

April 5, 1994

TO: All Holders of the City of Salem Design Standards

EFFECTIVE DATE: December 7, 1993

SUBJECT: **DEVELOPMENT BULLETIN #10**

The following information is distributed as a public service to the Salem development community of contractors, builders, and developers to make them aware of changes in the City permit and plan approval process which may have an impact on their operations:

STREET IMPROVEMENTS AND RIGHT-OF-WAY DEDICATION WITH PARTITIONS AND BUILDING PERMITS

The Salem City Council has adopted an ordinance, effective December 7, 1993, which will require dedication of right-of-way and minor street improvements with partitions and building permits under certain conditions. This ordinance is a two-step process with the requirements discussed below to be effective immediately and other, more stringent requirements to be imposed as of January 1, 1996.

PARTITIONS:

- 1) **Right-of-way dedication** has long been required for partitionings. The only change is in the maximum width which may be required (Salem Revised Code (SRC) 77.150(b) and SRC 63.235(a)), which was modified to conform to the requirements of the Salem Transportation Plan. There is no change in the process. The exact width will be determined through the development review (planning action) process.
- 2) A new requirement for **street improvements** was added by this ordinance (SRC 77.150(c) and SRC 63.238(b)). If the existing streets abutting the development (boundary streets) are turnpikes (i.e., no curbs) with less than 22 feet in width of asphalt concrete (AC) pavement, then the applicant is responsible for widening the pavement to a minimum of a 24-foot-wide turnpike section with shoulders and, if appropriate, ditches. The purpose of this requirement is to ensure a minimum of two full travel lanes for safe movement of traffic. Whether or not to impose this requirement will be determined through the same planning action review process.

BUILDING PERMITS:

- 1) As a condition of issuing a building permit, this new ordinance requires the same **right-of-way dedication** and the same **street improvements** as listed above for partitions (SRC 56.115(a)).

- 2) The same rules apply, but there are several **exemptions** in the Code for certain types of building permits (SRC 77.150(a)(1)). **The following exemptions apply to both right-of-way dedication and street improvements:**
 - (a) Single family or Duplex residences are exempt **unless** the street is fully improved (i.e., with curbs) on **both** sides of the parcel. If the street is fully improved on both sides of the parcel, then dedication and/or street improvement will be required.
 - (b) Enlargements to existing structures or the addition of new structures to a complex. Enlargements which are less than 2,000 square feet gross building area **and** less than a 50 percent increase to the preexisting development are exempt. Enlargements/additions which exceed either threshold will not be exempt.
 - (c) Agricultural structures as defined in SIC (Standard Industrial Classification) 01, 02, and 07, with no retail sales, are exempt.
 - (d) **Any** building or structure which will generate less than 20 vehicle trips per day is exempt. (You will need to check with the City Traffic Engineer on this one. A duplex dwelling will generate 20 trips/day.)
- 3) For nonexempt parcels, there is a **deferral process** available for only the street improvements (not right-of-way dedication) (SRC 77.150(d)(1,2,3,4) and (e)). The burden is on the applicant to apply for a deferral and show cause. The intent of this process is to make allowances for unusual and/or unique situations. Normally, the improvements will **not** be deferred.
- 4) There is also a standard **variance process** available through the hearings officer for both right-of-way and street improvements (SRC 77.150(f)). As with all variances, the burden of proof is on the applicant to show cause why the requirements should not be imposed and certain criteria listed in the Code must be met.
- 5) **BUILDING PERMITS CAN NOT BE ISSUED UNTIL EITHER:**
 - a) it has been determined that no dedication or street improvements are required, or
 - b) improvement plans have been approved and the construction permits have been issued and/or dedication has been completed and accepted by the City, **OR** the applicants have executed and returned a copy of a legal agreement which obligates them to comply with the requirements.

There are public information packets available at the Permit Application Center (PAC) which describe the right of way dedication process and the street improvement process.

For more information, please contact the PAC at (503) 588-6211.

Tim Gerling, P.E.
Chief Development Services Engineer