

**ORDINANCE BILL NO. 70-07**

1  
2 AN ORDINANCE relating to URBAN GROWTH MANAGEMENT; creating new provisions and  
3 declaring an emergency.

4 *The City of Salem ordains as follows:*

5 **Section 1.** SRC 66.135 is added to and made a part of the Salem Revised Code, Title V, Chapter 66,  
6 as:

7 **SRC 66.135. Temporary Facilities Expansion Permit.**

8 (a) Any person who has been granted the use of a temporary sewer facility under SRC  
9 66.110, a temporary storm drainage facility under SRC 66.115, or a temporary water facility  
10 under SRC 66.120 may apply for a Temporary Facilities Expansion Permit under this section,  
11 which may allow modifications to, or expansion of, the temporary facility in order to better  
12 serve the development for which the UGA Permit was issued. The applicant for a Temporary  
13 Facilities Expansion Permit shall make application therefor on forms promulgated by the  
14 Director of Public Works. Fees for Temporary Facilities Expansion Permits shall be  
15 established by resolution of the City Council.

16 (b) The Director of Public Works may issue a Temporary Facilities Expansion Permit  
17 if the Director finds that expansion of the facility is not inconsistent with this chapter,  
18 the applicant's UGA Permit, or with any master plan, public facilities plan, or other  
19 similar plan that is applicable to the development for which the UGA Permit was  
20 issued. Any expansion of a temporary facility shall be at the applicant's sole cost and  
21 expense, and at the applicant's sole risk. The Director of Public Works may impose  
22 such conditions on a Temporary Facilities Expansion Permit as the Director deems  
23 are in the public interest.

24 (c) The Director of Public Works may revoke a Temporary Facilities Expansion Permit upon  
25 a finding that the permittee is not maintaining the temporary facility in a manner that is  
26 consistent with the permit, the provisions of this chapter, or any other applicable federal, state  
27 or local law. If the Temporary Facilities Permit is revoked, then the use of the temporary  
28 facility shall immediately cease until such time as the violation has been cured, and a new

1 Temporary Facilities Expansion Permit has been issued.


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

5 **Section 3.** This act being necessary for the immediate preservation of the public peace, health and  
6 safety, an emergency is declared to exist, and this ordinance shall be in full force and  
7 effect from and after the date of its passage.

8 PASSED by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007 .

9 ATTEST:

10  
11 City Recorder

12 Approved by City Attorney:  \_\_\_\_\_

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14 Checked by: G. Davis

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

FUTURE REPORT 2/5/07

February 12, 2007 \_\_\_\_\_

8.1 (a) \_\_\_\_\_

TO: MAYOR AND CITY COUNCIL  
THROUGH:  ROBERT G. WELLS, CITY MANAGER  
FROM: TIM GERLING, P.E., PUBLIC WORKS DIRECTOR  
SUBJECT: **SALEM REVISED CODE CHAPTER 66 AMENDMENT:  
TEMPORARY FACILITIES EXPANSION PERMITS**



**ISSUE:**

Should City Council amend *Salem Revised Code* (SRC) Chapter 66 by enacting Ordinance No. 70-07 to permit the expansion of temporary infrastructure facilities?

**RECOMMENDATION:**

Staff recommends that City Council advance Ordinance No. 70-07 to second reading for enactment.

**BACKGROUND:**

SRC Chapter 66 establishes the City's growth management program. If a developer wishes to develop in the City's "urban growth area" (UGA), the developer must construct the water, wastewater, streets, stormwater and parks improvements that are shown in the CIP, public facilities plans, or other master plans for the area within which the development is located. "Temporary facilities" may be allowed in lieu of construction of the required improvements if there is an existing facility located on the property to be developed.

The purpose of Ordinance No. 70-07 is to provide a mechanism that will allow the expansion of a temporary facility. If enacted, Ordinance No. 70-07, will establish a process to allow minor expansions of these temporary facilities. The developer will have to obtain a temporary facilities access permit. This will allow the City to include conditions that will ensure that the public health, safety and welfare will be protected if the scope of a temporary facility is expanded beyond that authorized by the UGA permit, and that the expansion is otherwise consistent with the City's growth management program.

**FACTS AND FINDINGS:**

1. Ordinance No. 70-07 will create a process to allow the expansion of temporary facilities that have been previously authorized under a UGA permit.

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2. The temporary facilities expansion permits will be available to all development that is granted a UGA permit which allows the use of a temporary water, sewer, or stormwater facility.
3. The cost of this permit will be based on the actual staff time required to review and approve the plans for the proposed expansion of the temporary facility. This fee will be included in the Public Works Department fee schedule and resolution for Fiscal Year 2007-08.



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Peter Fernandez, P.E.  
Assistant Public Works Director

LN:TEMPORARY FACILITIES PERMIT.WPD

Ward

January 30, 2007 (8:28am)

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