

Lowell City Council
Regular Meeting
Tuesday, May 7 2024 at 7:00 pm

Lowell Rural Fire Protection District Fire Station 1
389 N. Pioneer Street, Lowell, OR 97452

Members of the public may provide comment or testimony through the following:

- Joining in person or by phone, tablet, or personal computer. For details, click on the event at <www.ci.lowell.or.us>.
- Mailing written comments to PO Box 490, Lowell, OR 97452 or delivering in person at Lowell City Hall located at 70 N. Pioneer St.
- By email to admin@ci.lowell.or.us.

Regular Meeting Agenda

Call to Order/Roll Call/Pledge of Allegiance

Councilors: Mayor Bennett ___ Harris ___ Stratis ___ Weathers ___ Murray ___

Approval of Agenda

Consent Agenda

Council members may request an item be removed from the Consent Agenda to be discussed as the first business item of the meeting.

Public Comments

Speakers will be limited to three (3) minutes. The Council may ask questions but will not engage in discussion or make decisions based on public comment at this time. The Mayor may direct the City Administrator to follow up on comments received. When called, please state your name and address for the record.

Direct all comments to the Council through the Mayor. All speakers are expected to be polite, courteous, and respectful when making their comments. Personal attacks, insults, profanity, and inflammatory comments will not be permitted.

Council Comments (three minutes per speaker)

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.

City Council Meeting Agenda

Presentations

1. Changes in consumer price index and changes in Sanipac's solid waste pick-up fee schedule.
Presenter: Chris Kjar, District Manager – Sanipac
2. Building inspection fee schedule update.
Presenter: Brandon Zipser, Operations Manager/Chief Building Official – Northwest Code Professionals.

Old Business

New Business

1. Process for the 2024 City Administrator performance evaluation process. – Discussion/
Possible action
Council sponsor: Jimmy Murray
2. Motion to approve a revised “Agreement for improvements” with the Lowell School District regarding the new building construction approved under land use application #2022-05 and to authorize the City Administrator to sign. – Discussion/ Possible action

Other Business

1. Reminder: Budget Committee meeting on May 9 at 6:00 pm.

Mayor Comments

Community Comments: Limited to two (2) minutes if prior to 9:30 P.M.

Adjourn the Regular Meeting.

Agenda Item Sheet

City of Lowell City Council

Type of item:	Presentation
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Item title/recommended action:

Changes in consumer price index and changes in Sanipac's solid waste pick-up fee schedule.
Presenter: Chris Kjar, District Manager – Sanipac

Justification or background:

Section 7.3 of the franchise ordinance with Sanipac allows an automatic increase in rates to adjust for changes in the Consumer Price Index (CPI). An exception is if the increase hits the 7.25% ceiling. The expected CPI increase will be below that ceiling. Sanipac's District Manager requested the opportunity to discuss the increase with the City Council and answer any questions.

Budget impact:

N/A

Department or Council sponsor:

Administration

Attachments:

Selected pages from the franchise ordinance with Sanipac.

Meeting date:	05/07/2024
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6.3 The franchisee shall be required to furnish a surety bond with a bonding company entitled to transact business in the State of Oregon in the sum of \$10,000, conditioned that the franchisee shall well and truly observe and comply with the terms and conditions of this Ordinance. The franchisee shall renew the surety bond annually and file the bond with the City. The franchisee and the City may agree in writing to some additional method of securing to the City the assurance that the amount due to the City will be paid and that the franchisee will perform the terms of this Ordinance.

SECTION 7: RATES

7.1 The initial rates for service are attached as **Exhibit A**.

7.2 Disposal or service cost increases established by a unit of federal, state or local government having jurisdiction or by the owner or operator of the applicable disposal site may be passed on to customers following a thirty (30) days' notice of such increases to affected customers.

7.3 The rates for service described above shall be automatically adjusted annually, effective March 1st of each year during the term of the franchise, commencing on March 1, 2023, based on the annual average increase, if any, of the Consumer Price Index – The "CPI" means the Consumer Price Index for All Urban Consumers, All items in West - Size Class B/C, all urban consumers, not seasonally adjusted – West-Size Class B/C. <https://data.bls.gov/timeseries/cuurn400sa0,cuuns400sa0> Calculated and prepared by the United States Department of Labor, Bureau of Labor Statistics or its successor during the most recent twelve (12) month period ending no later than December 31st of the calendar year preceding the upcoming year. For example, if the CPI increased three percent (3%) from the annual average of 2022 to the annual average of 2023 then the rates for service would automatically be subject to a three percent (3%) increase effective as of March 1, 2024. Under no circumstances shall the franchisee's rates be decreased below the rates in effect during the immediately preceding year. In the event the CPI increased over seven-point-two-five percent (7.25%) from the prior year's annual average, the automatic increase shall be capped at seven-point-two-five percent (7.25%) and the franchisee and the City shall meet and confer in good faith to determine whether the franchisee shall be entitled to receive the remaining increase above seven-point-two-five percent (7.25%). In this case the remaining increase above seven-point-two-five percent (7.25%) shall not be unreasonably withheld. In the event the CPI index is no longer published, the parties shall confer in good faith to select an alternative index and shall confirm their agreement on a substitute index in writing. All percentages shall be computed to the third decimal place.

7.4 In addition to the adjustment mechanisms set forth above, the franchisee may request an adjustment to the rates for service, under the following extraordinary circumstances: (i) any changes in existing, or adoption of new, federal, state, local or administrative laws, rules or regulations that result in an increase in the franchisee's costs, including but not limited to the imposition of new or the increase to existing governmental, regulatory or administrative taxes or fees; and (ii) in the event that unforeseen circumstances arise which materially affect the franchisee's costs or revenues under this Ordinance, including, but not limited to, extraordinary increases in the cost of fuel. The franchisee's application for an extraordinary rate adjustment shall include a statement of the amount of the requested rate adjustment, the basis there for, and all financial and other records on which the franchisee relies for its claim that the franchisee's costs have increased. City staff shall promptly review the franchisee's rate application and notify the franchisee if its application is complete or whether City staff wishes to review and/or audit any additional documents or information reasonably related to the requested increase before submitting the matter to the Council for its consideration. Rate adjustments made under this Section 7.5 may be requested by the franchisee at any time during the course of an operating year. The Council shall review and consider approval of adjustment requests under this Section 7.5 in its discretion; provided that such approval shall not be unreasonably withheld, conditioned or delayed. The Council shall review and consider such requests within a reasonable period of time after the complete submittal by the franchisee of its application for an

extraordinary rate adjustment and after the City has had a reasonable period of time to request, review and audit any applicable financial records of the franchisee. The Council may grant the franchisee's requested rate adjustment or, based on the information presented, increase the rates for service in amounts differing from the franchisee's request. The adjusted rates, if approved by the Council, shall go into effect after customers have received thirty (30) days' notice of such approval.

7.5 In an effort to defray the costs incurred by the franchisee for providing its services under this Ordinance, the franchisee shall be entitled to receive and retain all revenues, if any, from the sale of recyclable material and/or yard debris received by the franchisee from its customers.

SECTION 8: FRANCHISE FEE

8.1 In consideration of the granting of this franchise, the franchisee agrees to pay to the City a franchise fee of five percent (5.0%) of its gross receipts collected from customers within the City; provided that the franchisee shall be permitted to add (i.e., pass-through) the amount of such franchise fee to the rates charged to customers for solid waste, recyclable material and yard debris collection services. Such franchise fee shall be payable by the franchisee every other month beginning February 1, 2023.

8.2 The franchisee shall keep and maintain accurate books and records for the purpose of determining the amounts due the City under the provisions of this franchise. These books and records shall be open to inspection by the City, its attorney, or authorized agent at any time during the franchisee's business hours. The franchisee shall keep and maintain books and records related to the franchise for a period of five (5) years following the expiration or earlier termination of the franchise. During that five (5) year period, the books and records shall continue to be open to inspection by the City, its attorney, or authorized agent at any time during the franchisee's business hours.

SECTION 9: FRANCHISE RESPONSIBILITY

The franchisee shall:

9.1 Dispose of solid wastes collected at a site approved by the local government unit having jurisdiction of the site or recover resources from the solid wastes, in compliance with Chapter 459, Oregon Revised Statutes, and regulations promulgated thereunder.

9.2 Provide the opportunity to recycle consistent with ORS Chapter 459A and regulations promulgated thereunder.

9.3 Comply with all applicable local, state, and federal laws, now or hereafter enacted (Laws). In the case of a conflict between this Ordinance and other Laws, the Laws shall prevail.

9.4 Provide a minimum of weekly on-route collection of residential solid waste materials (35, 65, 96-gallon).

9.5 Provide a minimum of once per month collection of residential commingled recyclable materials (96-gallon) on the same pick-up day as solid waste service.

9.6 Provide recycling education and promotion through its quarterly newsletters.

9.7 Be responsible for mailing educational welcome packets to all new customers in an effort to outline all recycling services.

Agenda Item Sheet

City of Lowell City Council

Type of item:	Presentation
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Item title/recommended action:

Building inspection fee schedule update.

Presenter: Brandon Zipser, Operations Manager/Chief Building Official – Northwest Code Professionals.

Justification or background:

NW Code Professionals, the city's third-party building official, recommends updating the city's building fee schedule. The last time the city adjusted building fees was in 2012. An update is needed for several reasons. The first is to maintain the solvency of the Building Fund by ensuring that fees cover the costs of inspections and plan reviews. The second is to guarantee that fees are based on a methodology that complies with state law. The third is to ensure that we have an up-to-date fee structure on which to base our upcoming e-permitting initiative. Once we complete the e-permitting process, it will be difficult to overhaul our fee structure, so this is an opportune time to proceed with a fee adjustment. Staff from NW Code Professionals will be present to discuss the proposed fee schedule, discuss the methodology behind it, and answer any questions. Public hearings and approval at future meetings will be required prior to enacting the fee schedule changes.

Budget impact:

TBD

Department or Council sponsor:

Building Department

Attachments:

Current and proposed fee schedules.

Meeting date:

05/07/2024

Current building fee schedule.

Resolution 587

Page 1 of 1

City of Lowell, Oregon

Resolution 587

A Resolution Establishing Building Permit Fees

BE IT RESOLVED that the following building permit fees, located at the indicated Attachments and by this reference, incorporated into this Resolution, are hereby adopted:

1. Attachment A: Building Permit Fees.
2. Attachment B: Fire Sprinkler Permit Fees
3. Attachment C: Mechanical Permit Fees
4. Attachment D: Plumbing Permit Fees
5. Attachment E: Manufactured Dwelling Permit Fees
6. Attachment F: Electrical Permit Fees
7. Attachment G: Grading Permit Fees
8. Attachment H: Solar Panel Permit Fees

This Resolution supercedes Resolution 371, dated January 20, 2004 and Resolution 449, dated October 17, 2006.

The fees contained in this Resolution become effective on December 1, 2012.

Adopted by the City Council this 20th day of November, 2012.

Ayes: 3

Nays: 1

ABSTAIN 1

Approved: _____

Bill George
Bill George, Mayor

Attest: _____

C.F. Spies
Charles F. Spies, City Administrator

ATTACHMENT A

Building Permit Fees

\$1 to \$500	\$50
\$500 to \$2,000	\$75
\$2,001 to \$50,000	\$75 for the first \$2,000 plus \$8 for each additional \$1,000
\$50,001 to \$100,000	\$459 for the first \$50,000 plus \$5 for each additional \$1,000 or fraction thereof
\$100,001 and above	\$709 for the first \$100,000 plus \$4 for each additional \$1,000 or fraction thereof

Other Inspections and fees:

Inspections outside of normal business hours (min 2 hrs) plus mileage	\$88/hr
Inspection/reinspection fees, each	\$88/hr
Plan review fee (when applicable)	\$65% of permit fee
Fire & life safety plan review (when applicable)	40% of permit fee
Additional plan review required by changes, additions, or revisions	\$88/hr
Deferred submittal fee	\$100
Demolition	\$50

ATTACHMENT B

FIRE SPRINKLER PERMITS

Residential Fire Sprinkler Systems

**Fee includes plan review*

Square Footage	Fee
0 to 2,000 SF	\$200.00
2,001 to 3,600 SF	\$250.00
3,601 to 7,200 SF	\$325.00
7,201 SF +	\$410.00

Commercial Fire Sprinkler System

Fee based on valuation of installation costs and system equipment. Refer to Building Permit Fees.

Fire Alarm System

Fee based on valuation of installation costs and system equipment. Refer to Building Permit Fees.

Medical Gas Installation

Fees based on valuation of installation costs and system equipment, including but not limited to, inlets, outlets, fixtures and appliances (rounded up to the nearest dollar).

Total Valuation*	Fee
\$0 to \$5,000	\$100.00
\$5,001 to \$10,000	\$100.00 plus \$1.50 for each additional \$100 or fraction thereof over \$5,000
\$10,001 to \$100,000	\$175.00 plus \$10.20 for each additional \$1,000 or fraction thereof over \$10,000
\$100,001 and more	\$1,195.00 plus \$7.00 for each additional \$1,000 or fraction thereof over 100,000

Minimum permit fee..... \$100.00
Plumbing plan review* 40 % of the permit fee
*Plan review is required on all Medical Gas installations
State surcharge..... 12%

ATTACHMENT C

Mechanical Permit Fees

One and Two Family Dwellings

For the issuance of each permit Minimum fee	\$75
Electric appliances - furnace, cooling unit, clothes dryer, exhaust fan, kitchen hood	\$20/each
Fuel burning appliances - includes furnaces, wood stove, pellet stove, insert, fireplace	\$50/each
Gas piping system (new or altered) any number of outlets	\$20
All others	\$20/each
Supplemental permit fee or as per above - whichever is greater	\$35

Mechanical equipment for one and two family dwellings includes duct work, control units, thermostats, filter, volume damper; fresh air intakes. Water heaters regulated by plumbing code.

Commercial Fee Schedule

Valuation	Permit Fee
\$1 to \$5,000	\$100
\$5,001 to \$10,000 \$25,000	\$100 plus \$10 for each additional \$1000 (or fraction) over \$5,000
\$10,001 \$25,001 to \$100,000	\$300 plus \$9 for each additional \$1,000 (or fraction) over \$10,000 \$25,000
\$100,001 and above	\$975 plus \$8 for each additional \$1,000 (or fraction) over \$100,000
Plan review fee	25% of permit fees
Deferred submittal + fees	\$100
State surcharge	12% of permit fee

Other Inspections and Fees

Inspection outside of normal business hours (per hour-min. chg. 2 hrs.) plus mileage.	\$88/hr
Reinspection fees (each)	\$88/hr
Inspection for which no fee is specifically indicated (per hour)	\$88/hr
Additional plan review required by changes, additions or revisions to approved plans (per hour - minimum charge 1 hour)	\$88/hr

ATTACHMENT D

Plumbing Permit Fees

New One & Two Family Dwelling

(When purchased as a unit - includes the first 100 ft of water service, sanitary, and storm.)

One bathroom	\$350
Two bathroom	\$470
Three bathroom	\$550
Four or more bathrooms - number of fixtures	20/each

Commercial/Multifamily Units & Residential Remodels

Fixtures	\$20/each
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Fixtures include: water closet, lavatory, tub/shower, sink, bidet, laundry tubs, disposal, dishwasher, clothes washer, water heater, floor sink/drain, trough drain, drinking fountain, hose bibb, sump pump/ejector, urinal, roof drain/overflow, catch basin, interceptor/grease trap, dental units, receptors.

Sanitary Services

First 100 feet	\$80
Each additional 100 feet or fraction thereof	\$45

Storm Services

First 100 feet	\$80
Each additional 100 feet or fraction thereof	\$45

Water Services

First 100 feet	\$80
Each additional 100 feet or fraction thereof	\$45

Demolition-Capping off Sewer, Water, Rain Drain	\$80
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Minimum fee	\$80
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Additional plan review required by changes, additions or revisions to approve plans (minimum charge 1 hour) \$88/hr

Inspection fee, Reinspection fee, \$88/hr

Inspection outside normal business hours (2 hr min charge) plus mileage \$88/hr

When applicable, a 25% plan review fee will be assessed for commercial installation.

ATTACHMENT E

Manufactured Dwelling

\$400.00 installation fee allows three inspections total. These include the stand and lot preparation, all support blocking, flood and wind anchoring devices, perimeter skirting, underfloor access and ventilation, mechanical crossovers and terminations and temporary steps. This fee also includes plumbing connections, and all cross-over connections. Accessory structures, utility connections beyond 30 lineal feet and/or new plumbing may require additional permits. This permit does not include an electrical service or feeder. Separate electrical permit is required.

*Note: All decks 30" above ground, carports, garage, porches, and patios shall be based on valuation of the installation cost and materials. Refer to Building Permit Fees.

State Fee: \$30.00

If more than 30 lineal ft additional plumbing fees apply (refer to Plumbing Permit Fees)

Sanitary Services

Additional 100 feet	\$80
Each additional 100 feet or fraction thereof	\$45

Storm Services

Additional 100 feet	\$80
Each additional 100 feet or fraction thereof	\$45

Water Services

Additional 100 feet	\$80
Each additional 100 feet or fraction thereof	\$45

Manufactured home park and RV park – based on valuation and Building Permit Fee schedule.

ATTACHMENT F

Electrical Permit Fees

Residential Per Unit Service Included

1000 sq. ft. or less	\$150
Each additional 500 sq. ft. or portion thereof	\$35
Limited Energy	\$35
Each Manufactured Home or Modular Dwelling Service	\$100

Services or Feeders-Installation, Alteration, Relocation

200 amp or less	\$100
201 amps to 400 amps	\$125
401 amps to 600 amps	\$175
601 amps to 1000 amps	\$275
Over 1000 amps or volts	\$550
Reconnect only	\$80

Temporary Services or Feeders - Installation, Alteration or Relocation

200 amp or less	\$80
201 amps to 400 amps	\$80
401 amps to 600 amps	\$140
601 amps to 1000 volts	\$210
Over 1000 amps volts	\$445

Branch Circuits - New, Alteration, or Extension per Panel

Each branch circuit	\$8
<i>Branch Circuits without purchase of service or feeder fee</i>	
First Branch Circuit	\$80
Each additional branch circuit	\$8

Miscellaneous (service of feeder not incl.)

Each pump or irrigation cycle	\$80
Each sign or outline lighting	\$80
Signal Circuit(s) or a limited energy panel, alteration, or extension	\$80
Each additional inspection over the allowable in any of the above, for those not covered under residential inspections caps, per inspection	\$88

When applicable, plan review charge is 25% of permit fee.

ATTACHMENT G

GRADING PERMIT FEES*

50 cubic yards or less	\$75
51 to 100 cubic yards	\$85
101 to 1,000 cubic yards	\$85 for the first 100 cubic yards, plus \$15.50 for each additional 100 cubic yards or fraction thereof.
1,001 to 10,000 cubic yards	\$224.50 for the first 1,000 cubic yards, plus \$13.00 for each additional 1,000 cubic yards or fraction thereof.
10,001 to 100,000 cubic yards	\$341.50 for the first 10,000 cubic yards, plus \$59.00 for each additional 10,000 cubic yards or fraction thereof.
100,001 to 200,000 cubic yards or more	\$872.50 for the first 100,000 cubic yards, plus \$32.50 for each additional 10,000 cubic yards or fraction thereof.

Plan review charge of (65%) when applicable.

Other Inspections and Fees:

Inspection outside of normal business hours, per hour (minimum charge--two hours)	\$88/hr
Reinspection fees	\$88/hr
Inspections for which no fee is specifically indicated, per hour (min charge—1 hour)	\$88/hr

The fee for a grading permit authorizing additional work to that under a valid permit shall be the difference between the fee paid for the original permit and the fee shown for the entire project.

Retaining walls shall be based on Building Fees (page 5)

ATTACHMENT H

Solar Panels

PRESCRIPTIVE PATH SYSTEMS:**

Qualifying roof installations on conventional light-frame construction. See checklist on back of this form.

Includes plan review*	\$250.00
Reinspection fee	\$88/hr

ENGINEERED SYSTEMS:*

Permit fees are based on the fair market value of the work performed. Indicate the value (rounded to the nearest dollar) of the structural elements for the solar panels, including racking, mounting elements, rails, and the cost of labor to install. The cost of the solar electrical equipment, including collector panels and inverters, shall be excluded from the permit valuation.

Based on valuation of installation costs and materials. Refer to Building Permit Fees.

Plan Review:	65% of Building Permit Fees.
Reinspection Fee:	\$88/hr

*Electrical (Separate Electrical application required)

Solar Panel Fee Determination

**Check List for Prescriptive Photovoltaic Installations in accordance with
OR Solar Code Section 305.4
Site Plan**

- Attach a simple site plan showing the location of the PV system in relation to buildings, structures, property lines, and, as applicable, flood hazard areas.
- System must be shown in sufficient detail to assess whether the requirements of OSISC Section 304.9 or one of the exceptions have been met.

Structural Information

For all Structures; please answer the following questions:

- Is this conventional light framed wood construction? **Yes No (circle one)**
 - Does the structure have pre-engineered trusses? **Yes No (circle one)**
- OR
- Does structure have roof framing members spaced at 24 inches on center maximum and does it comply with OSISC section 305.4? **Yes No (circle one)**
 - Is the weight of the PV modules and racking less than 4.5 pounds per square foot? **Yes No (circle one)**
 - Is the roofing material metal, single layer wood shingle, or not more than two layers of composition shingle? **Yes No (circle one)**

For Standing Seam Metal Roofs; please answer the following questions:

- Is the metal gauge 26 or heavier? **Yes No (circle one)**
- Clamp design: Are clamps designed to withstand uplift of at least 115 pounds for clamps spaced at 60 inches on center or less or at least 75 pounds for clamps spaced at 48 inches on center or less? **Yes No (circle one)**
- Is the spacing of the clamps as measured along the seam less than or equal to 24" o.c.? **Yes No (circle one)**
- Is the roofing panel width 18 inches or greater? **Yes No (circle one)**
- Will the roofing panel attachments be at least #10 screws at 24-inches on center? **Yes No (circle one)**
- Will the roofing panels be installed over minimum 1/2-inch nominal wood structural panels attached to framing with 8d nails at 6-inches on center at panel edges and 12-inches on center field nailing? **Yes No (circle one)**

If you answered "No" to any of these questions, the project may not be submitted using the prescriptive path and you must submit an engineered design.

Proposed building fee schedule.

A. Structural and General Permit Fees

Structural Permit Fee table	
Valuation	Fee
\$1 - \$2000 (<i>Minimum Fee</i>)	\$95.00
\$2001 - \$25000	\$95.00 for the first \$2000 plus \$12.00 for each additional \$1000 or fraction thereof, to and including \$25000
\$25001 - \$50000	\$371.00 for the first \$25000 plus \$10.00 for each additional \$1000 or fraction thereof, to and including \$50000
\$50001 - \$100000	\$621.00 for the first \$50000 plus \$6.00 for each additional \$1000 or fraction thereof, to and including \$100000
\$100001 and above	\$921.00 for the first \$100000 plus \$5.00 for each additional \$1000 or fraction thereof
<p><i>Per OAR 918-050-0100, building valuation for new construction and additions is determined per the ICC Building Valuation Data Table current as of April 1 each year. Valuation for alteration or repair shall be based on the fair market value as determined by the building official. The valuation of a carport, covered porch, patio or deck shall be calculated at fifty percent of the value of a private garage as defined in the ICC Building Valuation Data Table.</i></p> <p><i>Conversion of garages or unfinished basements to habitable space shall be determined by fifty percent of the current R3 PSF value minus the current private garage or unfinished basement PSF value; respectively, or as otherwise determined by the building official. [e.g. (R3 value minus unfinished basement value) x 0.5]</i></p> <p><i>In addition to the valuations and fees above, when a structural permit not required by the state building code but is required by local ordinance for retaining walls, signs, fences, etc. – see Structural Permit fees by valuation. Valuation for items not defined shall be determined by fair market value as determined by the building official and shall include materials and labor.</i></p>	
Other Fees as applicable	
Structural Plan Review (when applicable)	65% of structural permit fee
Seismic Surcharge – Structural and Mechanical plan review required on essential facilities	1% of structural permit fee
Additional Plan Review (when applicable) - hourly	\$95.00/hour, minimum one hour

Fire Life Safety Plan Review (when applicable)	40% of structural permit fee
Reinspection – per each	\$95.00
Each additional inspection, above allowable – per each	\$95.00
Inspections for which no fee is specifically indicated (as required) and change of occupancy.	\$95.00/hour, minimum one hour
Inspection outside of normal business hours - hourly	\$95.00/hour, minimum two hours
Deferred Submittal Plan Review Fee – in addition to project plan review fees	65% of the building permit fee calculated using the value of the deferred portion with a \$275.00 minimum
Permit Reinstatement fee – to renew already expired permit, as eligible and approved by the Building Official; subject to State Surcharge	\$100.00
Permit Extension fee – to extend expiration on active permit; not subject to State Surcharge	\$75.00
Plan Review of Master Plans that have been previously reviewed. <i>(This applies to re-submitted reviewed plans without changes and within the same code cycle and subject to the approval of building official).</i>	50% of calculated plan review fee
Temporary Certificate of Occupancy (30 day) <i>(Issuance of a temporary C of O, and extensions, requires approval of the building official.)</i>	Residential: \$200/month Commercial: \$300/month
Foundation-only permit	\$250.00 plus 10% of full permit fee-\$1500 max
Shell-only permit	Deduct 20% from the valuation per ICC Building Valuation Data Table <i>(Future tenant improvement requires permits based on valuation of work are required prior to occupancy)</i>
Change of contractor on permit, if allowed	\$100.00
Phased Project Plan Review Fee – in addition to project plan review fees	\$275.00 minimum phasing (application) fee plus 10% of the total project building permit fee not to exceed \$1500.00 per phase

Structural demolition –When required per local ordinance. <i>(Includes 2 inspections, additional inspections, if required, are per hourly rate above)</i> . Not subject to State Surcharge	See Structural Permit Fee table, by valuation, \$200 minimum
Structural alteration (<u>not</u> demo) Requires State Surcharge	See Structural Permit Fee table, by valuation
Building Appeals Hearing Filing Fee	\$150

Note: The fees noted above that are not specific to structural (e.g. Change of contractor, Phased project Plan Review Fee, Permit Extension) apply to all disciplines; not just structural.

Residential Fire Suppression – Standalone System, fee includes plan review. <i>This applies to One and Two Family Dwellings and Townhouses</i> <i>Also, see Plumbing Fee section for Continuous Loop/Multipurpose System</i>	
Square Footage of Area to be Covered	Fee
0 – 2000 sq ft	\$200.00
2001 – 3600 sq ft	\$275.00
3601 - 7200 sq ft	\$350.00
7201 sq ft and greater	\$425.00

Commercial Fire Suppression
See Structural Permit Fee table, by valuation, and plan review fee noted above

Fire alarm/notification system – <i>This applies to commercial buildings and separate Electrical Permit is required</i>
See Structural Permit Fee table, by valuation, and plan review fee noted above

Solar Structural Installation Permits – <i>separate Electrical Permit application may also be required</i>	
Solar Permit (when required) – Prescriptive Path System, fee includes plan review. <i>(Includes 2 inspections, additional inspections, if required, are per hourly rate above)</i> .	\$250.00
Solar Permit – Non-Prescriptive Path System	Fee as per Structural Permit Fee table by valuation to include the solar panels, racking, mounting elements, rails and the cost of labor to install. <i>Solar electrical equipment including collector panels and inverters shall be excluded from the Structural Permit valuation.</i>

Investigation Fees - <i>Applicable to all disciplines and established by the Building Official.</i>	
Investigation Fee – A* <i>Low effort to determine compliance</i>	\$95.00

<p>Investigation Fee – B* <i>Medium effort to gain compliance. Stop Work Order posted. Applicant obtains re-requirement permits within 10 business days.</i></p>	<p>\$150.00</p>
<p>Investigation Fee – C* <i>High effort to gain compliance. Applicant failed to meet deadline or has had more than one documented violation in the past 12 months for starting work without permits or other violations</i></p>	<p>\$250.00 or hourly inspection rate noted above, whichever is greater</p>
<p><i>*Or the total hourly cost to the jurisdiction, whichever is greater. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.</i></p> <p><i>Note: All permits and inspections are subject to state 12% state surcharge in accordance with state law. See Building Codes Division website for additional information on state surcharge.</i></p>	

B. Manufactured Dwelling Placement Permit Fees

Manufactured Dwelling Placement Fee *	\$400.00
State (Cabana) Fee	\$30.00
<p>* Per OAR 918-050-0130(1)-(2), fee includes the concrete slab, runners or foundations that are prescriptive, electrical feeder and plumbing connections and all cross-over connections and up to 30 lineal feet of site utilities. Decks, other accessory structures, and foundations that are not prescriptive, utility connections beyond 30 lineal feet, new electrical services or additional branch circuits, and new plumbing - may require separate permits. Includes three inspections. Additional inspections, if required, shall be per the hourly inspection rate noted above. See Structural schedule by valuation for non-dwelling modular placements.</p>	

C. Manufactured Dwelling/RV Parks - Area Development Permit (ADP)

The Area Development Permit fee to be calculated based on the valuations shown in Table 2 of OAR 918-600-0030 for Manufactured Dwelling/Mobile Home Parks and Table 2 of OAR 918-650-0030 for Recreational Park & Organizational Camp - and applying the valuation amount to Table 1 as referenced for each.

D. Electrical Permit Fees

New Construction	
Residential	
First 1000 sq ft or less	\$250.00
Each additional 500 sq ft or portion thereof	\$50.00
Limited Energy - new residential construction	\$50.00
Each Manufactured Home/Modular Dwelling service	\$100.00
Multifamily	
New Multifamily Construction	Fee for largest unit calculated using above sq ft rates - plus 50% of permit fee for each additional unit
Multifamily, new construction - Limited Energy System - per floor	\$50.00
Multifamily, new construction - Protective Signaling - per floor	\$50.00
Service Feeders - Installation, Alteration, Relocation	
200 amp or less	\$150.00
201 - 400 amps	\$175.00
401 - 600 amps	\$300.00
601 - 1000 amps	\$400.00
Over 1000 amps or volts	\$500.00

Reconnect Only	\$100.00
Temporary Service Feeders – Installation, Alteration, Relocation	
200 amp or less	\$100.00
201 – 400 amps	\$125.00
401 – 600 amps	\$200.00
601 – 1000 amps	\$300.00
Over 1000 amps or volts	\$500.00
Branch Circuits – New, Alteration, Relocation	
With service or feeder – per each	\$12.00
Without service or feeder	\$90.00 for first branch circuit, \$12.00/each additional
Renewable Energy	
Renewable energy for electrical systems- 5kva or less	\$100.00
Renewable energy for electrical systems- 5.01kva through 15kva	\$150.00
Renewable energy for electrical systems- 15.01kva through 25kva	\$250.00
Renewable energy - solar generation over 25 kva	\$250.00 for first 25 kva plus \$6.25 per kva over 25 kva, – <i>maximum fee at 100 kva</i>
Renewable energy for wind systems - 25.01kva through 50kva	\$350.00
Renewable energy for wind systems - 50.01kva through 100kva	\$800.00
Other Electrical Fees	
Pump or Irrigation Cycle – per each	\$95.00
Sign or Outline Lighting – per each	\$95.00
Signal Circuit(s) or Limited Energy system, alteration or extension, each system – non-new residential and all commercial (<i>new residential and multifamily construction – see above</i>)	\$95.00
Swimming Pool (<i>incl. panel, 3 circuits and bonding</i>)	\$95
Master Permit – application fee, one time at initial application; renews annually as applicable	\$100

Master Permit – inspection fee – per hour; includes travel time, inspection, and report writing	\$95.00/hour, minimum one hour
Electrical Plan Review (See OAR 918-311-0040 for applicability)	25% of electrical permit fee
Additional Plan Review (when applicable) – per hour	\$95.00/hour, minimum one hour
Reinspection – per each	\$95.00
Each additional inspection, above allowable – per each	\$95.00
Inspections for which no fee is specifically indicated (as required) – per hour	\$95.00/hour, minimum one hour
Inspection outside of normal business hours – per hour	\$95.00/hour, minimum 2 hours + mileage
Investigation fee - Electrical	See Structural Investigation Fees
Minimum Fee – Electrical	\$95.00

E. Mechanical Permit Fees

Residential	Fee – per each appliance
Air conditioner	\$25.00
Air handling unit of up to 10000 cfm	\$25.00
Air handling unit 10001 cfm and over	\$25.00
Appliance of piece of equipment regulated by code but no classified in other appliance categories	\$25.00
Attic or crawl space fans	\$25.00
Chimney/liner/flue/vent	\$25.00
Clothes dryer exhaust	\$25.00
Decorative gas fireplace	\$50.00
Ductwork only	\$25.00
Evaporative cooler other than portable	\$25.00
Floor furnace, including vent	\$25.00
Flue vent for water heater or gas fireplace	\$25.00
Furnace – greater than 100000 BTU	\$50.00
Furnace – up to 100000 BTU	\$50.00
Furnace/burner including duct work/vent/liner	\$50.00
Gas or wood fireplace/insert	\$50.00
Gas fuel piping outlets one to four outlets	\$25.00
Additional gas piping outlets over four/each	\$10.00
Heat pump	\$25.00
Hood served by mechanical exhaust, including ducts for hood	\$25.00
Hydronic hot water system	\$25.00
Installation or relocation domestic/type incinerator	\$25.00
Mini split system	\$25.00
Oil tank/gas diesel generators	\$50.00
Pool or spa heater, kiln	\$25.00
Range hood/other kitchen equipment	\$50.00
Repair, alteration, or addition to mechanical appliance including installation of controls	\$25.00
Suspended heater, recessed wall heater, or floor mounted heater	\$25.00
Ventilation fan connected to single duct	\$25.00
Ventilation system not a portion of heating or air-conditioning system authorized by permit	\$25.00

Water heater	\$25.00
Wood/pellet stove	\$50.00
Other heating/cooling	\$25.00
Other fuel appliance	\$50.00
Other environment exhaust/ventilation	\$25.00

Commercial Mechanical Fees	
Based on valuation, see structural permit fees	
Other Mechanical Fees	
Mechanical Plan Review (when applicable)	25% of mechanical permit fee
Additional Plan Review (when applicable) - per hour	\$95.00/hour, minimum one hour
Reinspection - per each	\$95.00
Each additional inspection, above allowable - per each	\$95.00
Inspections for which no fee is specifically - per each indicated (as required)	\$95.00/hour, minimum one hour
Inspection outside of normal business hours	\$95.00/hour, minimum 2 hours
Investigation fee - Mechanical	See Structural Investigation Fees
Residential or Commercial Mechanical Minimum Permit Fee-	\$95.00

F. Plumbing Permit Fees

Plumbing Permit Fees	
New 1&2 Family Dwelling – includes one kitchen, first 100 feet each of site utilities, hose bibbs, icemakers, underfloor low-point drains, and rain drain packages that include the piping, gutters, downspouts, and perimeter system. <i>Half bath counted as whole.</i>	
One bathroom, one kitchen	\$450.00
Two bathrooms, one kitchen	\$525.00
Three bathrooms, one kitchen	\$600.00
Each additional bathroom > 3 – or – kitchen > 1	\$100.00/each
Each additional 100 ft or fraction thereof of site utilities – water, sewer, storm (which includes rain, footing, trench, and leach) – <i>first 100 ft included in bathroom/kitchen fee</i>	\$75.00
Commercial and Non-New Residential	
Site Utilities	Fee
Sanitary Sewer - First 100 feet or less	\$95.00
Sanitary Sewer - Each additional 100 feet or fraction thereof	\$75.00
Storm – first 100 feet or less	\$95.00
Storm – Each additional 100 feet or fraction thereof	\$75.00
Water – first 100 feet or less	\$95.00
Water – Each additional 100 feet or fraction thereof	\$75.00
Fixtures	Fee – per each
Absorption valve	\$25.00
Backflow preventer	\$25.00
Backwater valve	\$25.00
Catch basin or area drain	\$25.00
Clothes washer	\$25.00
Dishwasher	\$25.00
Drinking fountain	\$25.00
Ejectors/sump pump	\$25.00
Expansion tank	\$25.00
Fixture cap	\$25.00
Floor drain/floor sink/hub drain	\$25.00
Garbage disposal	\$25.00
Hose bib	\$25.00
Ice maker	\$25.00
Primer	\$25.00

Residential fire sprinklers	\$25.00
Sink/basin/lavatory	\$25.00
Stormwater retention/detention tank/facility	\$25.00
Swimming pool piping	\$50.00
Trench drain	\$25.00
Tub/shower/shower pan	\$25.00
Urinal	\$25.00
Water closet	\$25.00
Water heater	\$25.00
Other – plumbing	\$25.00
Alternate potable water heating system	\$25.00
Interceptor/grease trap	\$25.00
Manholes	\$25.00
Roof drain (commercial)	\$25.00
Re-piping/retrofit water supply-residential	\$50.00
Residential or Commercial Plumbing Minimum Permit Fee-	\$95.00

Medical Gas – fee based on installation costs and system equipment, including but not limited to inlets, outlets, fixtures and appliances	
Valuation	Fee
\$1 - \$2000	\$150.00
\$2001 - \$25000	\$150.00 for the first \$2000 plus \$15.00 for each additional \$1000 or fraction thereof, to and including \$25000
\$25001 - \$100000	\$495.00 for the first \$25000 plus \$10 for each additional \$1000 or fraction thereof, to and including \$100000
\$100001 and above	\$1245.00 for the first \$100000 plus \$7.00 for each additional \$1000 or fraction thereof

Residential Fire Suppression – Multipurpose/Continuous Loop System, fee includes plan review <i>[See Structural Fee section for Standalone System]</i>	
Square Footage of Area to be Covered	Fee
0 – 2000 sq ft	\$200.00
2001 – 3600 sq ft	\$250.00
3601 - 7200 sq ft	\$350.00
7201 sq ft and greater	\$450.00
Other Plumbing Fees	

Plumbing Plan Review (when applicable) – commercial or residential	40% of commercial plumbing permit fee
Additional Plan Review (when applicable) – per hour	\$95.00/hour, minimum one hour
Reinspection – per each	\$95.00/each
Each additional inspection, above allowable – per each	\$95.00
MH Park Service Connect Sewer, Water & Storm (per space)	\$95.00
Inspections for which no fee is specifically indicated (as required) – per hour	\$95.00/hour, minimum one hour
Inspection outside of normal business hours – per hour	\$95.00/hour, minimum 2 hours + mileage
Investigation fee - Plumbing	See Structural – Investigation Fees

Note: Grading fees will only apply if the jurisdiction adopts Appendix J-Grading locally by ordinance.

G. Grading Permit Fees

Grading permit fees are applicable where Appendix J is adopted locally. See adopted appendix for grading requirements, definitions, and other information. No state surcharge. <i>[A grading permit does not include the construction of retaining walls or other structures]</i>	
Cubic yards	Permit Fee
25 cubic yards or less	No permit required
26 – 100 cubic yards	\$90.00
101 – 1,000 cubic yards	\$90.00 for the first 100 cubic yards, plus \$20.00 for each additional 100 cubic yards or fraction thereof
1,001 – 10,000 cubic yards	\$270.00 for the first 1,000 cubic yards, plus \$30.00 for each additional 1,000 cubic yards or fraction thereof
10,001 – 100,000 cubic yards	\$540.00 for the first 10,000 cubic yards, plus \$80.00 for each additional 10,000 cubic yards or fraction thereof
100,001 or more cubic yards	\$1,260.00 for the first 100,000 cubic yards, plus \$40.00 for each additional 100,000 cubic yards or fraction thereof
Plan review fee	
	65% of permit fee

H. Administration Fees

Copy fees	25 cents/page
Returned Check fee (NSF)	\$35.00

Refund processing fee – not subject to State Surcharge	\$50.00
Technology Fee	<i>3% of permit fee</i>

Agenda Item Sheet

City of Lowell City Council

Type of item:	Discussion
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Item title/recommended action:

Process for the 2024 City Administrator performance evaluation process. – Discussion/
Possible action
Council sponsor: Jimmy Murray

Justification or background:

The City Administrator's "Employment Agreement" requires an annual performance evaluation, which must start in May of each year. The agreement also states that the process should be completed within 45 days of the initial review session. The purpose of the discussion on May 7 is to agree on the process for this year's City Administrator evaluation. It's recommended to start the process at the second May City Council meeting. Under this timeframe, the process would conclude on or around the first City Council meeting in July to coincide with the allotted 45 days.

Budget impact:

N/A

Department or Council sponsor:

Councilor Murray

Attachments:

N/A

Meeting date:

05/07/2024

Agenda Item Sheet

City of Lowell City Council

Type of item:	Contract
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Item title/recommended action:

Motion to approve a revised "Agreement for improvements" with the Lowell School District regarding the new building construction approved under land use application #2022-05 and to authorize the City Administrator to sign. – Discussion/ Possible action

Justification or background:

The Lowell School District has requested a change to the required public improvements as specified in their "Agreement for improvements." This is associated with the new classroom and weightroom under land use application 2022-05. The conditions of approval for this land use application require a planter strip between the curb and sidewalk along the E. Main St. frontage. The need for the change is to allow for temporary sidewalks, instead of the planter strip, to accommodate existing conditions that are likely to change in the future. For more information, see the April 24, 2024 letter from GLAS Architects following this agenda sheet. City Council approval is required to revise the "Agreement for improvements." The areas highlighted in red in the agreement included in the packet identify areas that have been changed. Until the city and district agree on a way to address the planter strip issue, the city cannot release the final certificate of occupancy for this project.

Budget impact:

N/A

Department or Council sponsor:

Administration

Attachments:

Revised agreement for improvements.

Meeting date:	05/07/2024
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AGREEMENT FOR IMPROVEMENTS
Revised 4/24/2024

This agreement is entered between the City of Lowell, P.O. Box 490, Lowell, Oregon 7452, hereafter referred to as “**City**” and the Lowell School District, 65 South Pioneer Street, Lowell, OR 97452, hereafter referred to as “**Developer**”. This agreement is for public improvements for North Pioneer Street, adjacent Assessor’s Map #19-01-14-23, Tax Lot 08100.

WHEREAS, Developer made application for, and the **City** approved, with conditions, a site plan review for an expansion of the gymnasium facilities consisting of additional classrooms and an exercise weight room, identified as File LU 2022 05; and

WHEREAS, Condition #4 of the Decision of the Lowell Planning Commission and LDC Section 9.805 require the City and Developer to enter into an agreement for public improvements required by the City in the final decision, and to be provided by Developer; now therefore,

THE PARTIES AGREE AS FOLLOWS:

1. **Developer** will comply with all conditions for approval listed in the Decision of the Lowell Planning Commission for LU 2022-05, dated December 8, 2022, identified as **Exhibit A** to this agreement, and by this reference incorporated herein, unless the **City** agrees in writing to modifications of the conditions.
2. **Developer** will pay all costs for design and construction of frontage improvements along East Main Street to include new wider sidewalk, planting strip, and street trees. Another necessary public improvement, but which is not related to street frontage, is the provision of adequate stormwater drainage of the site.

Improvements shall be designed and constructed in accordance with the City of Lowell Public Works Construction Standards, February 2003 Edition, and the Lowell Downtown Master Plan, unless modifications are approved in writing by **City**. Improvements shall not be deemed “completed” under this agreement until: 1) all work, including punch list items, has been finished and passed inspections and all tests; 2) the **City** has performed a final walk through inspection; 3) as-built record drawings have been submitted by the **Developer**; 4) final construction cost tallies for the improvements have been submitted by the **Developer**; and 5) the **City** has accepted the improvements by motion of the City Council.

3. The following public improvements must be completed by **Developer** prior to issuance of Final Certificates of Occupancy, unless bonded for completion as provided in Section 4 of this agreement.
 - a. Approximately 5-to-6-foot-wide sidewalk along the frontage of the approved development that fronts East Main Street;
 - b. Approximately 4-to-5-foot-wide planter strip in between the sidewalk and street;

- c. Street trees, placed at regular intervals, approximately 25 feet on center in the planter strip for the length of the frontage of the approved development; and Public infrastructure related to the provision for stormwater drainage that will be located in the public right-of-way or become the responsibility of the of City after completion, acceptance and inspection.
 - d. Temporary walks may occur in lieu of the planter strip where existing infrastructure or grades prohibit the installation of the walk directly adjacent to the property line. These walks shall be designed to be removable and shall be replaced with a planter strip and street trees when existing infrastructure (power and communication poles) has been modified and / or when Phase 2 (construction of an auxiliary gym on the current bus barn site) is under construction. Phase 2 is expected to commence by the year 2030 but is dependent on funding and relocation of the bus maintenance facility. No funding source has been identified at this time.
 - e. The “Location Survey” prepared on December 11, 2023, by Roberts Surveying Inc., and attached to this Agreement, shows that the new building addition approved under LU 2022-05 extends into the public right-of-way in two places. Within 180 days of executing this revised Agreement, Developer agrees to acquire an easement from the City, at the Developer's expense, to legalize the encroachment of the building into the public right-of-way in those three places. The City will grant the easement to the Developer upon reaching mutually satisfactory easement language, ensuring cooperation between both parties for the acquisition process.
4. Upon mutual agreement and acknowledgment, the City Administrator issued a one-time modification on May 7, 2024, pursuant to Section 9.809(a) of the Lowell Development Code, altering the requirement for the planter strip until Phase II of the project. Consequently, the surety bonding requirement, as outlined in Section 5(b), shall not apply to the planter strip. A copy of the City Administrator's modification is attached for reference and information.
5. **Developer** may submit for Final Certificates of Occupancy approval before completion of some or all the above-required public improvements if the following requirements are met:
 - a. Construction plans for the above-required public improvement have been submitted by **Developer** and approved by the **City**; and
 - b. **Developer** has provided a surety bond in accordance with LDC 9.806 – Security, in the amount of 150% of the mutually agreed upon estimated construction cost of the above-required public improvements that remain uncompleted, as shown on the approved plans.
6. The **City**, through its City Engineer or other designated representative or agency, will review all plans and inspect construction of all public improvements identified in Section 3 above. **Developer** shall pay actual costs of all engineering review and inspection costs of the above required improvements. City will bill the Developer actual costs of invoices received from the

City's contracted Civil Engineering firm for review and inspection costs. The estimated construction costs shall be completed by the **Developer** and approved by the **City**. In the event **Developer** requests application of standards other than those required by established **City** standards, **Developer** agrees to reimburse **City** for any additional costs associated with review and decision on such requests. If **Developer** submits significant design changes after previously submitted plans have been approved by the **City**, **Developer** shall reimburse the **City** for all additional costs to process the design changes. Fees for additional costs will be the actual hourly billed costs it takes to process and review the design changes.

7. **Developer** shall pay all fees required by any other agency for permits that may be required to complete the development.
8. **Developer** shall warrant any public improvements constructed under this agreement free of defects due to workmanship or materials for a period of one (1) year from the date of final **City** acceptance of the improvements described herein. If, within the warranty period, repairs are required in connection with the work, the **Developer** shall promptly, without expense to the **City**, place in satisfactory condition all guaranteed work, and correct any damage caused by the repair work.
9. **Developer** or their prime contractor shall provide proof of liability insurance in the amount of \$1,000,000 per occurrence, naming the City of Lowell as an additional insured, for any liability that may arise from construction of public improvements, by **Developer** or any contractor or service provider under contract to **Developer**, required under this agreement.
10. Any amendment to this agreement shall be in writing, signed by both parties and attached to the original signed agreement.
11. If arbitration, mediation, court or other proceeding is sought to enforce or interpret any of the terms of this agreement, the party not prevailing shall pay the prevailing party's attorney fees, costs and disbursements, and such other sums as the arbitrator, mediator or court may determine to be reasonable for the prevailing party in the case.
12. This agreement shall automatically terminate upon final payment of all charges and fees required by this agreement, completion of all public improvements required by this agreement and expiration of the accompanying one (1) year warranty period required by Section 7.

Accepted and executed this _____ day of _____, 2024.

For **City of Lowell**

For **Lowell School District**

By: Don Bennett, Mayor

By:

Attest:

By: Jeremy Caudle, City Administrator

By:

Exhibit A: Decision of the Planning Commission, LU 2022-05, dated December 8, 2022

Attachments:

“Location Survey” prepared on December 11, 2023, by Roberts Surveying Inc. May 7, 2024

City Administrator one-time modification

**DECISION & FINAL ORDER
OF THE LOWELL PLANNING COMMISSION**

**LU 2022 05 Site Plan Review for Phase of Lowell High School Gym Expansion on
Map and Tax Lot 19-01-14-23-08100.**

A. The Lowell Planning Commission finds the following:

1. The Lowell Planning Commission has reviewed all materials relevant to the Site Plan Review Application (**FILE NO. LU 2022 05**) that has been submitted by the applicant and staff regarding this matter for including the criteria, findings, conditions of approval, and conclusions within the Final Order and referenced staff report.
2. On **December 7, 2022**, the Lowell Planning Commission reviewed LU 2022 05 after giving the required notice as per the Lowell Development Code and held a public hearing that was open to the public.
3. At the **December 7, 2022**, public hearing, the Lowell Planning Commission made a motion to **approve the application subject to the findings, conclusions and conditions, as contained in the Staff Report**
4. The approval of LU 2022 05 is subject to the following conditions of approval:

Condition of Approval #1: Prior to the issuance of building permits, applicant or contractor shall submit a street tree plan showing canopy trees spaces approximately 25' apart, consistent with Policy 1.7 of the Lowell Downtown Master Plan.

Condition of Approval #2: Construction plans related to improvements related to stormwater runoff shall first be reviewed and approved by the City Administrator or their designee, prior to the issuance of building permits. Construction level review may occur as part of the building permit review process.

Condition of Approval #3: Construction plans for sidewalks and planter strips shall be submitted to the City Administrator, or their designee, for review and approval prior to the issuance of building permits. Construction level review may occur as part of the building permit review process.

Condition of Approval #4: Prior to the issuance of certificates of occupancy, the applicant and the City shall enter into an improvement agreement for the required public improvements and connections to public facilities involved with development of Phase 1. The public improvements shall be conducted in accordance with Section 9.801, Improvement Procedures.

Condition of Approval #5: Prior to the issuance of certificates of occupancy and prior to final acceptance of the urban street improvements, the applicant/developer shall file a surety or performance bond for the completed public improvements. Said improvements shall be inspected by the City Engineer or their designee before final acceptance.

5. Findings of Fact for basis of decision are attached hereto as **Exhibit A**.

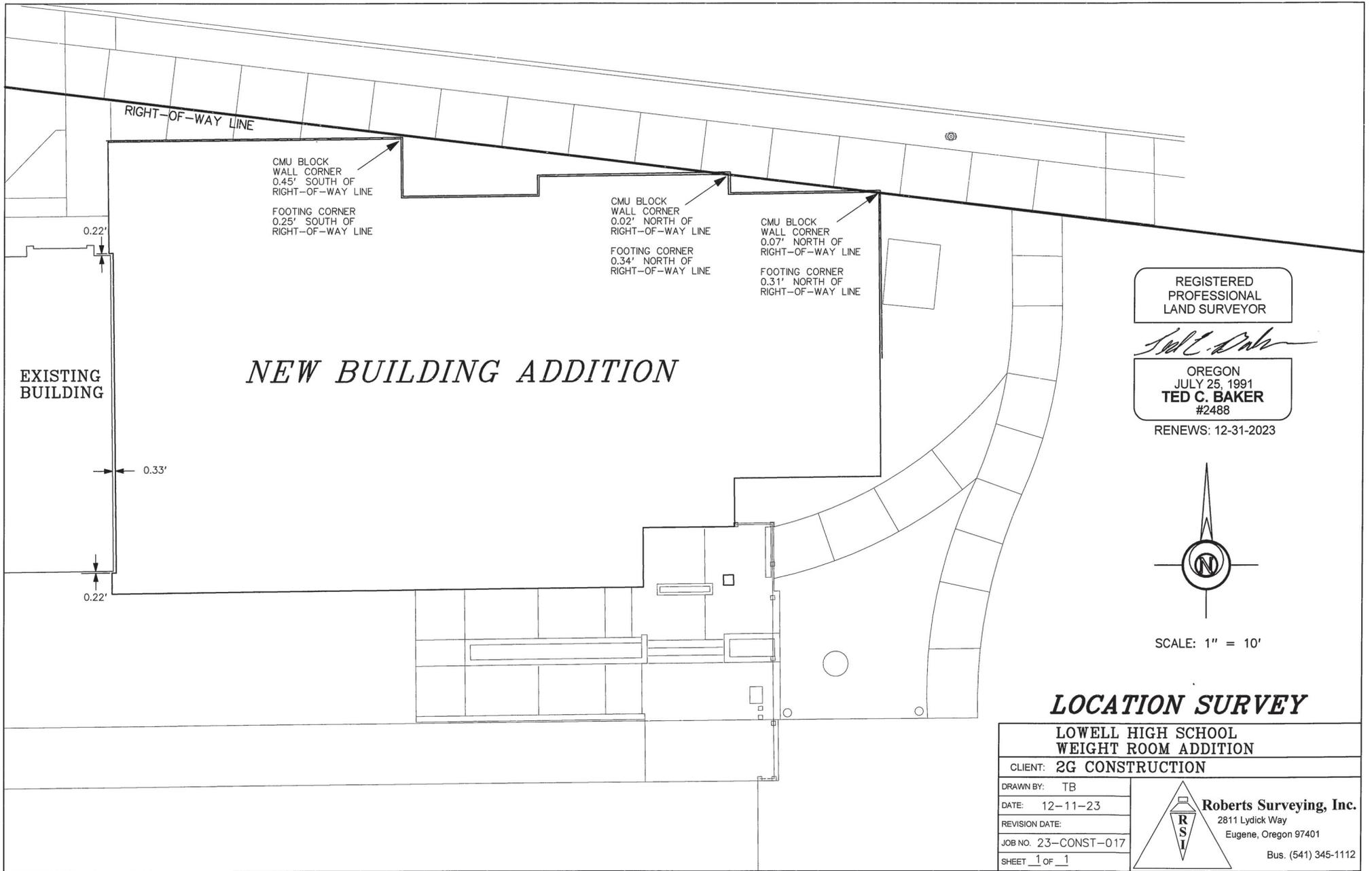
6. This approval is subject to a 15-day appeal period. The appeal must be submitted within 15-days of the notice of decision being mailed out.

Signed this 8 day of **December 2022**

Date Mailed: _____

A handwritten signature in black ink, appearing to read "Lon Dragt", is written over a horizontal line.

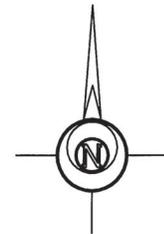
Mr. Lon Dragt, Chair, Lowell Planning Commission



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Ted C. Baker
OREGON
JULY 25, 1991
TED C. BAKER
#2488

RENEWS: 12-31-2023



SCALE: 1" = 10'

LOCATION SURVEY

**LOWELL HIGH SCHOOL
WEIGHT ROOM ADDITION**

CLIENT: 2G CONSTRUCTION

DRAWN BY: TB
DATE: 12-11-23
REVISION DATE:
JOB NO. 23-CONST-017
SHEET 1 OF 1



Roberts Surveying, Inc.
2811 Lydick Way
Eugene, Oregon 97401

Bus. (541) 345-1112



City Administrator's Office
P.O. Box 490 Lowell, OR 97452
Phone: 541-937-2157
Email: jcaudle@ci.lowell.or.us

Lowell School District
65 South Pioneer Street
Lowell, OR 97452

May 7, 2024

RE: One-time modification of public improvement

Background

Condition of approval #3 and #4 in the Planning Commission's "Decision and final order" for LU #2022-05 requires a planter strip along the new building's street frontage.

As described in the April 24, 2024 letter from GLAS Architects, LLC, several conditions have prevented the School District from installing the required planter strip. The School District requests, therefore, a modification to the planter strip requirement at least until Phase 2 of the project. The letter from GLAS Architects, LLC is attached for information.

Section 9.809 of the Lowell Development Code grants the City Administrator authority to approve one-time modifications for a particular public improvement upon written request if, after consultation with the City Engineer, it is determined that the requested modification would not adversely impact safety, life span and/or maintenance and repair requirements of the improvement. It is my determination that a planter strip constitutes a public improvement.

On April 29, 2024, the City Engineer stated, after consulting with me on this issue, that the School District's construction of a temporary sidewalk in lieu of the planter strip does not adversely impact safety, life span and/or maintenance and repair requirements.

Approval of one-time modification

Based on the foregoing, the School District's request for a one-time modification of the planter strip requirement to construct a temporary sidewalk instead is approved.

APPROVED: _____ May 7, 2024
Jeremy B. Caudle Date
City Administrator

Attachment: April 24, 2024 letter from GLAS Architects, LLC, including 4/7/2023 "Enlarged Site Plan."



April 24, 2024

To: Jeremy Claude
City Administrator
City of Lowell
70 North Pioneer Street
Lowell, OR 97452

Re: Lowell Weight Room Classroom Project

Jeremy,

Attached is a modified Agreement for Improvements for the Lowell High School Weight Room and Classroom Addition.

The proposed document modifications allow for temporary walks within the zone indicated as "Planter Strip with Street Trees" to allow for existing conditions that are likely to change in the future. As originally intended by the city, the entire frontage of the improved property was to have a 5-foot-wide planter strip with directly adjacent to the street curb with street trees at 25' on center, and a 5-to-6-foot-wide sidewalk between the planter strip and the property line. The actual dimension between the property line and the curb is 9' 7". The document has been modified to allow for a 4- to 5-foot-wide planter strip and a 5- to 6-foot-wide sidewalk.

Additionally, existing utility poles (two for power and one for communications). Are slated to be removed and utilities undergrounded according to previous conversations with the city of Lowell. These poles are roughly centered in the zone planned for the 5- to 6-foot-wide sidewalk.

The third existing condition that affects these walks is the grade change from finish floor to the curb at the northwest corner of the site. Matching the existing walk and curb elevation immediately west of the development property could not be achieved without a step in the walk (primarily due to the existing curb cut for the bus barn). A step would not be acceptable.

The attached revised site plan shows our intended modifications to the sidewalks and planter strip to accommodate the issues stated above. Sidewalks that are directly adjacent to the curb do not have rebar embeds connecting them to the adjacent walks so they can easily be removed at a future date.

Phase 2, which is a planned auxiliary gym (conceptual plans and renderings have been reviewed by the planning commission) will allow us to correct the grade issue at the northwest corner of the site. If the overhead utilities have been undergrounded by the time phase 2 construction is nearing completion, the temporary walks can be removed and be returned to a planter strip with street trees as intended by the City of Lowell.



Unfortunately the timing of Phase 2 is dependent on funding as well as relocation of the bus barn facility. No funding source has yet been identified. If funding can be obtained, the District intends to move forward with planning for Phase 2 in 2028/2029 with a construction start in 2030 and construction completion in 2031.

Sincerely

A handwritten signature in blue ink, appearing to read "Chris Walkup", is written over a light blue horizontal line.

Christopher Walkup, AIA
Principal | Member

