

**Lowell City Council
Special Meeting
Wednesday, January 26, 2022 at 7 P.M.**

This meeting will be held electronically through Zoom Meeting. Instructions on how to listen to the meeting by PC, tablet, or telephone are available at the following web address: <https://www.ci.lowell.or.us/citycouncil/page/special-meeting>

Special Meeting Agenda

Call to Order/Roll Call/Pledge of Allegiance

Councilors: Mayor Bennett ___ Harris ___ Stratis ___ Weathers ___

Approval of Agenda

New Business

1. Second reading approval of Ordinance #306, "An ordinance designating qualified employees, establishing a local appeal board, authorizing a periodic independent audit of the finances of the City's building inspection program, ratifying discretionary decisions made by the contract building official made before January 1, 2022, and declaring an emergency." – Discussion/Possible Action

2. Motion to amend and correct the City Clerk pay adjustment approved at the January 18, 2022 regular meeting. – Discussion/Possible Action
Recommended motion: "I move to amend and correct the City Clerk pay adjustment approved at the January 18, 2022 regular meeting as follows: An increase from step 4 to step 5 in the FY 2021-2022 pay scale is approved for the City Clerk."

Adjourn the Special Meeting.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or other accommodations for persons with disabilities must be made at least 48 hours before the meeting to City Clerk Sam Dragt at 541-937-2157.

Agenda Item Sheet

City of Lowell City Council

Type of item:	Ordinance
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Item title/recommended action:

Second reading approval of Ordinance #306, "An ordinance designating qualified employees, establishing a local appeal board, authorizing a periodic independent audit of the finances of the City's building inspection program, ratifying discretionary decisions made by the contract building official made before January 1, 2022, and declaring an emergency." – Discussion/Possible Action

Justification or background:

In its 2021 regular session, the Legislative Assembly passed SB 866, which went into effect on 1/1/22. SB 866 requires city's that use contract building officials to implement an appeals process to hear appeals of building officials' discretionary decisions. In December, the Building Codes Division promulgated administrative rules to implement SB 866, which have a 1/31/22 deadline for compliance. Since the city does not have a building appeals board, this ordinance will establish one. Also included in this ordinance is an update to the "Building Inspection Operating Plan" to reflect the new appeals process, among other requirements from the Building Codes Division. Staff have collaborated with the City Attorney and Operations Manager/Chief Building Official or Northwest Code Professionals to draft the included documents. Failure to implement an appeals process by the 1/31/22 deadline and turn in an updated operating plan to the Building Codes Division would result in the city no longer being able to use a contract building official. A second reading is scheduled at a 1/26/22 special meeting to meet the 1/31/22 deadline.

Budget impact:

N/A

Department or Council sponsor:

Building Inspections

Attachments:

N/A

Meeting date:	01/26/2021
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CITY OF LOWELL, OREGON

ORDINANCE 306

AN ORDINANCE DESIGNATING QUALIFIED EMPLOYEES, ESTABLISHING A LOCAL APPEAL BOARD, AUTHORIZING A PERIODIC INDEPENDENT AUDIT OF THE FINANCES OF THE CITY'S BUILDING INSPECTION PROGRAM, RATIFYING DISCRETIONARY DECISIONS MADE BY THE CONTRACT BUILDING OFFICIAL MADE BEFORE JANUARY 1, 2022; AND DECLARING AN EMERGENCY.

WHEREAS, The 2021 Regular Session of the Oregon Legislature enacted Senate Bill 866, enrolled as Chapter 599, Oregon Laws 2021, that amended portions of ORS Chapter 455.

WHEREAS, Senate Bill 866 establishes building code procedures for municipalities that use contract building officials. These procedures include the creation of an appeals board, the designation of a “qualified employee” of the municipality, the creation or modification of an existing operating plan, the development of independent audit procedures of the municipality’s building inspection program, and the ability to ratify past discretionary decisions made by a contract building official.

WHEREAS, the City of Lowell uses a contract building official and wishes to continue to do so for the foreseeable future.

NOW, THEREFORE, The City of Lowell ordains as follows:

Section 1. Qualified Employee. The City Administrator and Public Works Director are designated as “qualified employees” as defined by Subsection (1)(d) of Section 2 of Chapter 599, Oregon Laws 2021.

Section 2. Appeals Board. A three–person Building Appeals Board is created to hear appeals of discretionary decisions made by the contract building official. Two members of the Board shall be appointed by the City Council. The third member shall be either a Lane County Building Inspector appointed by Lane County, or a Building Inspector of a county adjacent to Lane County appointed by their respective county.

Section 3. Independent Audit. The City shall have an independent auditor examine the finances of the city’s building inspection program at least once every two years. The audit shall conform to the procedures and standards outlined in Subsection (6) of Section 2 of Chapter 599, Oregon Laws 2021.

Section 4. Ratification of Discretionary Decisions. The City hereby ratifies the discretionary decisions made by its contract building official made before January 1, 2022.

Section 5. Operating Plan. The City hereby modifies its Operating Plan for its Building Program. The Operating Plan is attached as Exhibit A to this Ordinance. The City may update its Operating Plan from time to time as necessary by resolution passed by City Council.

Section 6. Emergency Clause. This Ordinance is necessary for the safety, health, and welfare for the City of Lowell because Senate Bill 866 became effective January 1, 2022 and shall become effective immediately after its final passage by the City Council and approval by the Mayor.

Adopted by the City Council of the City of Lowell this ____ day of January 2022.

YES: _____

NOES: _____

APPROVED:

Don Bennett, Mayor

ATTEST:

Jeremy Caudle, City Recorder

First reading: _____

Second reading: _____

Adopted: _____

Signed: _____

Effective date: _____



CITY OF LOWELL

**BUILDING INSPECTION
PROGRAM**

OPERATING PLAN

Revised January 24, 2022

918-020-0080 Delegation of Building Inspection Programs

The division and every municipality that administers and enforces a building inspection program or desires to assume responsibility to administer and enforce a building inspection program shall prepare an operating plan describing the manner in which the municipality or the division will do so. The operating plan shall establish specific processes and goals, consistent with the program standards described in ORS 455.153 and OAR 918-020-0090

This operating plan was developed and is maintained to comply with the above administrative rule. The plan is on file with the State of Oregon Building Codes Division, has been distributed to surrounding jurisdictions and is available through this office upon request.

This plan reflects the standards, policies, procedures and services administered and offered through the City of Lowell (City). The plan is required to be updated as necessary to reflect service changes. Any questions related to this plan should be directed to:

Dave Mortier
Building Official
144 E 14th Ave
Eugene, OR 97401

Phone: 541.484.9043 #216

Email: DaveM@nwcodepros.com

ADMINISTRATIVE STANDARDS – OAR 918-20-0090(1)

FUNDS – OAR 918-20-0090(1)(a)

The Building Department of the City of Lowell (City) operates through segregated accounts maintained within the General Fund. All plan review, surcharge revenue and permit revenues are deposited into this fund and all division expenditures are from this fund.

Permit and plan review fees are collected and distributed by account number. Separate accounts, allowing tracking for both revenues and expenditures are established for all individual processes including, building, mechanical, plumbing, electrical, plan review, manufactured dwellings, code compliance, special inspections, re-inspections, surcharges. All fees collected by the Building Department in connection with the administration and enforcement of building inspection programs will be used only for the administration and enforcement of those respective programs. Surpluses carried forward must be used only for the building inspection program and/or for the payment of any deficits or liabilities accrued to the program.

Fees charged for construction, alteration and repair of structures and buildings and the installation of mechanical, heating, and ventilating devices, electrical installations, plumbing installations and applicable appliances and equipment and the reconstruction, alteration and repair of prefabricated structures shall be in accordance with the current fee schedules. Revenues generated from permit fees are intended to cover the reasonable and necessary costs of carrying out effective administration and enforcement of the respective inspection programs.

In accordance with OAR 918-050-0100(1)(c), the per-square-foot value will be determined via the International Codes Council (ICC) Valuation Table .as published on April 1st of each year or the most recently published table as of April 1st. Permit fee schedules and a copy of the ICC Valuation tables are available at the City of Lowell, City Hall, located at 107 E. 3rd St., Lowell, Oregon.

EQUIPMENT AND RESOURCES – OAR 918-20-0090(1)(a)

All staff members are provided with the equipment and other resources needed to complete their work in an efficient and service-oriented manner.

STAFF AUTHORITY AND RESPONSIBILITIES - OAR 918-20-0090(1)(b)

Building Official

Per the City's contractual agreement with NorthWest Code Professionals, LLC (NWCP), the Contract Building Official is responsible for the management of the

building and safety program. The Contract Building Official conducts all plan reviews and inspections for Fire and Life Safety, A-Level Structural, A-Level Mechanical, One and Two Family Structural, One and Two-Family Mechanical, Manufactured Dwelling installations, Park and Camp and any other work covered by the specialty codes in accordance with certifications obtained.

Code administration responsibilities of the Contract Building Official are listed in the attachment "Personal/Professional Services Contract" which is an extract from the contractual agreement between the City and NWCP.

The Contract Building Official shall be registered and licensed by the State of Oregon as per requirements of OAR 918-098.

In accordance with OAR 918-020 230(2), within five (5) business days from making a discretionary decision, the Contract Building Official must:

- Notify a Qualified employee in writing of the discretionary decision; and
- Notify a permit applicant in writing of the discretionary decision that relates to the permit application. This notice must list and describe available opportunities for a hearing and appeal of the decision.

Per OAR 918-020-0015(2), A Contract Building Official means an owner, manager or employee of a person that the director has licensed to perform specialty code inspections and plan reviews under ORS 455.457 and that engages in the business of providing the services described in ORS 455.148(3) and 455.150(3) to one or more municipalities to which the director has delegated a building inspection program.

Per OAR 918-020-0015(4), A Discretionary Decision means a decision on whether to waive a plan review, an inspection or a provision of the state building code; or to allow an alternative material, design or method of construction.

Inspectors/Plans Examiners

All inspectors and plans examiners shall be certified to perform the applicable process as required in OAR 918-098-1012. All inspectors, plans examiners, and Building Official shall meet the continuing education requirements of OAR 918-098-1450.

Qualified Employee – ORS 455.100, Section 2(1)(d) and Section 2(3)(a) and OAR 918-20-0015(2), 918-020-090(7)(f)

The Qualified Employee is an individual that the municipality employs and has been designated to ratify or disapprove a contract Building Official's discretionary decisions. (OAR 918-020-0015(7)).

The Qualified Employee(s) for the City of Lowell are:

Jeremy Caudle
City Administrator
Email: jcaudle@ci.lowell.or.us
Phone: 541-937-2157

Max Baker
Public Works Director
Email: mbaker@ci.lowell.or.us
Phone: 541-937-2157

Before exercising oversight over a contract Building Official, the Qualified Employee is required to complete the basic training and obtain applicable certification or other evidence of completion, as defined by Oregon Building Codes Division.

Within 180 days after being designated as the Qualified Employee, the employee is required to complete the advanced training and obtain applicable certification or other evidence of completion, as defined by Oregon Building Codes Division.

The Qualified Employee shall be notified in writing within five (5) days by the contract Building Official, for each of the contract Building Official's discretionary decisions. The Qualified Employee must review and ratify or disapprove a contract Building Official's discretionary decision, in writing, to the contract Building Official and the permit applicant/aggrieved person within thirty (30) days after receiving notice of the decision. The notification shall also inform the permit applicant/aggrieved person that the decision of the Building Official can be appealed in accordance with ORS 455.475.

Per OAR 918-020-0015(4), A Discretionary Decision means a decision on whether to waive a plan review, an inspection or a provision of the state building code; or to allow an alternative material, design or method of construction.

LOCAL/OREGON STATE APPEALS PROCESS – OAR 918-020-0090(1)(c)

All appeals shall be forwarded to the Building Official:

Dave Mortier
Building Official
144 E 14th Ave
Eugene, OR 97401

Phone: 541.484.9043 #216

Email: DaveM@nwcodepros.com

When any appeal is received, the person aggrieved shall be notified that he/she has the option of the local appeals process, or to appeal to the Chief inspector of the Department of Consumer and Business Services/Building Codes Division (DCBS/BCD).

Any appeal of a decision arising from a plans examination or an inspection shall be reviewed by the Building Official. The appeal may be verbal or in writing. There is no cost for this initial appeal. A decision is generally rendered within three (3) days of the request.

Appeal of decision of Building Official – ORS 455.475

(1) An applicant for a building permit may appeal a decision made by a Building Official under authority established pursuant to ORS 455.148, 455.150 or 455.467. The following apply to an appeal under this subsection:

(a) An appeal regarding the interpretation or application of a particular specialty code provision shall be made first to the appropriate specialty code chief inspector of the Department of Consumer and Business Services. The decision of the department chief inspector may be appealed to the appropriate advisory board. The decision of the advisory board may only be appealed to the Director of the Department of Consumer and Business Services if codes in addition to the applicable specialty code are at issue.

(b) If the appropriate advisory board determines that a decision by the department chief inspector is a major code interpretation, then the inspector shall distribute the decision in writing to all applicable specialty code public and private inspection authorities in the state. The decision shall be distributed within 60 days after the board's determination, and there shall be no charge for the distribution of the decision. As used in this paragraph, a "major code interpretation" means a code interpretation decision that affects or may affect more than one job site or more than one inspection jurisdiction.

(2) Except as provided in subsection (1) of this section, an applicant for a building permit may appeal the decision of a Building Official on any matter relating to the administration and enforcement of this chapter to the department. The appeal must be in writing. A decision by the department on an appeal filed under this subsection is subject to judicial review as provided in ORS 183.484.

(3) If an appeal is made under this section, an inspection authority shall extend the plan review deadline by the number of days it takes for a final decision to be issued for the appeal.

(4) In accordance with OAR 918-020-0250, the City will establish a local appeals board, as necessary, to hear an appeal of a contract Building Official's discretionary decision.

(a) The local appeals board will include, as a member, the Building Official of the county within which the city is located or the Building Official of an adjacent county.

- (b) An individual who engages in the business of building design or construction may be a member of the local board, but may not hear an appeal of a contract Building Official's discretionary decision concerning a project that involves a business, or competitor of a business that;
 - i. The individual owns or manages or for which the individual provides services as an employee, agent or contractor; or
 - ii. A family member or a member of the individual's householder owns or manages or for which the family member or member of the household provides services as an employee, agent or contractor.
- (c) The local appeals board will not include;
 - i. Any contract Building Official
 - ii. An owner, manager, director, officer or employee of a person, other than an employee of the municipality, that performs building inspections.

ACCOUNTING – OAR 918-020-0090(1)(d)

All revenues collected are deposited in the Building Fund. These revenues are service area specific and are segregated by individual accounts and are collected by an electronic permitting system. These individual program accounts can be reviewed and analyzed separately through the use of accounting object codes.

Administrative costs to the program are assessed through building maintenance, equipment maintenance, and administrative services charges included within the annual budget process and indicated within the included summary. A summary of the division's overall budget for both revenues and expenditures is included.

AUDITS – OAR 918-020-0090(1)(O) and OAR 918-020-0090(7), Oregon Law Ch. 599, Sec. 2, Subsection 6.

An audit of the building inspection program shall be done by an independent auditor at least once every two years. The audit may be done in conjunction with an audit under ORS 297.425.

The audit, at a minimum, shall examine all collections and usage of permit fees and all expenditures of moneys that have occurred from the proceeds of the fees since the last audit and shall verify that the City dedicates all fees the collected for plan review, permit issuance or administrating and enforcing specialty codes only to the purposes specified in ORS 455.210 and 479.845.

The results of each audit shall be made available to the public by easily accessible electronic means, including by posting the results on the City's website.

RECORDS RETENTION AND RETRIEVAL – OAR 918-020-0090(1)(e)

All City records are retained for at least for the minimum time outlined by the Oregon State Archivist. Permits, plans and inspection records are retained at least for the minimum time outlined in OAR 166-200-0025.

Active permits are kept in the City's office and are accessible to the permit clerk, Building Official and inspectors in addition to other city staff. Finalized permits are kept in file cabinets within the City's central filing system.

Construction documents are retained, in accordance with archive requirements, in their original paper format in a secured storage room. Copies of all construction documents, permit forms and inspection records are available at the City offices for review by the public.

AVAILABILITY OF OPERATING PLAN – OAR 918-020-0090(1)(f)

This operating plan is available to any interested party upon request. Requests by email, mail, phone or personal contact will be honored in a timely manner.

PUBLIC COMMENT/COMPLAINT PROCESS – OAR 918-020-0090(1)(g)

Public comments or complaints may be submitted verbally (in person or via telephone) or in writing (via fax, mail, email, or personal delivery). Comments or complaints related to code provisions will be processed by the most appropriate staff member. If the comment or complaint becomes an appeal, procedures outlined above will be followed. Comments or complaints related to employee behavior will be referred to the City Administrator.

PUBLIC INQUIRY PROCESS – OAR 918-020-0090(1)(g)

The Building Department maintains a public service counter located at Lowell City Hall, 107 E. 3rd St., Oregon. Office hours are from 8:00 a.m. to 12:00 p.m. and 1:00 to 5:30 p.m., Monday through Thursday, excepting holidays. Telephones are answered by City staff during the above listed open hours. The City's phone number is (541) 937-2157. The fax number is (541) 937-2936.

Customers may telephone to inquire on matters related to permitting, plan review, or inspection processes anytime between 8:00 a.m. to 12:00 p.m. and 1:00 to 5:30 p.m., Monday through Thursday, holidays excepted. Customers may also visit our public service counter to inquire on matters related to permitting, plan review, or inspection processes anytime during these hours. Customers may email, mail or fax inquiries of this nature at any time.

Responses to customer inquiries are generally conducted on the same day they are received. In most cases, the City is able to respond to all other inquiries within one business day.

CUSTOMER SERVICE INFORMATION – OAR 918-020-0090(1)(j)

Types of permits issued

The City provides code administration for structural, mechanical, plumbing, electrical, manufactured dwelling installation, excavation and grading, and fire and life safety review under authority of OAR 455.153 and 479.855 and as adopted by ordinance. Permits for work governed by these specialty codes are available through this office.

Jurisdictional boundaries

The jurisdiction of this Building Department covers all areas within Lowell city limits. A map of the jurisdictional boundaries is maintained at the public service counter located at City Hall, 107 E. 3rd St., Lowell, Oregon

Hours of operation

8:00 a.m. to 12:00 and 1:00 to 5:30 p.m
Monday through Thursday, holidays excepted

Notifications

All notices issued pursuant to OAR 918-020-0070 through -0220 shall be sent to the City Building Department in addition to the Building Official.

City of Lowell
Attn: City Administrator
PO Box 490
Lowell, OR 97452

PERMITTING STANDARDS – OAR 918-20-0090(2)

OFFICE LOCATION AND HOURS OF OPERATION – OAR 918-020-0090(2)(a)&(b)

The Building Department maintains an office located in City Hall, 107 E. 3rd St., Lowell, OR with hours from 8:00 a.m. to 12:00 and 1:00 to 5:30 p.m., Monday through Friday, holidays excepted. During these hours, telephones are answered by City staff, permit applications are accepted and permits are issued. Permit applications are also accepted by mail, email and by fax.

APPLICATION PROCEDURES – OAR 918-020-0090(2)(c) and (e)

When permit applications are received the information is checked for completeness prior to plan acceptance; usually before the customer leaves. Permit applications received via mail are checked on the day of receipt for completeness, and, if necessary, information is lacking, the customer is contacted immediately. A plan review deposit is required at the time the plans are submitted for review.

Two (2) sets of plans are required, except when plans are submitted electronically. When submitted electronically, once plans are reviewed and returned to applicant, it is the applicant's responsibility to provide one (1) printed sets of the reviewed plans to the City for permit issuance and to have one (1) printed set at the job site for inspections.

Plans within the scope of the Oregon Residential Specialty Code will be checked to verify completeness using a plan intake checklist and applicant will be notified within three working days as to whether the plans are complete, if the plans are deemed a simple residential plan, and the approximate time period in which the plan review will be completed.

As per ORS 455.628, plans for conventional light-frame construction submitted by an Oregon Registered Design Professional that is also certified by the State or Oregon as a Residential Plans Examiner, and otherwise meet the requirements of OAR 918-480-0130, shall be processed in a timely manner. The City shall waive the normal plan review fee and in lieu of this fee will charge an administrative fee equal to one-hour of the hourly charge for inspections or plan reviews, per the established fee table, or 25 percent of the plan review fee whichever is less.

Manufactured Dwelling Permits

Permits for work regulated by the Oregon Manufactured Dwelling Installation Code are reviewed by the Building Official and are generally issued within ten working days from the date that a complete permit application and plan information is received.

Other Permits

Permits for work regulated by the Structural and Mechanical codes are reviewed by the Building Official. Plan review and permit issuance times vary based upon the complexity and completeness of the application. When all requirements of the local jurisdiction have been met, the Building Official may allow phased permitting and deferred submittals for plan review of commercial projects.

Over-the-Counter Permit Procedures

Permits not requiring a plan review may be issued over-the-counter. Emergency permits may be issued over-the-counter or by other means of communication (i.e. fax or telephone) with the approval of the Building Official.

Subject to the scope and limitations of ORS 455.062, some typical plans and specifications are available from the Department along with state-approved typical plans. Pre-approved typical plans are issued over the counter when possible and permit application is complete.

Phased and Deferred Permitting

In accordance with OAR 918-020-090(3)(D), phased and/or deferred permit submittals may be allowed and will require a pre-application meeting and Building Official approval. No approvals will be allowed until the Building Official is satisfied that the application is complete. In accordance with OAR 918-050-0170, phased and/or deferred permits shall be charged an administrative fee of 25 percent of the plan review fee, determined in accordance with OAR 918-050-0100 and the approved City fee schedule based on the total project valuation. This fee is in addition to the project plan review fee.

Fee Refunds

[To be completed at a later date.]

Fee Waivers

Fee waivers are not permitted.

Transfer of Building Permit

A building permit shall only be transferred to another party when authorized by the owner of the property, in writing.

Faxed Applications

The Building Department accepts faxed applications with the condition that an application with an original signature will be submitted at a later date. Faxed applications are

processed in the same manner as any other application. A faxed application is not issued until a signature is obtained on the permit, necessary licensing information is verified and appropriate fees are paid.

Verification of Licenses and Registrations

Prior to the issuance of any permit staff verifies that the applicant meets the licensing and registration requirements of ORS Chapters 446, 447, 455, 479, 693 and 701. Issues which may arise from this verification process are referred to the Building Official for resolution. Required electrical contractor licensed, including low voltage and specialty licenses, may be verified on a random basis on job sites within the City during the normal course of inspector duties.

In accordance with the building code, every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 day each. The extension shall be requested in writing and justifiable cause demonstrated.

PLAN REVIEW STANDARDS – OAR 918-20-0090(3)

COMPLIANCE WITH SPECIALTY CODES – OAR 918-20-0090(3)(a)

In accordance with the certification requirements of OAR 918-098-1470, plans examiners assure compliance with the specialty codes administered by DCBS/BCD and current interpretive rulings adopted pursuant to ORS 455.060 or ORS 455.475. Plan review for plumbing and electrical plans are reviewed and approved by certified and licensed personnel in the applicable specialty code as plan review requirement thresholds are exceeded.

The City's Municipal Code, adopted by the City Council, enables code adoption coinciding with the effective date of each specialty code as adopted by the Building Codes Division. This includes the Oregon Structural Specialty Code, Oregon Residential Specialty Code, Oregon Mechanical Specialty Code, Oregon Electrical Specialty Code, Oregon Plumbing Specialty Code, Oregon Fire Code and Oregon Manufactured Dwelling and Park Specialty Code. Where specific code sections and appendices are available for local adoption, each section shall be reviewed and adopted by local ordinance where applicable.

PLAN REVIEW PROCESS

The plans examiners review structural, mechanical, plumbing, electrical, fire life safety plans and engineering and energy calculations to ensure compliance with applicable codes. Plan intake staff shall use Building Codes Division approved checklists to ensure the customer has submitted all necessary information and, verify plans are stamped by an Oregon licensed architect or engineer. Site plans, when applicable, are required in accordance with the Planning Department.

Permit Applications Requiring Plans – Structural, Fire and Life Safety, Commercial Plumbing and Commercial Mechanical

If plans are required, permits will not be issued until a minimum of two (2) sets of plans have been reviewed and approved. When submitted electronically, once plans are reviewed and returned to applicant it is the applicant's responsibility to provide one (1) printed sets of the reviewed plans to the City for permit issuance and to have one (1) printed set at the job site for inspections. Plans may be submitted in person, by fax, mail, or via e-mail. Plans received in person at City Hall are reviewed by permit technician intake or plan review staff to verify appropriate information and materials are included with the plans.

Per OAR 918-020-090(2)(c) and (d)(A), if plans are incomplete, a letter detailing the information needed to complete the plan review will be sent, faxed, e-mailed or handed to the applicant in person within 3 business days. The plans may be returned to the applicant or placed "on hold" until the information and/or appropriate fees are received.

Pursuant to OAR 918-020-0090 and 918- 020-0210, for simple residential dwelling plans, the City will follow the plan review timeline of ten working days set forth in ORS 455.467, provide notification within three working days as to whether the plans are complete, and offer other plan review options if applicable.

Plans complete but not in compliance

Where the plan has the required information but is found to be in non-compliance with the applicable code, the applicant is notified immediately by the most expedient method. If the information needed is greater than can be handled by a simpler means, a letter will be sent by the most expedient means identifying the areas of non-compliance with a request for corrective action or additional information. The plan is placed "on hold" until additional information is received. All notices will include applicable code citations.

Plans complete and in compliance

Where the plan is deemed complete, the plan will be stamped "reviewed" by the plans examiner of record, the applicant notified, and then be available to pick them up at City Hall.

Plan review will be completed within ten (10) working days of receipt of a complete application. All plans are reviewed prior to issuing permits.

Applicants are encouraged to call 1-800-358-8034, 8 am to 5 pm Monday through Friday for any code or process questions. Appointments are encouraged for preliminary consultations with a plans examiner.

Prior to the issuance of permits a license verification will be performed by City staff or contracted third-party contract staff to ensure all contractors are properly licensed.

AVAILABILITY OF CHECKLISTS/BROCHURES – OAR 918-20-0090(3)(a)(B)

The Building Department has checklists for plan review submission requirements and a variety of informational brochures to assist the public in the permit application process. These brochures are available at the public service counter.

The Building Department also offers optional pre-development and pre-construction meetings at no cost to the applicant. Pre-development meetings generally occur at the time of plan submittal and provide an opportunity for the applicant to summarize the project being submitted for review, discuss any requested alternate methods or materials, request interpretations, and hear a preliminary assessment of the project. Pre-construction meetings generally occur in conjunction with the issuance of the permit. The meeting provides an opportunity for the applicant and his/her associates to meet the inspectors who will be involved in the project, discuss any unique aspects of the project,

clarify special inspection requirements, coordinate public infrastructure issues, and reach consensus on remaining issues identified during the review process.

VERIFICATION OF STAMP BY DESIGN PROFESSIONALS – OAR 918-020-0090(3)(a)(E) &(F)

Staff verifies that plans are appropriately stamped by a registered design professional when required. Plans failing to meet this requirement are returned to applicant and will not be accepted until the appropriate stamp is provided.

AVAILABILITY AND LISTING OF PLAN REVIEW STAFF – OAR 918-020-0090(3)(c)

A roster of the plans-examiners, including current certifications and continuing education records, is available to any interested party upon request.

PLAN REVIEW TIMELINES

One and Two-Family Dwelling Code Plans – OAR 918-020-0090(3)(a)(C)

Generally, it is determined at the public service counter if residential plans are "complete" or not. "Completeness" will be determined using the Building Department checklist. Plans unable to be verified as "complete" will be placed in the incoming plan stack and will be reviewed for completeness at the same time they are determined to be "simple" or "complex".

"Complete" plans will be acknowledged and applicant informed as either simple or complex within three (3) working days from receiving. The applicant will also be informed of the approximate time period in which the plan review will be complete.

Plans deemed to be "complete" and "simple" will be reviewed within ten (10) working days from receipt. If unforeseen circumstances cause plan review times for the above referenced plans to exceed ten (10) working days, the City will maintain and provide applicants a list containing at least three (3) licensed plan reviewers from whom the County will accept plan reviews.

The City adopts, by policy, the definition of "simple one-or-two family dwelling plans" as described in OAR 918-020-0090. Plans that do not meet the definition of "simple" in this rule are deemed to be "complex".

COOPERATION WITH OTHER AGENCIES – OAR 918-020-0020

The Building Department cooperates with other City divisions, departments, and/or other jurisdictions as necessary to facilitate plan review and permit issuance. Pursuant to OAR 918-020-0020, the City provides the Fire Marshal with notification of proposed de-

velopments that may be regulated by the Fire Marshal under ORS 476.030. The Fire Marshal is provided with a reasonable time frame with which to submit comments pertaining to a specific development. Specific Fire Code requirements regulated and identified by the Fire Marshal are incorporated into the conditions of approval for the project. The Building Official will regularly consult with the Fire Marshal on issues that include but are not limited to, fire department access, fire flow, occupancy concerns, and alternative methods of construction. The final determination of construction requirements is made by the Building Official.

The Building Official reviews plans for conformity with the Oregon Fire Code as it relates to new construction. This includes fire department access (during construction and permanent access), fire flow, fire hydrant number, and location.

EVALUATION OF UNIFORM ALTERNATE CONSTRUCTION STANDARDS (UACS)

In conformance with OAR 918-480-0125, for lots of record created on or after January 1, 2002, by this general notification, the Building Official intends to have the option to allow one or more of the Uniform Alternate Construction Standards to address a fire official determination of inadequate apparatus access or water supply.

Project-specific notification in occurs in conjunction with the approval of a land use application under ORS 197.522.

The Building Official, acting in conformance with the rules, and by this notification, may choose to apply one or more Uniform Alternate Construction Standards to address determinations by fire officials with authority over water supply and apparatus access, that the water supply, apparatus access, or both are inadequate at a site. Such decisions by the Building Official are final. The Building Official will give consideration to the input and advice of the State Fire Marshal or local fire official that does not conflict with this rule. The Building Official will retain the authority to make final decisions.

The Uniform Alternate Construction Standard is not a Statewide Alternate Method. Uniform Alternate Construction Standard determinations will be made by the Building Official.

Uniform Alternate Construction Standards will be limited to one or more of the following fire suppression and fire containment components:

- (a) Installation of a NFPA Standard 13D fire suppression system;
- (b) Installation of a partial NFPA Standard 13D fire suppression system;
- (c) Installation of additional layers of 5/8 inch, Type-X gypsum wallboard;
- (d) Installation of fire-resistive compartmentalization of dwellings to limit the spread of fire by use of fire-resistant building elements, components or assemblies. Fire-resistance ratings shall be determined in accordance with the Oregon Structural Specialty Code;

- (e) Installation of fire-resistive exterior wall covering and roofing components; or
- (f) Provide fire separation containment in accordance with the default standards as set forth in the Wildland-Urban Interface rules adopted by the Oregon Department of Forestry (see OAR 629-044- 1060). Stat. Auth.: ORS 455.610 Stat. Implemented: ORS 455.610

INSPECTION STANDARDS – OAR 918-20-0090(8)

INSPECTION POLICIES AND PROCEDURES – OAR 918-020-0090(8)(a) through (e)

It is the duty of the permit holder, or authorized agent, to request all inspections that may be necessary or otherwise required. The permit holder/authorized agent must make the requests in a timely manner, provide access to the site, and provide all equipment as may be deemed necessary or appropriate by the Building Official. It shall be the duty of the permit holder to cause the work to remain accessible and exposed for inspection purposes. Reviewed plans and job card must be present at the job site for inspections.

Inspection requests may be made 24 hours per day, 7 days per week by phone at 541-484-9043 or 1-800-358-8034. Inspection requests may also be made in person at the City office.

Inspection requests, received in person in the office or by the request line, shall include:

- Site address
- Type of inspection requested
- Date for requested inspection(s)
- Permit number
- Name and telephone number of the person requesting inspection

Inspections requested by **5:00 p.m.** are placed on the schedule for the next business day. Inspection requests for other times, because of unforeseen issues or emergencies, may be accomplished depending on the approval of the Building Official and inspector availability. Such requests can be made by contacting the office.

A copy of the reviewed plans are required to be on the jobsite and available to the inspector. In accordance with the building code, construction, or work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain visible and able to be accessed for inspection purposes until approved.

A written report and/or record of inspection is performed by the inspector for each inspection. The report/record will reflect “Approved” or either a “Correct and Proceed” or “Correct and call for Re-inspection”. A “Correct and Proceed” allows the work to continue without a re-inspection. A “Correct and call for Re-inspection” requires a call for re-inspection of the corrected items, and approval, before proceeding to the next phase. A copy of the written report, if required, is left on the job site and entered into the Building Department’s system. If no corrections were noted, and the inspection was approved, the inspector will sign the inspection record at the job site and the permit record that is on file at the Building Department.

Requests for Electrical Inspection and Notice of Results

The jurisdiction will inspect within 48 hours of a written request for inspection unless the time for inspection is extended to a set date by mutual agreement. The 48 hours excludes Saturdays, Sundays and holidays. Inspection scheduling will be in compliance with OAR 918-271-00 and may be adjusted based on the volume of permit activity.

The inspecting jurisdiction will inspect an installation at a remote location within a **reasonable time** of the request.

A "**remote location**" is defined as follows:

(1) An inspection location that is more than 60 miles one way using the most direct route, measured from the closest of the inspector's station, inspection office or the inspecting jurisdiction's primary offices; or

(a) An inspection location that requires more than one hour of normal driving, one way, using the most direct route from the closest point mentioned in paragraph (A) of this subsection.

(b) For the purposes of this section "within a reasonable time" means a response time that takes into account the time, distance and number of inspection requests, but shall not exceed seven consecutive calendar days including the date the request was received unless the time for inspection is extended to a set date by mutual agreement. If the seventh calendar day falls on a weekend or holiday this is extended to include the next business day.

(2) Reasonable procedures designed to provide actual notice of inspection results will be used by the jurisdiction to notify the person requesting inspections, of the results of electrical inspection. "Reasonable procedures designed to provide actual notice" will include posting at the job site and:

(a) Nothing more, when the installation is by an owner;

(b) Nothing more, when the installation is approved;

(c) Notification of any deficiencies on a specific permit by:

(A) FAX transmittal to the electrical contractor;

(B) Personal delivery to the electrical contractor or signing supervisor;

(C) Mailing, including electronic mailing; or

(D) Telephone followed by written notification;

(d) By written confirmation of inspection approval if a permit holder requests confirmation.

AVAILABILITY AND LISTING OF INSPECTION STAFF – OAR 918-020-0090(8)(f)

A roster of the inspectors, including current certifications and continuing education records, is available to any interested party upon request.

COMPLIANCE PROGRAMS

STOP WORK ORDERS OAR 918-020-0090(8)(g)

[To be completed at a later date.]

INVESTIGATION OF ELECTRICAL AND PLUMBING VIOLATIONS – OAR 918-020-0090(9)

Complaints received by the Building Department related to alleged violations of plumbing or electrical licensing or registration requirements are actively pursued by appropriately licensed inspection staff.

This section shall establish the City of Lowell compliance program which is intended to verify compliance with state licensing requirements and all other administrative and judicial aspects of enforcement of code requirements. Nothing in this Operating Plan affects the concurrent jurisdiction of the Director of the Department of Consumer and Business Services/BCD, Building Codes Structures Board, the State Plumbing Board, the Manufactured Structures and Parks Advisory Board, or the Electrical and Elevator Board to impose civil penalties for violations committed within municipalities.

INVESTIGATION OF ELECTRICAL AND PLUMBING VIOLATIONS – ORS 455.080

Notwithstanding ORS 455.630 (2), any inspector, including a specialty code inspector licensed under 455.457, authorized by ORS 455.150 or 455.153 to determine compliance with the requirements of the state building code or any specialty code under this chapter may, in accordance with a compliance program as described in ORS 455.153 (2) require any person who is engaged in any activity regulated by the state building code to demonstrate proof of compliance with the applicable licensing, registration or certification requirements of ORS chapters 446,447,455,460,479,480,693, and 701.

All inspectors authorized by ORS 455.150 or 455.153 with the approval of the Building Official may investigate and enforce violations and issue notices of proposed assessment of civil penalties for violations of the plumbing inspection program, and the electrical inspection program. All authorized inspectors will conduct random spot checks during the normal course of duties to verify compliance with plumbing and electrical licensing and registration requirements. In cases of a violation, and after discussion with the Building Official, the inspector may stop the work and (a) issue a warning, (b) issue a notice of proposed assessment of civil penalty, or (c) discuss alternative options, such as citation into municipal court.

The City Building Department shall use the approved State of Oregon compliance forms (ORS 455.156(3)) to carry out the provisions of ORS 455.156 in enforcing provisions of the Oregon Residential Specialty Code and the Oregon Structural Specialty Code to issue notices of proposed assessment of civil penalties.

PROCESS FOR RESPONSE TO REPORTED CODE VIOLATIONS

Reports of work being performed without permit, and/or in violation of the permit and/or licensing requirements, including ORS 479.550, 479.620, 447.040, 693.030, and 693.040, are accepted in person or via mail, email, telephone or fax. All reports are investigated by the Building Official.

INVESTIGATION OF REPORTED VIOLATIONS

Reports as described above are investigated to determine if a violation exists. If no violation exists, the case is closed. If a violation exists, there are several possible actions that may be taken by the Building Department, including but not limited to stop work orders, assessment of investigation fees per the fee table, citation into Municipal Court, and referral to the Building Codes Division Compliance Section through the process identified in ORS and OAR. In any case, the person making the report is informed of the outcome.

NOTICES OF PROPOSED CIVIL PENALTIES

As per ORS 455.156, the Building Department acts as an agent of the respective state boards in the issuance of proposed assessments of civil penalties.

Submitted by:

Jeremy Caudle
City Administrator

Date:-----

Agenda Item Sheet

City of Lowell City Council

Type of item:	Personnel
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Item title/recommended action:

Motion to amend and correct the City Clerk pay adjustment approved at the January 18, 2022 regular meeting. – Discussion/Possible Action
Recommended motion: "I move to amend and correct the City Clerk pay adjustment approved at the January 18, 2022 regular meeting as follows: An increase from step 4 to step 5 in the FY 2021-2022 pay scale is approved for the City Clerk."

Justification or background:

At the January 18 meeting, City Council approved a pay step adjustment for the City Clerk based on satisfactory completion of the 6-month probationary period. However, staff provided the previous fiscal year's pay scale as a reference for the pay step adjustment, and an increase from step 5 to step 6 was approved. In actuality, the City Clerk started at pay step 4 in the FY 2021/2022 pay scale. This agenda item includes a recommended motion to correct the previous action so that the appropriate pay step adjustment from step 4 to step 5 is approved. For reference, the approved FY 2021/2022 pay scale is in the June 15 City Council packet on p. 168, available here: https://www.ci.lowell.or.us/sites/default/files/fileattachments/city_council/meeting/packets/8001/061521_cc_regular_meeting.pdf. A copy of the pay scale is also in the packet, along with a copy of the July 6, 2021 meeting minutes where City Council authorized the hire of a new City Clerk at step 4 on the pay scale.

Budget impact:

N/A

Department or Council sponsor:

Administration

Attachments:

N/A

Meeting date:	01/26/2021
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No	GL	Position	Proposed Pay Scale									
			Step									
			1	2	3	4	5	6	7	8	9	10
1		City Administrator	Negotiated by Contract									
2		City Clerk	37,565	39,443	41,415	43,486	45,660	47,943	50,340	52,857	55,500	58,275
		Monthly	3,130.40	3,286.92	3,451.25	3,623.83	3,805.00	3,995.25	4,195.00	4,404.75	4,625.00	4,856.25
		Hourly	18.06	18.96	19.91	20.91	21.95	23.05	24.20	25.41	26.68	28.02
3		Public Works Director	48,966	51,414	53,985	56,684	59,518	62,494	65,619	68,900	72,345	75,962
		Monthly	4,080.48	4,284.50	4,498.75	4,723.67	4,959.83	5,207.83	5,468.25	5,741.67	6,028.75	6,330.17
		Hourly	23.54	24.72	25.95	27.25	28.61	30.05	31.55	33.13	34.78	36.52
4		Utility Worker	39,312	41,278	43,342	45,509	47,784	50,173	52,682	55,316	58,082	60,986
		Monthly	3,276.00	3,439.83	3,611.83	3,792.42	3,982.00	4,181.08	4,390.17	4,609.67	4,840.17	5,082.17
		Hourly	18.90	19.85	20.84	21.88	22.97	24.12	25.33	26.59	27.92	29.32
5		Maintenance Worker	26,520	27,846	29,238	30,700	32,235	33,847	35,539	37,316	39,182	41,141
		Monthly	2,210.00	2,320.50	2,436.50	2,558.33	2,686.25	2,820.58	2,961.58	3,109.67	3,265.17	3,428.42
		Hourly	12.75	13.39	14.06	14.76	15.50	16.27	17.09	17.94	18.84	19.78
6		Librarian/Special Events	32,760	34,398	36,118	37,924	39,820	41,811	43,902	46,097	48,402	50,822
		Monthly	2,730.00	2,866.50	3,009.83	3,160.33	3,318.33	3,484.25	3,658.50	3,841.42	4,033.50	4,235.17
		Hourly	15.75	16.54	17.36	18.23	19.14	20.10	21.11	22.16	23.27	24.43
7		Temporary/Seasonal	26,520	27,846	29,238	30,700	32,235	33,847	35,539	37,316	39,182	41,141
		Monthly	2,210.00	2,320.50	2,436.50	2,558.33	2,686.25	2,820.58	2,961.58	3,109.67	3,265.17	3,428.42
		Hourly	12.75	13.39	14.06	14.76	15.50	16.27	17.09	17.94	18.84	19.78

The proposed scale has been changed to identify the annual salary as 1 FTE for step 1 of each position, then calculate the monthly and hourly rates from the annual salary

This scale reflects a 5% increase between each step

This scale includes a 5% increase for step 1

step 1 for Maintenance Worker and Temporary/Seasonal Worker positions were increased to reflect the new minimum wage standard for Oregon as of July 1, 2021

This sheet will auto populate when the "Proposed Scale" is completed

City of Lowell, Oregon
Minutes of the City Council Work Session & Special Meeting
July 6, 2021
Maggie Osgood Library

Work Session was called to order at 7:12 PM by Mayor Bennett.

Members Present: Mayor Bennett, Gail Harris, Tim Stratis, Samantha Dragt

Members Absent: John Myers

Staff Present: CA Jeremy Caudle

Work Session Topic(s)

1. **Lowell Development Code Amendment Project:** Presentation by Jacob Callister, Principal Planner with Lane Council of Governments, gave an update on the project and timeline.
2. **Archaeological Baseline Survey for the Rolling Rock Park Improvement Project:** CA Caudle presented a review of proposal from the University of Oregon Museum of Natural and Cultural History. The survey is a requirement to satisfy the National Parks Service grant application. Discussion followed.
3. **Debt Financing for Rolling Rock Park and Maggie Osgood Library Renovation Projects:** CA Caudle presented information, followed by discussion and further direction on debt financing.

Adjourn: 8:03 PM

The Special Meeting was called to order at 8:04 PM by Mayor Bennett.

Members Present: Mayor Bennett, Gail Harris, Tim Stratis, Samantha Dragt

Member Absent: John Myers

Staff Present: CA Jeremy Caudle

New Business:

- **Authorize the hire of a new City Clerk above Step 1 in the pay scale, pursuant to the City of Lowell "Personnel Policies and Procedures."** – Councilor Dragt recused herself from the discussion because she is the chosen candidate for the position and left the building. CA Caudle presented item. Discussion followed. **Councilor Stratis moved to approve the hire of a new City Clerk at Step 4 in the approved fiscal year 2021-2022 pay scale, and to authorize a step increase in 6 months contingent on a favorable performance review, and to be brought back to the City Council for consideration.**
PASS 3:0

Adjourn: 8:11 PM

Approved: _____

Don Bennett, Mayor

7-20-21
Date

Attest: _____

Jeremy Caudle, City Recorder

7/20/21
Date