

CHAPTER 77

PERMITS AND STREET IMPROVEMENTS

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77.010. [Repealed by Ord No. 51-96]

77.020. BY WHOM MADE. All street improvements undertaken by the city in its corporate capacity shall be done by the department of public works. (Ord No. 4130; Ord No. 51-96)

77.030. POSTING AND ASSESSING OF STREET IMPROVEMENTS. (a) Whenever the council deems it expedient to improve any street or streets the cost of which is to be assessed against abutting and adjacent property, the council shall, prior to making said improvement, and in addition to all other charter requirements, cause to be posted at or near each end of the proposed street improvement a copy of a notice of intention to improve street.

(b) All abutting and adjacent property shall be assessed only for the cost of a street 34 feet in width, together with the costs of curbs, sidewalks, and drainage. (Ord No. 75-66; Ord No. 51-96)

77.040. DUTIES OF DIRECTOR OF PUBLIC WORKS, GENERALLY. The director of public works shall prepare the plans and specifications for each street to be improved, shall establish the grade and subgrade lines, and, under the direction and control of the city manager shall see that the work is done according to plans and specifications and shall regulate the quantity and quality of each of the several ingredients constituting the paving mixture and other components used on each street. (Ord No. 1487; Ord No. 51-96; Ord No. 30-97)

77.050. [Repealed by Ord No. 31-06]

77.052. [Repealed by Ord No. 19-98]

77.054. through 77.056 [Repealed by Ord No. 30-97]

77.060. CONTROL OF EQUIPMENT; HIRING AND FIRING PERSONNEL. The department of public works shall have the direction and control of such machinery and equipment as may be necessary for the use of the department and shall have power and authority to hire and discharge such superintendents, foremen, and laborers as may be necessary or expedient on any street work undertaken by the department. (Ord No. 1487; Ord No. 51-96)

77.070. DIRECTION AND CONTROL OF LABOR. The direction and control of all labor necessary for the carrying out of the purposes of this chapter shall be under the jurisdiction of the department of public works or such other person as the department may designate. (Ord No. 1487; Ord No. 51-96)

77.080. RECORD OF COSTS. Adequate records shall be kept to show the total and complete cost of each improvement. (Ord No. 1487; Ord No. 5338)

77.090. PERMITS REQUIRED. No person shall construct, reconstruct, repair, alter, or grade any sidewalks, curb, curb-cut, driveway, street, or to lay and install any sewer

pipeline, water main, or stormwater conveyance facility, or attach to the City's water system without first obtaining each of the following applicable permits from the Director:

(a) Streets. A permit covering any work on public street, sidewalk, curb, curb-cut, driveway within the public right-of-way, or an existing or proposed easement.

(b) Stormwater Conveyance. A permit covering all work to lay and install any storm sewer, stormwater conveyance channel, and stormwater system appurtenances within public right-of-way, or an existing or proposed easement.

(c) Sewer. A permit covering all work to lay and install any sanitary sewer pipeline within public right-of-way, or an existing or proposed easement.

(d) Water. A permit covering all work to lay and install any water main within public right-of-way, or an existing or proposed easement, or attach to the City's water system.

(e) Street Closure. A street closure permit, if the person must obtain a permit for any of the activities identified in subsections (a)-(d) of this section, or is undertaking any activities related to the construction of a building, structure, or parking lot, and the activities requires the temporary closure of a street, alley, lane of traffic, or sidewalk to vehicle or pedestrian flow.

(f) Private Streets. A permit covering any work on private street, sidewalk, curb, or curb cut.

(g) Alleys. A permit covering any work on or in a public or private alley. (Ord No. 132-79; Ord No. 69-89; Ord No. 14-92; Ord No. 57-2000; Ord No. 73-07)

77.091. APPROVAL OF PLANS REQUIRED. (a) Construction plans shall be submitted for permits required by SRC 77.090 and shall be approved by the Director, in writing, prior to issuance of the permit or permits. Subdivision improvement plans for sewer, water, streets, and stormwater conveyance and management facilities must be submitted simultaneously with such construction plans, to facilitate checking for conflicts.

(b) Construction and subdivision improvement plans shall be subject to the standards, specifications, policies and procedures, plan check, and permit fees of the Department in effect at the time of application or reapplication for plan check.

(c) Except as provided in subsection (d) of this section, plan approval shall become void upon expiration of six months from the date of written approval given under subsection (a) of this section.

(d) Upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of construction plans, the Director may extend the approval period for additional extensions of six months. No more than four such six-month extensions shall be granted for any one subdivision, resulting in a maximum time extension of two years. Reapplication for plan check must be made with the Director upon expiration of each six month period, if the permit is not issued in the initial approval period or any extension thereof.

(e) All plans, reports, or documents required by this Code shall be prepared by and certified by a registered professional civil engineer licensed by the State of Oregon. (Ord No. 76-81; Ord No. 176-82; Ord No. 27-84; Ord No. 73-07)

77.092. APPLICATION FOR PLAN CHECK. An application or reapplication for plan check shall be filed by the responsible design engineer with the director of public works for any permit or permits as required by SRC 77.090. Such application shall include:

- (a) Name and address of the owner or owners of the property;
- (b) Name and address of the developer of the property;
- (c) Name, address, and phone number of the design engineer;
- (d) Description of the work area location;
- (e) Attached two sets of preliminary plans showing a vicinity map and details of the proposed project, including street widths and property lines, grades, existing and proposed ground profiles, contours, drainage plan with contours, hydraulic calculations, soil boring logs and appropriate soils report, prepared by a registered civil engineer licensed by the State of Oregon and shall be signed by him and stamped with his seal to indicate his responsibility for them;
- (f) Evidence that all federal and state laws and regulations have been complied with including a copy of permits required by federal, state, or county agencies;
- (g) Engineer's estimated construction cost of the proposed project;
- (h) Such other information as the director of public works shall find reasonably necessary for the determination of whether plans should be approved for permit. (Ord No. 76-81; Ord No. 57-2000)

77.093. PLAN REVIEW SERVICE FEES. (a) Accompanying the application or reapplication required by SRC 77.092 shall be a service fee as prescribed by resolution of the council.

(b) Fees provided in subsection (a) of this section are fixed and nonrefundable, and are required to support permit plan review. (Ord No. 76-81; Ord No. 107-84; Ord No. 51-91; Ord No. 51-96)

77.100. APPLICATION. Any applicant for a permit or permits as required by SRC 77.090 shall file an application with the director of public works. Such applications shall include:

- (a) Name and address of the owner or owners of the property;
- (b) Name and address of the developer of the property;
- (c) Name and address of the engineer;
- (d) Name and address of the party doing the work;
- (e) Location of the work area;
- (f) Six sets of approved plans, specifications, and easements required, accompanied by a drawing showing area covered by said legal description.
- (g) Evidence that all federal and state laws and regulations have been complied with;
- (h) Proposed work schedule, provided that any changes in this work schedule shall be filed with the city;
- (i) Estimated itemized cost of the proposed project;
- (j) Such other information as the director of public works shall find reasonably necessary for the determination of whether a permit should be issued therefor. (Ord No. 132-79; Ord No. 76-81; Ord No. 57-2000)

77.110. PERMIT FEES. (a) Accompanying the application required by SRC 77.100 for each category shall be a permit fee as prescribed by resolution of the council.

(b) Fees listed in subsections (a) and (b) of this section are fixed and nonrefundable, and are required to support permit issuance, testing, and inspection.

(c) In computing the permit fees, the estimated value of proposed construction shall be comparable with current bid prices for city contract projects and approved prior to issuing the permit.

(d) Work being done under contract with the City of Salem shall be exempt from the provisions of SRC 77.090 to 77.120.

(e) Where work for which a permit is required by this Code is commenced or proceeded with prior to obtaining said permit, the fees specified in subsection (a) shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

(f) Permits required by SRC 77.090 shall be nontransferable. Any change in applicant such as a subdivision sale, will require reapplication for permit. If six months has elapsed since plan approval required by SRC 77.091, reapplication for plan check shall be made. (Ord No. 173-78; Ord No. 132-79; Ord No. 76-81; Ord No. 107-84; Ord No. 69-89; Ord No. 51-91; Ord No. 51-96)

77.120. BONDS OR OTHER WRITTEN EVIDENCE TO BE FILED. (a) No permit shall be issued pursuant to SRC 77.100 unless there is filed with the application the following:

(1) A performance guarantee in the form specified in SRC 63.053, sufficient to satisfy the director of public works that the work shall be done in accordance with city standards and specifications.

(2) A maintenance bond or other written evidence in a form approved by the city attorney guaranteeing the work performed for a period of one year after completion of said project and written acceptance by said director. The maintenance bond may be incorporated in and made a part of the construction bond.

(b) The director of public works shall have the authority and shall require an applicant to file satisfactory evidence of insurance protecting and saving harmless the city, its officers, agents, and employees from all claims for damages or injury to other persons by reason of such alteration work prior to acceptance and for a period of one year thereafter. Such insurance, if required, shall be in not less than the amounts specified in ORS 30.270, and the evidence thereof shall be in a form approved by the city attorney.

(c) Prior to final acceptance and start of one-year warranty period, the private engineer for the project must submit the following:

(1) Five sets of blackline prints of as-built drawings prepared and certified by a registered professional engineer licensed by the State of Oregon;

(2) All additional easements required due to construction changes, accompanied by a drawing showing area covered by said legal description;

(3) Such other information as the director of public works shall deem necessary for final acceptance.

(d) Prior to final acceptance and start of the one-year warranty period for a sanitary sewer project, the project engineer shall notify the director of public works that the system is complete and ready for final inspection. The director shall cause inspection of the system by means of a closed circuit TV camera to assure that there are no cracks in the pipe, that all joints are tight, that deflection is within acceptable tolerances, and that there are no conditions apparent which would permit the infiltration of ground water into the system.

(e) Prior to final acceptance and start of the one-year warranty period for a project other than a sanitary sewer project, the director of public works shall cause such inspection of the project as the director may consider necessary. (Ord No. 103-76; Ord No. 132-79; Ord No. 74-81; Ord No. 93-84; Ord No. 79-85)

77.122. GOVERNMENTAL AGENCY AGREEMENT IN LIEU OF GUARANTEES. A governmental agency may in lieu of those guarantees required by SRC 77.120(1), guarantee in writing that all work will be done in accordance with City standards and in accordance with the plans approved by the Department of Public Works and shall indemnify the City for all costs of completing or correcting the work should that become necessary. (Ord No. 85-86)

77.130. NOTICE BEFORE COMMENCEMENT OF WORK. At least 48 hours notice shall be given by the contractor of intention to begin work after issuance of a permit required by section 77.090. In the event of temporary cessation of work activities, such notice shall be required before the resumption of any additional work. (Ord No. 131-69; Ord No. 132-79)

77.140. SUSPENSION OF PERMIT; STOP WORK ORDER; APPEAL. (a) At any time after the issuance of a permit required by SRC 77.090, the director of public works may suspend the same upon a finding that any of the following grounds exist:

(1) False, misleading, or erroneous data or information submitted by the applicant in connection with securing the permit.

(2) Materials or workmanship which do not meet specification for the construction or installation of the permitted improvement; or construction or installation which varies from the approved plan or design of the improvements.

(3) Violation of any of the provisions of this Code governing the work being done under the permit.

(b) Upon suspension of a permit as provided in subsection (a) of this section, the director shall cause to be issued a written "stop work order," one copy of which shall be sent by regular mail to the permittee at the address shown on the permit application, one copy of which shall be sent by regular mail to the permittee's engineer overseeing the work, if known, and one copy of which shall be personally delivered to the person in charge of any work in progress.

(c) It shall be unlawful for any person to cause, suffer, or permit any work to be done for which a permit is required by SRC 77.090 when a "stop work order" has been issued as provided in subsection (b) of this section.

(d) Any person whose permit has been suspended as provided in subsection (a) of this section may appeal such action to the community development board of appeals as provided in SRC 4.040 to 4.070. Notwithstanding the provisions of SRC 4.042, the filing of an appeal shall

not stay the effect of a "stop work order" issued under subsection (b) of this section. (Ord No. 115-79)

77.150. BOUNDARY STREET REQUIREMENTS. (a) As a condition of issuance of any building permit for a development with underimproved boundary streets, the boundary street shall be improved or deferred, and right-of-way for such street shall be dedicated, as provided below.

As used in this section,

(1) "Development" means: the erection, construction, or enlargement, of any building or structure requiring a building or occupancy permit under SRC Chapter 56, BUT EXCLUDING any one of the following:

(A) A building permit for the construction of one or two residential units (single family or duplex dwelling) per site unless such site separates properties fronted by a fully improved street; or

(B) The enlargement of any building or structure, or the addition of new structures to a complex, if the enlargement or addition is less than 2000 sq. ft. and results in less than a 50% increase in gross building area. This exception shall be applied based on the extent of development existing on December 31, 1995; or

(C) Any building or structure to be used entirely for agricultural uses (SIC 01, 02, and 07) with no retail sales; or

(D) Any building or structure that will generate less than 20 vehicle trips per day.

(2) "Underimproved street" means any public street, road or right-of-way which lacks any of the following: paving, curbing, bike lanes (where required), sidewalks, street lighting, piped drainage; adequate right-of-way geometry or paving width, grade and structural sections required under the standards and specifications on file in the office of the director of public works.

(3) "Complex" means a group of structures or other development that is functionally or conceptually integrated, regardless of the ownership of the development or underlying land.

(4) The latest edition of the Institute of Transportation Engineers' (ITE) Trip Generation, adopted by the council shall be used to calculate the trip generation under this section.

(b) Dedication. Where the existing right-of-way is insufficient to install the improvement specified in SRC 63.235(b), the right-of-way shall be dedicated up to one-half of the minimum width as specified in SRC 63.235(a). All right-of-way dedication shall follow the requirements of SRC 63.225(h).

(c) Improvement. For developments with underimproved boundary streets, the required improvement shall be one-half of the improvement specified in SRC 63.235(b), not to exceed a 17 foot width, plus curb, gutters, sidewalks, bike lanes (where required), piped drainage, street lights, and other signing where appropriate. The minimum requirement for the opposite side of the centerline is a 12 foot wide paved travel lane. All structural sections for the portion of street improvement added to the existing pavement, shall be as specified for the designation of the street in the Salem Transportation System Plan (TSP). All improvements shall be installed in accordance with the standards and specifications on file in the office of the director of public works.

The required street improvements shall be provided along all boundary streets adjacent to the whole of the development complex, and extend the full length of the street frontage(s). In cases where development is proposed for only a portion of the development site or complex, street improvements shall be provided as follows:

- (1) Where the area of development exceeds twenty-five (25) percent of the total site or complex area, the street improvements shall be the greater of either:
 - (A) The actual street frontage of the phase being developed, or
 - (B) The percentage of street frontage equal to the percentage of area being developed.
- (2) Where the area of development is equal to or less than twenty-five (25) percent of the total site or complex area, the street improvement shall be provided in accordance with the following formula:

Proposed Area of Development ÷ Area of Undeveloped site x Total Street frontage of entire development site or complex = Frontage of required street improvement.

As used herein, area of development is that area required for structures, yards, off-street parking and landscaping, including any special setbacks.

A boundary street that is a funded project in the Five Year Capital Improvement Program is exempt from this improvement requirement.

(d) Deferral - Applicant Initiated. Improvements for underimproved boundary streets may be deferred by the director of public works if the applicant can demonstrate that any one of the following apply to the development site:

- (1) Abuts a boundary street for which the existing vertical or horizontal alignment for the street section does not meet nor can be constructed within the limits of the site frontage to meet City of Salem Public Works Street Design Standards for future final street grades and alignment.

- (2) Abuts a local street, the total development site has less than 150 feet of frontage and the use will generate 20 or less vehicle trips per day.

- (3) Abuts a local street and there is no improved street or street improvement deferral for the boundary street within 150 feet of the property corners of the development site.

- (4) If unusual and special conditions exist on any public street which in the opinion of the director of public works would warrant a deferral of all or a part of the improvement.

(e) Deferral - City Required. A City required deferral shall be processed at no cost to the applicant. Where future street improvements are anticipated, the director of public works may require all or a portion of the improvement to be deferred.

(f) Deferral Agreement. When a deferral is required, the applicant shall sign a street improvement deferral agreement and pay the fees set by council resolution. Said agreement shall be filed in the deed records of the appropriate county and shall provide that required street improvements will be constructed at such time as the council directs or at such other time as may be specified.

(g) Variances. Upon written application to the Hearings Officer, a variance from the application of this section may be obtained upon a showing either that (1) the requirement is not reasonably related or roughly proportional to the impacts or needs generated by the proposed development, or (2) the criteria set forth in SRC 115.020 are met. Application shall be made within 15 city business days of the decision.

(h) Enforcement. Failure of a developer or property owner to comply with the requirements of this section shall enable the city to pursue, at its option, any lawful remedy

including (1) infraction citation, (2) injunctive relief, (3) construction and imposition of lien, (4) curtailment of city provided utilities. (Ord No. 64-93; Ord No. 84-94; Ord No. 31-96; Ord No. 91-99)

77.160. SIDEWALK IMPROVEMENT REQUIREMENTS. (a) Construction of sidewalks conforming to the standards of the department of public works shall be a condition of the issuance of any building permit for a development located on property lacking such sidewalks. As used in this section, “development” means the erection, construction, or enlargement of any building or structure requiring a building or occupancy permit under SRC Chapter 56, but excluding building permits for improvements to existing single family or duplex dwelling unit structures under the following conditions:

(1) Existing single family or duplex dwelling unit structure is located on property abutting an unimproved street that lacks curbs; and

(2) The proposed development is less than a 50 percent enlargement of the existing floor area square footage of the structure, including an attached garage.

(b) Deferral - city required. Construction of required sidewalks may be deferred at no cost where street improvements are anticipated or where no sidewalks are presently located within 150 feet and on the same side of the adjacent property.

(c) Variances and enforcement. Variance from and enforcement of the requirements of this section shall be as provided in SRC 77.150 (f) and (g). (Ord No. 91-99; Ord No. 72-2002)

CONSTRUCTION OF TRAFFIC SIGNALS BY PRIVATE DEVELOPERS

77.170. CONSTRUCTION OF TRAFFIC SIGNALS BY PRIVATE DEVELOPERS. A developer may qualify for partial reimbursement for the construction of a new traffic signal by meeting all of the requirements under the provisions of SRC 77.180 to 77.230. Only signals that are recommended in a traffic impact analysis and required as an off-site transportation improvement will be eligible for reimbursement under the provisions of this chapter. Signals eligible for full reimbursement with transportation system development charges, constructed for the express purpose of improving access to private property, or in which one or more legs of the intersection is a private driveway, shall not be eligible for reimbursement. (Ord No. 8-2003)

77.180. FILING FOR PRELIMINARY CONSENT. (a) The developer shall file with the director of public works a complete traffic impact analysis. The traffic impact analysis shall include a request to construct the traffic signal, setting forth the proposed location of the traffic signal, the purpose for which it is to be constructed, and a request for reimbursement.

(b) The director shall review the proposal and render a decision to allow for reimbursement within 30 days of the developer’s application.

(c) No later than 6 months after receiving consent from the director for the proposed traffic signal and a preliminary determination that reimbursement will be allowed under SRC 77.190, the developer may file an application with the director as provided in SRC 77.190. (Ord No. 8-2003)

77.190. APPLICATION BY DEVELOPER. (a) A developer who has received the public works director's consent to construct a traffic signal that is eligible for reimbursement and desires to proceed therewith, shall make application with the director, and provide the following information:

- (1) Detailed plans and specifications conforming to adopted standards of the city;
- (2) Cost estimates for the project, certified to by a professional engineer;
- (3) Legal description of all property that may need to be acquired to construct the signal and the property owners' names and addresses;
- (4) Name of the contractor who will be installing the signal;
- (5) A current turning movement count at all legs of the intersection;
- (6) An estimate of the developer's additional new trips that will use the traffic signal;
- (7) Listing of all property owners of all undeveloped and underdeveloped properties that could generate 50 or more analysis hour trips through the signal; and

(8) Such other information the director deems necessary to evaluate the application.

(b) Upon submittal of an application, the director shall determine if the application is complete and grant final approval. Approval shall be withheld for incomplete applications. The director's decision regarding completeness of the application shall be final on the matter. (Ord No. 8-2003)

77.200. CONSTRUCTION APPROVAL. Upon approval of the application by the director and execution of an improvement agreement and issuance of a construction permit, developer may proceed with the construction of the traffic signal in accordance with the approved plans and specifications. Developer shall notify the director when construction commences and the construction shall be completed within 1 year of the date of the approval. All required permits shall be obtained by developer or developer's contractor prior to commencing construction. (Ord No. 8-2003)

77.210. FILING STATEMENT OF COST BY DEVELOPER. (a) Upon completion of the traffic signal installation, developer shall file with city engineer an itemized cost statement thereof. In addition to actual construction costs, costs associated with design, production of construction documents, permitting, bonding, and any other costs associated with the design of the signal, as well as right-of-way acquisition, signal interconnect, street lighting directly associated with the signal, and other materials directly related to the installation of the signal shall be eligible for reimbursement.

(b) If the total cost shown on the itemized statement exceeds the estimate in the approved application, the director may approve the overage for the purposes of calculating the pro-rata share reimbursements if the director is satisfied the overage was due to conditions not readily foreseen at the time of the construction. (Ord No. 8-2003)

77.220. APPORTIONING THE COST OF THE TRAFFIC SIGNAL PROJECT. (a) The developer shall be entitled to reimbursement of a pro-rata share of the project cost from each property benefitted from the installation of the traffic signal.

(b) For the purposes of this section, "property benefitted" is any development built within 10 years of the start of the signal operation which is required to prepare a traffic impact analysis and which generates 50 or more analysis hour trips through the new signal.

(c) The pro-rata share for each development shall be calculated by dividing each development's trips into the sum of the trips pursuant to SRC 77.190(a)(5) and (6), and multiplied by the final construction costs approved pursuant to SRC 77.210.

(d) The pro-rata share of the cost determined under subsection (c) of this section shall be annually adjusted (indexed) for inflation using the Engineering News Record (ENR) index adopted by the city council for the systems development charge methodology pursuant to SRC 41.170(e). (Ord No. 8-2003)

77.230. REIMBURSEMENT OF DEVELOPER. Reimbursement to any person constructing a qualified public improvement shall be as provided in SRC Chapter 66.160 and 66.170. (Ord No. 8-2003)

77.240. through 77.980. Reserved for Expansion.

77.990. VIOLATIONS. Violation of SRC 77.090 is an infraction. (Ord No. 193-79)