appreciable effect on flow characteristics of a waterway.
- (5) Construction of driveways which do not involve significant earthwork or supporting structures that affect flow characteristics of a waterway.
- (6) Minor modifications of existing structures for which no building permit is required.
- (7) The construction or placement of such minor subsidiary structures or facilities that are usual and necessary for the use and enjoyment of existing improvements, except such structures or facilities specifically prohibited or regulated by this Chapter.

(fg) "Develop" means to bring about growth or availability; to construct, alter, or place a structure; to conduct a mining, filling, grading, paving, drilling, dredging or excavation operation; to make a physical change in the use or appearance of land; to partition or divide land into parcels; or to create or terminate rights of access.

(gh) "Existing manufactured home park or subdivision" means a manufactured home park for which the construction of facilities to service the lot on or which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) was completed prior to July 27, 1987.



- 1           (hi) "Expansion to an existing manufactured home park or subdivision" means the  
2           preparation of additional sites by the construction of facilities to service the lots on  
3           which the manufactured homes are to be affixed (including the installation of utilities,  
4           either final site grading or pouring of concrete pads, or the construction of streets).
- 5           (ii) "Fish habitat enhancement" means the addition or modification of aquatic habitat  
6           components whose absence, scarcity, or condition has been determined by the  
7           Director of Public Works to limit fish presence or abundance in the immediate  
8           project area, specific stream corridor, or watershed.
- 9           (ij) "Flood" or "Flooding" means a general and temporary condition of partial or  
10           complete inundation of normally dry land areas from the overflow of inland  
11           waters or from the unusual and rapid accumulation of runoff of surface waters  
12           from any source.
- 13           (ik) "Flood Insurance Rate Map" (FIRM) means the official map, in paper or digital  
14           form, on which the Federal Insurance Administration, Federal Emergency  
15           Management Agency (FEMA) has delineated both the areas of special flood  
16           hazards and the risk premium zones applicable to the City of Salem, and includes  
17           the accompanying floodway and floodway fringe boundary maps accompanying  
18           the FIRM as a part of the flood insurance study. The FIRM and all amendments  
19           thereto are adopted as a part of this Chapter, and a copy thereof shall be kept on  
20           file in the office of the Director of Public Works.
- 21           (im) "Flood insurance study" means the official report provided by the Federal  
22           Insurance Administration that includes flood profiles, the Flood Boundary -  
23           Floodway Map, and the water surface elevation of the base flood. The flood  
24           insurance study, and all subsequent amendments thereto or supplements thereof,  
25           is hereby adopted as a part of this Chapter, and a copy thereof shall be kept on file  
26           in the office of the Director of Public Works.
- 27           (in) "Floodplain" means any land or water area which is subject to one percent flood  
28           probability along any waterway. "Floodplain" includes the officially designated  
29           floodway, floodway fringe, areas of shallow flooding or special flood hazard, as  
30           delineated on the FIRM, and interim flood hazard areas.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

- (no) "Floodway" means the channel of a river or other waterway and the adjacent land areas that must be reserved in order to discharge the waters of a base flood without cumulatively increasing the water surface elevation by more than one foot. Once the floodway is established, nothing can be placed in the floodway which will increase base flood elevation. The floodway limits are as delineated on the FIRM, or located within interim flood hazard areas and designated as floodway by the director of public works pursuant to SRC 140.110.
- (op) "Floodway fringe" means the area of the 100-year floodplain lying outside of the floodway within interim flood hazard areas, and designated as floodway fringe by the director of public works pursuant to SRC 140.110.
- (pg) "Floodproofing" means any combination of structural or nonstructural provisions, changes or adjustments to structures, land or a waterway for the reduction or elimination of flood damage to real property or any improvements thereon, water and sanitary facilities, structures, and their contents during a base flood.
- (ql) "Intensification" means any additions which increase or expand the area, level or activity, or amount of an existing use; or any remodeling of the exterior of a structure that will substantially alter the appearance of the structure. As used in this definition, "intensification" does not include:
  - (1) Completion of a structure for which a valid permit has been issued and under which permit substantial construction was undertaken prior to June 15, 1979.
  - (2) Maintenance and repair usual and necessary for the continuance of an existing use.
  - (3) Reasonable emergency procedures necessary for the safety and protection of property.
  - (4) Seasonal increases in gravel mining operations.
- (rs) "Interim flood hazard area" means an area of special flood hazard designated by the Director of Public Works, but not designated as such on the FIRM. The Interim Flood Hazard Area is established on a waterway which does not have base flood water surface elevations and floodway and floodway fringe boundaries

1 established through a Flood Insurance Study. An interim flood hazard area is an  
2 approximation of the floodplain. Minimally the Interim Flood Hazard Area shall  
3 include the area which would be designated as the floodway and floodway fringe  
4 if a Flood Insurance Study were done.

5 (~~st~~) "Lowest floor" means the lowest habitable floor of the lowest enclosed area,  
6 including the basement. For the purposes of floodplain management, "habitable" shall  
7 mean the floor of the building which is used by persons for living or working. For  
8 example, a restroom (living area) or a janitor's storage space (working area) on a floor  
9 of the structure would constitute that floor as being habitable. An unfinished or flood  
10 resistant enclosure usable solely for parking of vehicles, building access, or storage in  
11 an area other than a basement is not considered the lowest floor.

12 (~~tu~~) "Manufactured Home" means a building or structure, transportable in one or more  
13 sections, which is built on a permanent chassis and is designed for use with or  
14 without a permanent foundation when connected to the required utilities. For  
15 floodplain management purposes the term "manufactured home" also includes  
16 park trailers, travel trailers, and other similar vehicles placed on a site for greater  
17 than 180 consecutive days. For insurance purposes, the term "manufactured  
18 home" does not include park trailers, travel trailers, and other similar vehicles.

19 (~~uy~~) "Manufactured Home Park" means a lot or parcel (or contiguous lots or parcels)  
20 of land divided into two or more manufactured home lots for sale or rent.

21 (~~vw~~) "Obstruction" means any dam, wall, wharf, embankment, levee, dike, pile, abutment,  
22 projection, excavation, channel rectification, bridge, conduit, culvert, building, wire,  
23 fence, rock, gravel, refuse, fill, structure, or matter in, along, across, or projecting into  
24 any channel, waterway, or floodplain which may impede, retard, or change the  
25 direction of the flow of water, either in itself or by catching or collecting debris  
26 carried by such water, or that is placed where the flow of water might carry the debris  
27 downstream and endanger life or damage property.

28 (~~wx~~) "Start of Construction" means the date the building permit was issued, provided  
29 the actual start of construction, repair, reconstruction, placement or other  
30 improvement was commenced within 180 days of the permit date. The actual start

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

of construction means either the date of the first permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond excavation; or the date of the placement of a manufactured home on a foundation.

~~(xy)~~ "Stream enhancement" means the modification of stream channel width, length, depth, alignment, location, profile, bank shape, or in-stream structures, for the purpose of improving ecological or habitat functions that have been determined by the Director of Public Works to have been degraded or lost in the immediate project area, specific stream corridor, or watershed.

~~(yz)~~ "Structure" means any building; any gas or liquid storage tank that is principally above ground.

~~(zaa)~~ "Substantial Damage" means damage sustained by a structure whereby the cost of restoring the structure to its condition immediately prior to the damage would equal or exceed fifty percent of the market value of the structure before the damage occurred.

~~(aabb)~~ "Substantial Improvement" means, for the purposes of floodplain management only, and notwithstanding the provisions for nonconforming use and development under SRC Chapter 112, any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

- (1) before the improvement or repair is started, or
- (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, or floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The cost of the improvement, repair, or restoration shall be determined by the building official. The term "substantial improvement" does not include either:
  - (A) Any project or improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

1 (B) Any alteration of the structure listed in the National Register of  
2 Historic Places or the State Inventory of Historic Places.

3 (~~bbcc~~) "Waterway" means any perennial river, stream, or creek within the City of  
4 Salem.

5 (~~eedd~~) "Waterway centerline" means a line one-half the distance between the edges of  
6 the low flow channel of the waterway.

7 **Section 2.** SRC 140.090 is amended to read as follows:

8 **140.090. Uses in Floodway.** Areas designated as floodways are located within floodplains. The  
9 floodway is an extremely hazardous area due to the velocity of flood waters which carry debris,  
10 potential projectiles, and have the potential to cause erosion.

11 (a) Except as prohibited in subsection (b) of this section, all uses of land permitted in  
12 the underlying zone shall be permitted in the FW (Floodway) area in compliance  
13 with all applicable provisions of this Chapter. All permitted uses of land shall  
14 receive a floodplain development permit, except the following:

15 (1) The propagation or cutting of timber.

16 (2) Uses to protect, conserve, enhance, and maintain public recreational,  
17 scenic, and natural uses on public lands such as unenclosed picnic  
18 facilities, viewpoints, trails, and campsite facilities.

19 (3) Maintenance authorized to scenic easements acquired under ORS  
20 390.332-390.368.

21 (4) Addition or modification by public utilities of existing utility lines, wires,  
22 fixtures, equipment, circuits, appliances, and conductors.

23 (5) Flood emergency procedures.

24 (6) Signs, markers, aids, etc., placed by a public agency to serve the public.

25 (7) Residential accessory uses such as lawns, gardens, parking areas,  
26 driveways, and play areas.

27 (8) Landscaping, as defined at SRC 140.020(e)(4).

28 (9) Storage of material, equipment, or vehicles associated with uses permitted  
29 within residential zones, providing the storage is not subject to damage by  
30 floods and is firmly anchored to prevent flotation or can be readily

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

removed from the area within the limited time available after flood warning.

- (10) Driveways, parking lots, and other paved areas.
- (11) Minor repairs or alterations to an existing structure for which no building permit is required.
- (12) Gravel extraction and storage of gravel as allowed under permits required by state or federal law, and as permitted by the Salem Revised Code.
- (13) Customary dredging and channel maintenance, excluding deposition of spoils, as allowed by permits required by state or federal law.
- (14) Agriculture.

(b) The following uses are prohibited in the FW (Floodway) area, and within fifteen feet of the waterway centerline, or within ten feet of the top of a recognizable bank, whichever is greater:

- (1) Storage of toxic, flammable, or explosive materials.
- (2) Sanitary landfill, disposal sites and junkyards.
- (3) Construction or placement of fences.
- (4) Cemeteries.
- (5) Any encroachments, including fill, new construction, substantial improvements, and other development unless analysis by approved methods and certification by a registered professional engineer are provided to the Director of Public Works demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (6) Construction or placement of any permanent or temporary structures including, but not limited to, homes, apartments, manufactured homes, commercial buildings, and industrial buildings, and gas or liquid storage tanks. Notwithstanding this paragraph, the following structures are permitted within the FW (Floodway) area if the structure incorporates floodproofing measures as approved in conjunction with a floodplain development permit, meets all applicable standards for structures as

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

required in the floodway fringe, and does not raise the base flood elevation to any degree:

- (A) Modification, alteration, or major repair to an existing structure.
- (B) Docks and piers. The size and shape of a dock or pier shall be limited to that required for the intended use.
- (C) Public recreational facilities on public land, including, but not limited to restrooms, raised seating, public performance stages, and temporary fences which are removed after October 1, and not erected before April 1 of each year.
- ~~(D) Bridges if that portion of the bridge span lying between the haunches or the vertical pier faces is three feet above the base flood elevation.~~
- ~~(E)~~ Structures used for gravel sorting and crushing.
- ~~(F)~~ Public utility or communication towers.
- ~~(G)~~ Replacement of existing manufactured homes within existing manufactured home parks or manufactured home subdivisions that comply with SRC 140.100(b).

**Section 3. SRC 140.135 is added to the Salem Revised Code as follows:**

**SRC 140.135 Bridges within the regulatory floodplain. Bridges within the regulatory floodplain shall comply with the following requirements:**

- (a) Construction of new vehicular bridges shall have the lowest structural member of the bridge at least one foot above the base flood elevation.
- (b) Repair or replacement of existing vehicular bridges shall not increase the water surface elevation of the base flood discharge.
- (c) Construction or repair of pedestrian bridges shall not increase the water surface elevation of the base flood discharge.

/////

1 **Section 4. Severability.** Each section of this ordinance, and any part thereof, is severable, and  
2 if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of  
3 this ordinance shall remain in full force and effect.

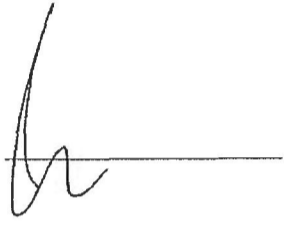
4 PASSED by the Council this 25<sup>th</sup> day of June, 2012.

5 ATTEST:

6  
7 *Kathy Hall*

8 City Recorder

9 Approved by City Attorney:

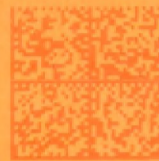


10 g:\group\legal\council\2012\051412 bridge floodplain ord 14-12.doc

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30



ty of Sa  
blic Works Department  
5 LIBERTY STREET SE ROOM 325  
ALEM, OR 97301-3513



U.S. POSTAGE PITNEY BOWES



ZIP 97301 \$ 001.30

02 1W 0001366670 JUL 06 2012

DEPT OF

JUL 09 2012

LAND CONSERVATION  
AND DEVELOPMENT

ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPT OF LAND CONSERVATION AND DEVELOPEMENT  
635 CAPITOL ST/NE, SUITE 150  
SALEM OR 97301-2540