



COUNCIL WORK SESSION

Wednesday, April 21, 2021 at 1:00 PM

COUNCIL MEMBERS:

Mayor Rick Scholl
Council President Doug Morten
Councilor Patrick Birkle
Councilor Stephen R. Topaz
Councilor Jessica Chilton

LOCATION & CONTACT:

<https://zoom.us/j/92059258033>
Website | www.sthelensoregon.gov
Email | kathy@ci.st-helens.or.us
Phone | 503-397-6272
Fax | 503-397-4016

AGENDA

CALL WORK SESSION TO ORDER

VISITOR COMMENTS - *Limited to five (5) minutes per speaker*

DISCUSSION TOPICS - *The Council will take a break around 3:00 p.m*

- [1.](#) Review "If I Were Mayor..." Student Contest Entries
- [2.](#) Employee Length of Service Recognition - *Kathy 20 years and Gretchen 5 years*
3. Presentation of Columbia River Fire & Rescue Awards to Officer Hartless and Officer Massey
- [4.](#) Review Proposed Updates to Building Code - *Mike*
- [5.](#) Semi-Annual Report from Planning Division - *Jacob*
- [6.](#) Review Request for Proposal for Millard Road Property - *John*
- [7.](#) Legislative Update - *Rachael*
- [8.](#) Review Amendments to Associate Planner Job Description - *John*
9. Discuss 4th of July Event
10. Strategic Action Plan Updates
11. City Administrator Report

OTHER BUSINESS

ADJOURN

EXECUTIVE SESSION

Following the conclusion of the Council Work Session, an Executive Session is scheduled to take place to discuss:

- *Consider Dismissal/Discipline of a Public Official, under ORS 192.660(2)(b)*
- *Real Property Transactions, under ORS 192.660(2)(e); and*
- *Consult with Counsel/Potential Litigation, under ORS 192.660(2)(h).*

Representatives of the news media, staff and other persons as approved, shall be allowed to attend the Executive Session. All other members of the audience are asked to leave the Council Chambers.

FOR YOUR INFORMATION

Upcoming Dates to Remember:

- April 20, 6:00 p.m., Council Hearing, Council Chambers and Zoom
- April 21, 1:00 p.m., Council Work Session, via Zoom
- April 21, 6:00 p.m., Council Public Forum, via Zoom
- April 21, 7:00 p.m., Council Regular Session, via Zoom
- April 27, 6:00 p.m., Budget Committee, via Zoom
- April 27, 7:00 p.m., Urban Renewal Agency Budget Committee, via Zoom

Future Public Hearing(s)/Forum(s):

- PF: April 21, 6:00 p.m., Central Waterfront Project Presentation
- PF: May 19, 6:00 p.m., Council Public Forum on Waterfront Redevelopment Projects
- PH: May 19, 6:45 p.m., Annexation of Property off Kavanaugh & Firway Lane (Comfort)
- PH: June 2, 6:00 p.m., Annexation of 35111 Six Dees Lane (McCullough)
- PH: June 2, 6:15 p.m., Annexation of 505 N. Vernonia Road (Weber)
- PH: June 2, 6:45 p.m., FY 2021/2022 Budget Hearing

VIRTUAL MEETING DETAILS

Join Zoom Meeting: <https://zoom.us/j/92059258033>

Meeting ID: 920 5925 8033

Dial by your location: 1 669 900 6833

The St. Helens City Council Chambers are handicapped accessible. If you wish to participate or attend the meeting and need special accommodation, please contact City Hall at 503-397-6272 in advance of the meeting.

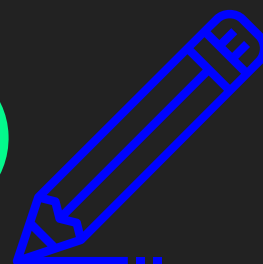
Be a part of the vision...Get involved with your City...Volunteer for a City of St. Helens Board or Commission!

For more information or for an application, stop by City Hall or call 503-366-8217.



THINK

CREATE



WIN

2021 IF I WERE MAYOR STUDENT CONTEST
3 CATEGORIES: 4-5 GRADE; 6-8 GRADE; 9-12 GRADE
\$150 FIRST PLACE & \$50 SECOND PLACE PRIZES
SUBMISSIONS DUE APRIL 8

www.sthelensoregon.gov/news



If I Were Mayor...

Student Contest

2020-2021



The Oregon Mayors Association and your city invite you to enter the "If I Were Mayor..." contest.

Share your creative ideas about what you would do as mayor.

Local winners are entered into the state contest for a chance to win a prize worth \$500!

LOCAL CONTEST DEADLINE: Thursday, April 8, 2021, 4 p.m.

Contest Rules:

GENERAL RULES:

- All submissions must be accompanied by a completed entry form. All forms for students under age 18 must be signed by the student's parent or guardian. Entry forms may be photocopied.
- Only one submission per student will be accepted at the state level.
- Previous statewide winners may participate, but are not eligible to receive a prize in the same category (grade level) they previously won in. They are eligible to receive a prize in a new category.
- State level submissions become the property of the Oregon Mayors Association (OMA).
- OMA retains the right to publish state-level entries along with the names and likenesses of each student.
- League of Oregon Cities (LOC) employees and dependents are not eligible to enter.

POSTERS:

- The poster contest is open to students enrolled in grades 4 and 5 or being home-schooled at the same grade level for the 2020-21 school year.
- Poster size must be a minimum of 17" and a maximum of 28" in height or width.
- Students are encouraged to be creative and may use any art medium (e.g., poster paints, felt pens, colored pencils, pastels, crayons, three-dimensional art, etc.). The poster may be in color or black and white.
- The student's name and a daytime phone number or email address for their parent or guardian must appear on the back of the poster.

ESSAYS:

- The essay contest is open to students enrolled in grades 6 through 8 or being home-schooled at the same grade level for the 2020-21 school year.
- Essays must be 500 to 1,000 words in length and typed.
- The student's name and a daytime phone number or email address for their parent or guardian must appear at the top of the essay.

DIGITAL MEDIA PRESENTATIONS (MP4 video, Pitcherific, Videoscribe, etc.):

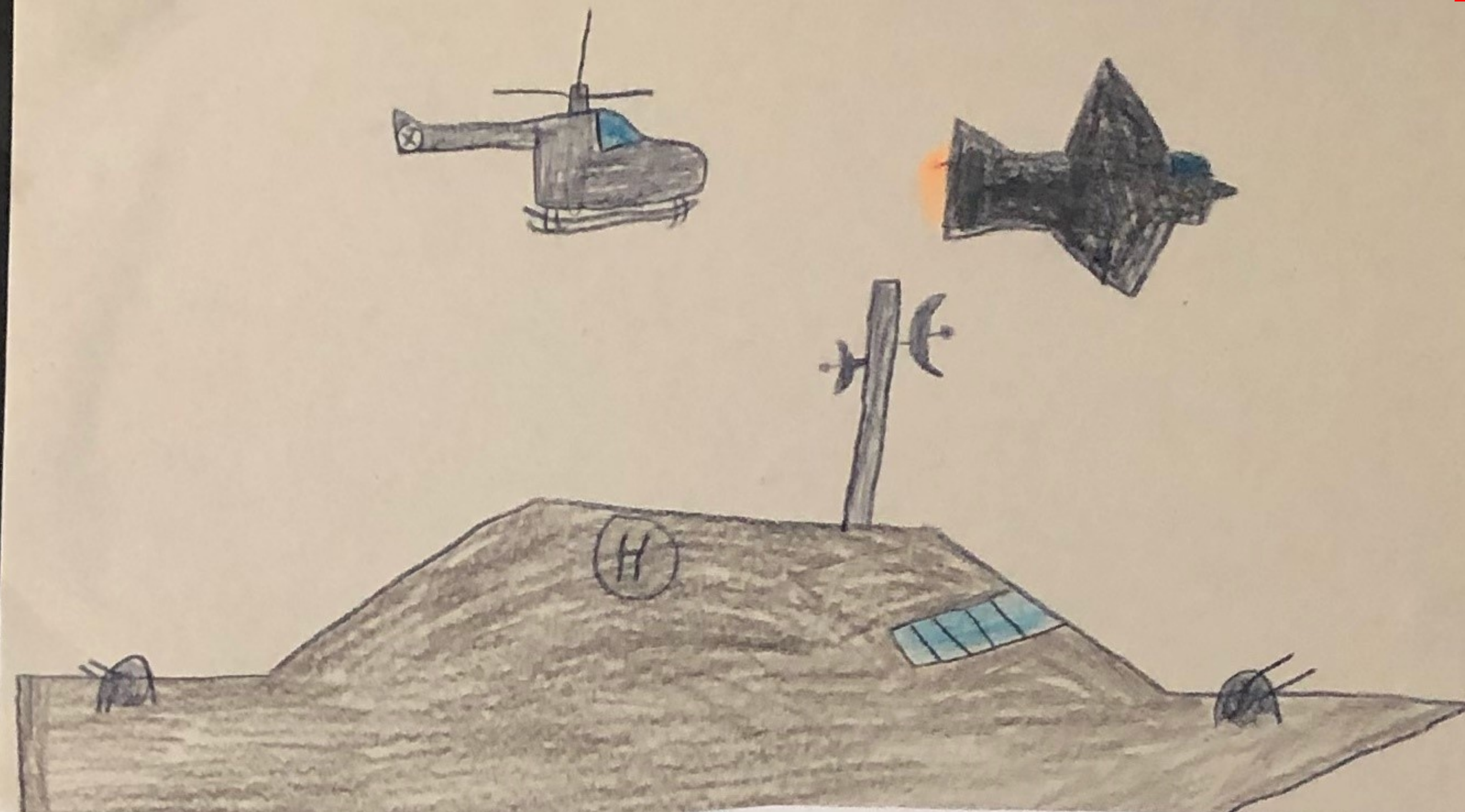
- The digital media presentation contest is open to students enrolled in grades 9 through 12 or being home-schooled at the high school level for the 2020-21 school year.
- Presentations must be one to three minutes in length and may be submitted on disk or emailed.
- The student's name and a daytime phone number or email address for their parent or guardian must be written on the disk or disk sleeve or in the body of the email.

*First-place statewide winners will receive their prizes during the **OMA Summer Conference, to be held July 29-31, 2021 in North Bend at Mill Casino.***

For more information about the state contest please contact Debi Higgins at dhiggins@orcities.org or Kelly Richardson at krichardson@orcities.org.

For more information about your local city contest, please contact your city at Deputy City Recorder Lisa Scholl 503-366-8216 / lisa@ci.st-henrys.or.us

IF I WERE MAYOR



I would set aside a lot of tax money to give the Oregon National Guard a place in Columbia County where they could have a responder boat so if there were any big ships sinking they could have all the people get on to it.

I would vote to build a hospital to keep people safe and have some Covid vaccines and give them to people for free.

I would fill in some of the potholes on the road because there are potholes that make it really dangerous at winter so it makes it really dangerous to drive in the winter, because the road freezes and if you hit one of those potholes your car can spin out and crash.

I would make a motorcross park at McCormick Park so people could ride their dirt bikes, etc.

I would build more homeless shelters because there's people in the streets and when it turns winter they get very cold, and they can freeze and get really cold. I would like them to be nice and warm like we are.

I would set aside tax money to fix and build docks with railings so little kids and older people don't fall in. I would have people vote how good they are.

I would fix the crosswalk button on the way to the library because that one doesn't always work and hire people to fix it and see if all the crosswalk buttons work.

I would make some of the tax money go to foster care so the DHS buildings could get better toys for the kids and better movies for when the parents come to the building to visit their kids so they could watch movies together.



I Would build a
new 24 hour hospital.

If we had an emergency
day or night a hospital
in our town would be able
to help us right away
without driving 45
minutes to another one.

A hospital would provide
more jobs for people in
our community.

I would build a 24
hour emergency vet clinic

A new vet hospital would
provide more jobs for
people who love helping
animals.

A 24 hour emergency vet
hospital in our town could
help save our pets if they
had an emergency much
closer to home.

IF I WERE MAYOR...

Planting a community garden
in one of our parks would
be fun for the whole
community to enjoy and come
together.



It would be wonderful to
upgrade the play grounds in
some of our local parks in
with new and exciting
equipment.

Plant more trees in the
parks to provide more shade
for us and more homes for
wild animals.



I Would fix up our
Parks and add cool new ones.

Add more trails to existing
parks or to new parks.



We could add new parks to
areas that do not have any.



Saint Helen's Learning Convention for Kids

4\8\2021

SAINT HELEN'S LEARNING CONVENTION FOR KIDS (ALSO KNOWN AS SAINT HELENS LCFK)

If I were mayor, I think I would have a convention held for kids. This convention would be something kids could enjoy and still be educational. I have been thinking long and hard about this and I think I have all the parts figured out, now I will explain them. The main parts could be a book, science, art, and cooking convention. In each section there would be a contest for children in grades fourth grade through ninth grade. That's not all though, there would be an area for local vendors and restaurants to have their own booths . It would be called St. Helen's LCFK.

First, the place I think the convention would best be held is on the fairgrounds. There will be different sections for different events. For example, the book contest, book selling/book signing would be held in one area, while things like the science invention contest and science exhibit would be held in another.

I will start with the book section. There would be a writing contest for kids. The prize for the contest will be that all the winners from different age groups get their entrees in a book that will be published. The contest would be judged by published authors from Oregon. The authors invited would be: Madeleine Rose (wrote the series featuring "Priscilla The Pig,") John Dashney (wrote the three-book series "Walter The Were Mouse,") and Eric A. Kimmel (wrote over a hundred and fifty children's books). There should be an area where the authors can sell their books and sign them. I think librarians and volunteers could help run the book section.

Next, I will talk about the science section. In the science section there would be an invention contest for kids. The contest would be judged by inventors from Oregon. The judges I would invite would be Ken Austin, (invented an airlock used in standard prisons, and the air and water syringe used by dentists.) Tim Leatherman, (invented the Leatherman tool,) and Dr. Albert Starr, (was co-inventor to the first artificial heart valve.) The prizes from the contest could be sponsored by local companies. There would be an area where the inventors can

demonstrate their inventions and have the option to sell them if they desire. I think volunteers could help run the science section.

Next, I will talk about the art section. There would be an art contest for kids. They could turn in any type of art they want, paint, markers, pencils, or even a clay sculpture. The contest would be judged by artists from Oregon, the judges we would invite would be Sherrie Wolf (a photo realistic painter and printmaker,) Phyllis Yes (an Oregon-based artist and playwright,) and James Lavender (An American painter and printmaker.) The prizes for the competition could be sponsored by a local company. There would be an area for the artists to sell art if they want to. Volunteers could help with the art section.

The final area would be the cooking section, there would be a cooking competition for kids. They would cook their food at their houses and send in a video of them cooking it, but they will bring the food to the convention to be tasted and judged. The chefs of local restaurants in St. Helens would be the judges. They could be the chef of Zhen's Chinese Restaurant, the chef of Sunshine pizza, and the chef of Dockside Restaurant. There would be a place where the restaurants can sell their food. The prizes for the competition could be sponsored by a local company. Volunteers would help run the cooking section. Finally, I think there should be a place where local vendors and restaurants can set up their booths.

Thank you for reading through all of this. I know it's a lot to read. I hope you enjoyed it, I just have little bit more I want to say. Part of the reason I picked the Saint Helens LCFK is because I personally would love this if it was to happen. Another reason would be because it's something that kids can do and have fun, but still be very educational. I think this would also benefit the whole community. The last reason is because this would offer a chance for kids to try new things and hone their skills, and I think the Saint Helens LCFK is the perfect way to do all those things.

Thank you,

If I were mayor...

If I were mayor, my first decision would be to build sidewalks along all busy streets.

I have dedicated a lot of thought into this and considered the different opportunities for improvement. I think the potential benefits and safety outweigh the costs, and this would improve our city environment for years to come.

If I were mayor, I would notice the difficulty for pedestrians and bicyclists in some areas of Saint Helens, due to short (previously rural) areas with no sidewalk. The housing in the area has increased, so the infrastructure needs to do so, as well. I think that sidewalks are important to families who don't otherwise have a mode of transportation. Without sidewalks, children can't walk to school safely. Adults without vehicles can't get to a job without adding a lot of time to their trip on an alternate route, unless they wish to walk in busy streets, which sometimes have no shoulder, or only have a steep drop-off with a water-filled ditch.

Without sidewalks, there are increased pedestrian and bicycling accidents. Without sidewalks, a 2-lane road often increases maneuvering difficulty for drivers and pedestrians alike. Without sidewalks, there is not proper drainage for many roads. That means that ditches on the sides of the roads often flood in the rainy months.

In the years that I have lived in Saint Helens, the lack of sidewalks has prevented me from walking to school, parks, and stores that are less than a mile from my home. Our neighborhoods feel like they are not connected, when there isn't a safe way to move between them. This problem has personally impacted my independence because my parents only allow me to walk along roads where there are sidewalks, and my neighborhood has been relatively isolated for the needs of pedestrians.

The length of Columbia Boulevard between Sykes and Gable has not had a sidewalk, with poor road conditions, including flooding and steep drops on a narrow shoulder. This has made it so that my high school aged siblings either have to walk the long way around (which includes walking along the highway), or just not walk to the high school and home from their after-school clubs. My parents have spent lots of time and money on gas, for going back and forth picking my siblings and I up from various places in town. My siblings had offered to walk home, but their route would have taken them along the busy highway, or along a route with unsafe pedestrian conditions.

I believe that sidewalks encourage students to walk to school, which reduce gas cost for families and potentially reduce the need for busing. Having sidewalks increases the visibility to vehicles, with clear

designation of the driving boundary. Sidewalks also reduce the amount of pedestrian accidents, since they aren't sharing their space with motorized vehicles. Having sidewalks means that drainage problems are also fixed, with proper sewage tunnels underneath the sidewalks. This minimizes seasonal flooding due to blocked ditches. Having sidewalks encourages people to exercise more. It fosters a sense of community, when people have the opportunity to safely spend time outside, and interact with each other. It also helps neighborhood stores bring in customers, since they can walk to a small store, instead of driving to a larger store that may be further away. Having sidewalks draws house buyers to the area, because for many families with young children, it is necessary to have sidewalks. In turn, this also increases the property value and curb appeal of these properties.

This past winter, the city put sidewalks on North Vernonia Road, which meant that my parents were comfortable with letting me walk to my friends' homes, which were only a few blocks away, but not safely accessible to me as a pedestrian. Now, I feel it has encouraged not only my family, but our neighborhood to walk, run, or do any kind of exercise.

In conclusion, among the possible improvements to our city, this one could have a large impact on our community for years to come.

A

IF I WERE MAYOR OF ST.
HELENS

HOW WE CAN CHANGE THE CITY THROUGH OUR POWER

- ▶ Mayors can have different powers depending on what city, county, or state they are serving in. Some have vetoing powers. Others only allow city council members to have more power, while the mayor can still input.
- ▶ Many council members use politics to sway opinions over to their side.
- ▶ I would try to persuade the people to join in on council meetings and would take into account anything spoken, giving more power to the people.
- ▶ Fundraising is a great way to get more monetary support for these projects. Once enough funds have been gathered, some of these changes could become a reality.

CHANGES TO THE EDUCATION SYSTEM

- ▶ Underprivileged youth may not be able to afford their own food or school supplies, especially those in poverty.
- ▶ Parents have to buy supplies for their children and pay for school meals. Other counties in Oregon provide free school meals for their students.
- ▶ I think that the schools should supply their own students with supplies and school meals should be free for all students. This would relieve parents of the stresses of finding children more expensive and unusual supplies. This would help decrease bullying in schools over the quality of supplies.
- ▶ If I were elected mayor, I would fund the schools so that they could supply their students, in addition to making school meals free for all students.

CHANGES TO TAXES AND HOUSING

- ▶ The housing market skyrocketed in the last few years. Property taxes in Oregon are amongst the highest in the nation, making it hard to afford houses and local buildings.
- ▶ Because the housing market is booming, it is becoming more difficult to afford buying a house for many families across the state. Increasing rent prices has also displaced many families from their domiciles. Rent for business properties has also increased over time, causing several local businesses to close their doors or pass along increased costs to their customers.
- ▶ If property taxes were lowered and rental properties subsidized, housing could become more affordable to those who are impoverished, and more local businesses would have the ability to open to the public.
- ▶ If I were in the position as mayor, I would lower property taxes and find ways to incentivize the opening of new businesses that would bring needed services and local jobs.

CHANGES TO HOW WE SUPPORT AND PROVIDE FOR THE HOUSELESS

- ▶ As taxes rise and housing increases in marketing, more people cannot afford houses and go without proper sheltering.
- ▶ Houseless people have been in the county for many years, and the number has grown in more recent years in part due to inadequate resources to mental health and chemical dependency treatment, and in part due to the ever increasing cost of living in Oregon.
- ▶ Many houseless people are mentally ill, and unable to self rescue. Given access mental health treatment, as well as access to safe and adequate housing, they could begin to recover and hopefully move toward economic independence.
- ▶ If I had to make a decision as the mayor, I would have the city partner with mental health associations and clinics to help people in need. I would also attempt to find the houseless affordable housing, and with enough room to shelter families in need.

BRINGING BACK THE UNEMPLOYED POST-PANDEMIC

- ▶ The pandemic has forced many businesses to close down, leaving people without jobs. Surviving businesses have furloughed their workers and many have less money to pay for food, rent, electricity, and running water.
- ▶ It has become increasingly difficult for nonessential workers to get jobs, and local businesses need the help of the government.
- ▶ When the pandemic has run its course, businesses will be able to rehire many lost jobs and workers, as well as serving for our local community
- ▶ If I were mayor, I would try to find ways for more people to get back to work and help keep businesses running and families without financial crises. I would also incentivize closed businesses to reopen their doors.

CHANGES TO HOW WE HARVEST ENERGY

- ▶ Air pollution is a hazard that affects all Oregonians. Oregon is the fifth most polluted state in the nation.
- ▶ We currently use fossil fuels and other unclean, nonrenewable resources. There are several other methods of harvesting energy including hydroelectric power, solar panels, and windmills to supply our usage of electricity.
- ▶ Being one of the most unclean states, Oregon should begin using new methods of obtaining energy from more reasonable resources.
- ▶ If I were mayor, I would commission more windmills and solar panels to be placed in the city. I would offer tax credits to incentivize citizens to adopt power saving technology, such as smart thermostats, energy efficient appliances and home renovations. Once enough people begin to use different energy resources, our air will be cleaner and more pure.

If I Were Mayor

If I Were Mayor...

I would promote reading, especially in younger children. It would improve their reading skills, and grades, and help public libraries and bookstores. They would read based off of their interests, and it could improve their understanding of the world around them. It could help them with their communication skills, and increases their imagination. It gives them new ideas and sharing skills.

Reading and the affect it has on grades

In my school career, I have been a pretty good student, with A's and B's. but it isn't entirely because I pay attention in class and study. Reading helps improve your grades. I know people who study for months and get a D. it all depends on how you are raised, and the importance placed upon books. When I was young, My Grandmother always read me books before bedtime. My mother always made sure, when when we couldn't read, that there was no shortage of picture books and shorter chapter books to look at. I even wrote a book at 5 called "unicorn Frinds" even though I spelled friends wrong, I was able to write every other word correctly, even illustrated, which is quite the feat. But I believe that my 12 grade reading level helps my grades more than any amount of studying could.

Sharing and imagination

Teaching sharing and imagination to young children is a huge part of parenting. Books can make that easier by having the impossible happen, like giants and fairies and princes and princesses. It encourages imagination that will later help them write stories of their own, or play with other kids. It also promotes sharing because, in my experience, it is exciting, sharing and swapping books, so that others can share the adventure. I myself still share books among friends, as our love of books brought us together. Sharing books also helps other kids learn to read, or learn to read bigger words.



Public libraries and bookstores

“Printed book sales amounted to 750.89 million units in 2020, marking growth of 8.2 percent, the highest year-on-year increase since 2010.”

This is what comes up to the google search of average bookstore sales in 2020. This is a result coronavirus, and social distancing. While stuck in their homes, people have begun reading more, which helps the bookstores and libraries. The reading communities have grown, because of idleness and boredom.

Ideas to save books

Online bookstores are a good resource for books. You can find the genre, author, and name of the book easily. Some things I have seen as well are little neighborhood sponsored libraries. Libraries can continually add books and people can add their own, and take a book or two. This method also promotes community building.



Item #1.

Books that we should suggest to kids

Keeper of the the lost cities

Percy jackson

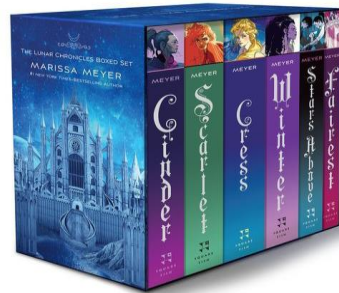
The one and only ivan

Wings of fire

The hunger games trilogy

The lunar chronicles

divergent



there are many other books that

[can suggest, But I encourage

kids to find these books on their

own.





LENGTH OF SERVICE AWARD PROGRAM

To: Mayor and City Council

From: Kathy Payne, City Recorder

Date: April 21, 2021

I am happy to announce that we have two employees who have reached milestones in their employment with the City of St. Helens. The following individuals will be recognized at the April 21 Council Work Session.

20 Years

Kathy Payne began working for the City on April 9, 2001 as the Planning Secretary. In December of 2002, she was promoted to Executive Secretary. In January of 2008, she took over many of the recorder-type duties that were under the City Administrator, and her position was reclassified to City Recorder, where she has served ever since. In February of this year, her position was retitled to properly reflect the significant amount of Human Resources duties her position encompasses. Her current title is Human Resources Coordinator/City Recorder.

5 Years

In late 2015, the City started recruiting for a Youth Librarian to join the staff to enhance the children's programming at the Library. **Gretchen Kolderup** was the ideal candidate and was hired in April of 2016, where she has served ever since. She has created and encouraged some amazing children's programs at the Library since she was hired.

Congratulations, Kathy and Gretchen, and thank you for your service!



P.O. Box 278, St. Helens, OR 97051
Phone: (503) 397-6272 Fax: (503) 397-4016
www.ci.st-helens.or.us

To: City Council
RE: 2021 State Building Code Updates

The State Building Codes Division (BCD) is required to periodically update the various state building, mechanical, plumbing, energy efficiency and electrical codes also known as the specialty codes. April of 2021 BCD adopted the 2021 Oregon Residential Specialty Code (ORSC), 2021 Oregon Plumbing Specialty Code (OPSC), 2021 Oregon Energy Efficiency Specialty Code (OEESC), 2021 Oregon Electrical Specialty Code (OESC), and 2019 Oregon Specialty Code (OSSC) Chapter 1 amendments. Typically, a six-month implementation period is included in the adoption. However, in this update cycle this six-month implementation period is not applicable to the Chapter 1 of the ORSC and Chapter 1 amendments of the OSSC, which are to be implemented April 1, 2021.

The significant changes in Chapter 1 of both the OSSC and ORSC is related to the BCD's interpretation of their Scope and Authority under ORS 455.020. BCD has determined a few different categories. The first is Statewide Application, these are scopes that the state has authority over and has determined will be applied to the entire state. The second is Optional Local Adoption, these are scopes that BCD has authority over but has determined that it will not be applied to the entire state and are available for local municipal adoption. The third is Matters Outside BCD's Statutory Authority, these are scopes that BCD has no authority over but local municipalities may have authority over. Lastly there are Matters Preempted by State Code, these are scopes that BCD has identified that are not able to be adopted by a local municipality. BCD also have removed all language concerning right of entry and Stop Work Orders. Additionally, BCD has changed language regarding local municipalities ability to enforce their own ordinances under the authority of the building permit.

The building department would like to seek to update the City's municipal code to reflect the changes in scope and authority of BCD. Please see attached summary of recommendations for adoption.



P.O. Box 278, St. Helens, OR 97051
Phone: (503) 397-6272 Fax: (503) 397-4016
www.ci.st-helens.or.us

Additionally, we will be proposing to update our local fire code. We were informed by CRF&R that the City's currently adopted fire code is outdated to that which CRF&R

With Council direction the building department will coordinate with the City's legal council to draft updates to the City building and fire codes in Chapter 15 of St. Helens Municipal Code.

Please let me know if you have any questions.

Thank you

Michael De Roia
Building Official
City of St. Helens
Office: 503-366-8228
Fax: 503-397-4016
miked@ci.st-helens.or.us





P.O. Box 278, St. Helens, OR 97051
 Phone: (503) 397-6272 Fax: (503) 397-4016
www.ci.st-helens.or.us

Staff Recommendations for Adoption

- Protection of adjoining property.
- Retaining walls greater than 4 feet in height.
- Fences greater than 7 feet in height
- Tanks
- Communication towers
- Flagpoles greater than 25 feet in height
- Ground mounted photovoltaic systems greater than 10' in height
- Sign not located in a public right of way.
- Fixed dock, piers, or wharves with no superstructure
- Equipment Shelters not intended for human occupancy with a building area of 250 feet or less.
- Unoccupied grain elevators and silos not exempted by Oregon Law.
- Rodent Proofing
- Inground swimming pools accessory to not more than four dwellings.
- Portable fire extinguishers
- Fire Safety During Construction
- Buildings or Structure encroachments into the public right of way
- Demolition
- Transitional Housing accommodations
- Hydraulic flood control structures
- Mechanical equipment not specifically regulated by the State Building Codes
- Flood Resistant Construction

Not recommended for adoption

- Tsunami Loads
- Detached tents and other membrane structures erected for 180days or less.
- Seismic Rehabilitation Plans with regards to dangerous buildings
- Employee Qualification in accordance with Appendix A
- Fire Districts
- Construction located within the public right of way.
- Public utility towers and poles

CHAPTER 1 SCOPE AND ADMINISTRATION

PART 1—SCOPE AND APPLICATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the *Oregon Structural Specialty Code* and may be cited as such and will be referred to herein as “this code.”

101.2 Scope. The scope of this code is as provided in ORS 455.020(1).

ORS 455.020 is not part of this code but is reprinted here for the reader’s convenience:

455.020 Purpose; scope of application; exceptions; scope of rules; fees by rule.

(1) This chapter is enacted to enable the Director of the Department of Consumer and Business Services to promulgate a state building code to govern the construction, reconstruction, alteration and repair of buildings and other structures and the installation of mechanical devices and equipment therein, and to require the correction of unsafe conditions caused by earthquakes in existing buildings. The state building code shall establish uniform performance standards providing reasonable safeguards for health, safety, welfare, comfort and security of the residents of this state who are occupants and users of buildings, and will provide for the use of modern methods, devices, materials, techniques and practicable maximum energy conservation. [Formerly 456.755; 1991 c.227 §2; 1991 c.310 §2; 1995 c.304 §1; 1995 c.400 §5; 1999 c.1045 §13; 1999 c.1082 §11; 2001 c.710§8]

The *Oregon Structural Specialty Code* as adopted by the State of Oregon, Building Codes Division, includes portions of the *International Building Code*, the *International Fire Code* and other nationally adopted codes.

It does not include provisions of the “State Fire Code” adopted under the State Fire Marshal’s statutory authority. Unlike the “State Fire Code,” the provisions of the *Oregon Structural Specialty Code* shall apply to the construction, reconstruction, *alteration*, *repair* and installation of materials and equipment in or a part of buildings and structures covered under the *state building code*.

Detached one- and two-family *dwellings* and *townhouses* not more than three stories above *grade plane* in height with a separate means of egress and their *accessory structures* shall comply with the *Residential Code*.

101.2.1 Optional local adoption. In addition to the work exempt from building permit in Section 105, the following matters are exempt from building permits unless specifically required by a municipality’s local ordinance. If a municipality adopts an ordinance to require a permit for any of the items below, the construction standards of this code shall be applicable:

1. Protection of adjoining property.
2. Retaining walls. Statewide, retaining walls that provide safeguards for the users of buildings; support *accessible* parking; support a regulated building; or retain material, which if not restrained, could impact a regulated building, shall require a building permit. A municipality may adopt an ordinance to regulate other retaining walls, provided that the threshold established for requiring a permit does not include retaining walls 4 feet (1219 mm) or less in height, when measured from the bottom of the footing to the top of the wall, except where the retaining wall supports ascending slopes exceeding 3:1 or where the retaining wall supports a nonsoil surcharge. A local height threshold greater than 4 feet (1219 mm) is allowed.
3. Fences, other than required swimming pool barriers, constructed of wood, wire mesh or chain link. Statewide, fences serving as a swimming pool barrier, or as a portion of a swimming pool barrier, for swimming pools accessory to not more than four dwelling units shall require a building permit. A municipality may adopt an ordinance to regulate the construction of other fences constructed of wood, wire mesh or chain link, provided that the threshold established for requiring a building permit does not include fences that are 7 feet (2134 mm) or less in height. A municipality may adopt an ordinance to regulate fences constructed of materials other than wood, wire mesh or chain link, regardless of height. A local height threshold greater than 7 feet (2134 mm) is allowed, regardless of which materials are used.
4. Tanks that are located exterior to and not attached to or supported by a regulated building.
5. Cellular phone, radio, television and other telecommunication and broadcast towers that are not attached to or supported by a regulated building.
6. Flagpoles not attached to or supported by a regulated building. A local municipality may adopt an ordinance to require a permit for these structures provided that a permit is not required for these structures that are 25 feet (7620 mm) or less in height. A local height threshold greater than 25 feet (7620 mm) is allowed.

7. Ground-mounted photovoltaic systems. A local municipality may adopt an ordinance requiring a building permit for these structures, provided that a permit is not required where these structures are 10 feet (3048 mm) or less in height measured to the highest point of the installation and no public access is permitted beneath the structures. A local height threshold greater than 10 feet (3048 mm) is allowed.
8. Signs not located in a public right-of-way, and not attached to or supported by a regulated building, which may include local adoption of Appendix H.
9. Fixed docks, piers or wharves with no superstructure.
10. Equipment shelters not intended for human occupancy with a building area of 250 square feet or less, designated as Risk Category I or II.
11. Unoccupied grain elevators and silos not exempted by ORS 455.315.
12. Tsunami loads, in accordance with Appendix O.
13. Rodentproofing, in accordance with Appendix F.
14. The design and construction of in-ground swimming pools accessory to not more than four dwelling units.

101.2.2 Matters not available for local regulation under the statutory authority of the state building code. While the following matters may be included in the published national model code, they may not be regulated by the local municipality under the authority of the *state building code*. Any references to these matters in this code have been retained for the convenience of the reader.

101.2.2.1 Matters outside the statutory authority of the state building code. The following matters are outside the statutory authority of the *state building code* in Oregon. Local municipalities may not regulate these matters under the *state building code*. A municipality may have additional authority outside of the *state building code* to regulate these matters locally, where not preempted:

1. Pursuant to the regulation of dangerous buildings, a municipality may adopt seismic rehabilitation plans that provide for phased completion of repairs that are designed to provide improved life safety but that may be less than the standards for new buildings.
2. Abatement of nuisances and dangerous buildings.
3. Portable fire extinguishers.
4. Fire safety during construction.
5. Public utility towers and poles.
6. Building or structure encroachments into the public right-of-way.
7. Demolition.
8. Hydraulic flood control structures, including but not limited to dams and levees.
9. Mechanical equipment not specifically regulated in the *state building code*.
10. Temporary use of streets, alleys and public property.

11. Floating structures.
12. Detached tents and other membrane structures erected for periods of 180 days or less.
13. Administration and implementation of a National Flood Insurance Program (NFIP).
14. Transitional housing accommodations.
15. Employee qualifications, in accordance with Appendix A.
16. Fire districts, in accordance with Appendix D.
17. Flood-resistant construction, in accordance with Appendix G.
18. Grading, in accordance with Appendix J.
19. Construction located in the public right-of-way.

R101.2.2.2 Matters preempted by the state building code. The following matters are preempted by the *state building code* and may not be adopted by a local municipality:

1. Appendix B (Board of Appeals).
2. Appendix E (Supplementary Accessibility Requirements).
3. Appendix K (Administrative Provisions).
4. Appendix L (Earthquake Recording Instrumentation).
5. Appendix M (Tsunami-generated Flood Hazard).
6. Appendix N (Replicable Buildings).

101.2.3 Appendices adopted. The following appendices are adopted by the State of Oregon, Building Codes Division, as part of the *state building code*:

1. Appendix C (Agricultural Buildings).
2. Appendix I (Patio Covers).
3. Appendix P (Tall Wood Buildings).

101.3 Purpose. The purpose of this code, as provided in ORS 455.020(1) and noted in Section 101.2, is to establish the minimum requirements to provide a reasonable level of safety, health and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations. It is not the purpose of this code to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code. Nothing in this code limits a local municipality's ability to require application of its own ordinances, or to enforce its own ordinances.

SECTION 102 APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Consistent with discretionary decision-making powers granted to building officials, a building official may take any action including

limited to waiving a requirement, modifying a requirement and/or accepting an alternate method to the requirements of the state building code. When waiving or accepting a modification, a building official shall not allow a provision that would create an unsafe or dangerous condition regarding fire and life safety, and may not enforce requirements that are in addition to the state building code except where additional code requirements are specified by the terms of an alternate method approval.

102.1.1 Statutory references. This code is adopted pursuant to Oregon Revised Statutes (ORS). Where this code and the statutes specify different requirements, the statute shall govern. Statutes related to this code include, but are not limited to, ORS 455.010 through 455.895 and ORS 447.210 through 447.310.

Statutes referenced may be obtained from the Building Codes Division, 1535 Edgewater St. NW, Salem, OR 97304 or P.O. Box 14470, Salem, OR 97309 at a nominal cost or read online at: Oregon.gov/bcd.

102.2 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

102.4.1 Conflicts. Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

102.4.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code shall take precedence over the provisions in the referenced code or standard.

OAR 918-008-0000 is not part of this code but is reprinted here for the readers' convenience:

918-008-0000 Purpose and Scope

- (1) The Department of Consumer and Business Services, Building Codes Division, adopts model building codes, standards and other publications by reference, as necessary, through administrative rule to create the state building code. When a matter is included in a specialty code or referenced publication that is in conflict with Oregon Revised Statutes or Oregon Administrative Rules, the statute or rule applies and the code or standard provision does not. All remaining parts or application of the code or standard remain in effect.
- (2) Unless required by law, matters generally not authorized for inclusion in a specialty code or referenced standard include, but are not limited to: licensing or certification requirements, or other qualifications and standards for businesses or workers; structures or equipment maintenance requirements; matters covered by federal or state law; and matters that conflict with other specialty codes or publications adopted by the department.

- (3) OAR 918-008-0000 to OAR 918-008-0070 provides the process for adopting and amending the state building code that is consistent across all program areas.
- (4) The state building code is derived from the most appropriate version of base model codes, which are updated periodically.
- (5) The Oregon specialty code amendment process begins approximately midway into a code cycle.
- (6) An appropriate advisory board approves or forwards the adoption of the Oregon specialty code and amendments to the Department for adoption.
- (7) Notwithstanding sections (3) through (6) of this rule, the division may adopt supplemental code amendments as authorized by OAR 918-008-0028.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 447.020, 455.030 & 479.730

Stats. Implemented: ORS 447.020, 455.030 & 479.730

102.4.3 ASCE Standard 24, Flood Resistant Design and Construction. The following ASCE 24 tables are not adopted by the State of Oregon, Building Codes Division, as part of the *state building code*, as the subject matter encompasses *Free Board*, *Base Flood Elevation* and *Design Flood Elevation*. The authority to establish the same is reserved for local government.

1. Table 2-1, *Minimum elevation of the top of lowest floor.*
2. Table 4-1, *Minimum elevation of bottom of lowest supporting horizontal structural member of lowest floor.*
3. Table 5-1, *Minimum elevation below which flood damage-resistant materials shall be used.*
4. Table 6-1, *Minimum elevation of floodproofing.*
5. Table 7-1, *Minimum elevation of attendant utilities and equipment.*

National Flood Insurance Program (NFIP)

Each local community participating in the National Flood Insurance Program (NFIP) designates a local *flood plain administrator* who is responsible to make sure communities meet their insurance program obligations. Certain matters comprised within the NFIP program may conflict with or overlap with the *state building code*. Certain decisions such as sill plate height and other NFIP criteria fall under the authority and responsibility of the *flood plain administrator*. Once decisions under the NFIP program are made, then the appropriate requirements of this code for the construction of the building are applied.

Local communities may choose to designate their local *building official* as the *flood plain administrator* or may designate other staff. When a *building official* functioning in the capacity of *flood plain administrator* exercises authority under the NFIP, such decisions are not part of this code nor subject to the *building official* duties and responsibilities as adopted by the Oregon Building Codes Division.

Per ORS 455.210(3)(c), local communities are prohibited from using building permit monies for any matter other than administration and enforcement of the *state building code*. Administration and implementation of a local NFIP program are not part of the *state building code*.

102.5 Partial invalidity. In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code.

Occupied and existing structures under state law related to building inspection programs

Note: This information is provided for *building official* use and is not intended to provide direction to any other form of government outside of a *building official* operating under Oregon Building Codes Division's state laws and rules. Questions regarding this information should be addressed through local counsel.

Under ORS 476.030 and Chapter 455, *building officials* are prohibited from requiring corrections or any changes to an existing structure that is maintained in conformity with the *state building code* regulations in effect at the time of construction.

Under ORS Chapters 476 and 455, occupied structures that have no valid certificate of occupancy do not fall under the delegated authority from the state Building Codes Division. No state authority exists for *building officials* to access buildings or require corrections for structures unless a permit application is on file.

References within the state *building code* that provide access and investigative authority to *building officials* are rescinded and are not valid.

102.6.1 Compliance. The *repair, alteration, change of occupancy, and addition* to existing buildings shall comply with the *International Existing Building Code* as amended by Chapter 34 of this code.

102.6.1.1 Local seismic rehabilitation. See ORS 455.020 (4).

ORS 455.020 (4) is not part of this code but is reprinted here for the readers' convenience:

455.020 Purpose; scope of application; exceptions; scope of rules; fees by rule.

(4) This chapter and any specialty code does not limit the authority of a municipality to enact regulations providing for local administration of the *state building code*; local appeal boards; fees and other charges; abatement of nuisances and dangerous buildings; enforcement through penalties, stop-work orders or other means; or minimum health, sanitation and safety standards for governing the use of structures for housing, except where the power of municipalities to enact any such regulations is expressly withheld or otherwise provided for by statute. Pursuant to the regulation of dangerous buildings, a municipality may adopt seismic rehabilitation plans that provide for phased completion of repairs that are designed to provide improved life safety but that may be less than the standards for new buildings. [Formerly 456.755; 1991 c.227 §2; 1991 c.310 §2; 1995 c.304 §1; 1995 c.400 §5; 1999 c.1045 §13; 1999 c.1082 §11; 2001 c.710 §8]

PART 2—ADMINISTRATION AND ENFORCEMENT

**SECTION 103
DEPARTMENT OF BUILDING SAFETY**

Not adopted by the State of Oregon Building Codes Division as part of the *state building code*.

**SECTION 104
DUTIES AND POWERS OF BUILDING OFFICIAL**

The requirements of Sections 104.1 and 104.3 shall apply unless specifically amended by a local *municipality* under the authority of ORS 455.020.

104.1 General. The *building official* is hereby authorized and directed to enforce the provisions of this code. The *building official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Consistent with discretionary decision-making powers granted to *building officials*, a *building official* may take any action including but not limited to waiving a requirement, modifying a requirement and/or accepting an alternate method to the requirements of this code. When waiving or accepting a modification, a *building official* shall not allow a provision that would create an unsafe or dangerous condition regarding fire and life safety, and may not enforce requirements that are in addition to this code except where additional code requirements are specified by the terms of an alternate method approval.

104.2 Applications and permits. The *building official* shall receive applications, review *construction documents* and issue *permits* for the erection, and *alteration, demolition and moving* of buildings and structures, inspect the premises for which such *permits* have been issued and enforce compliance with the provisions of this code.

104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, *repair, alteration, addition* or other improvement of existing buildings or structures located in *flood hazard areas* established by the *flood plain administrator*, the *flood plain administrator* shall determine if the proposed work constitutes substantial improvement or *repair of substantial damage*. Where the *flood plain administrator* determines that the proposed work constitutes *substantial improvement* or *repair of substantial damage*, and where required by this code, the *building official* shall require the building to meet the requirements of Section 1612.

104.3 Notices and orders. The *building official* shall issue necessary notices or orders to ensure compliance with this code.

104.4 Inspections. The *building official* shall make the required inspections, or the *building official* shall have the authority to accept reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

104.5 Right of entry. (Not adopted by the State of Oregon, Building Codes Division, as part of the *state building code*.)

104.6 Department records. The *building official* shall keep official records according to applicable retention requirements, as dictated by See OAR 166-150-0020 for locations where a county has jurisdiction; OAR 166-200-0250 where a city has jurisdiction; and OAR Chapter 166 Division 300, et al., for the cities and counties where the State of Oregon has jurisdiction. ~~Such records shall be retained in the official records for the period indicated in the respective OAR sections noted in this section.~~ The *building official* shall maintain a permanent record of all permits issued in *flood hazard areas*, including copies of inspection reports and certifications required in Section 1612.

104.7 Liability. See ORS 30.265 for regulations relating to liability.

104.8 Approved materials and equipment. Materials, equipment and devices *approved* by the *building official* shall be constructed and installed in accordance with such approval.

104.8.1 Used materials and equipment. Used materials, equipment and devices shall not be reused unless approved by the *building official*. Used or salvaged dimensional lumber shall be permitted to be used.

104.9 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the *building official* shall have the authority to grant modifications for individual cases, upon application of the *owner* or the owner's authorized agent, provided that the *building official* shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not ~~lessen health, accessibility, life and fire safety or structural requirements~~ create an unsafe or dangerous condition regarding fire and life safety, and does not enforce requirements that are in addition to the state building code except where additional code requirements are specified by the terms of an alternate method approval. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

104.9.1 Flood hazard areas. (Not adopted by the State of Oregon, Building Codes Division, as part of the *state building code*.) The *building official* shall not grant modifications to any provision required in *flood hazard areas* as established by Section 1612.3 unless a determination has been made that:

1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section 1612 inappropriate.
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.

5. Submission to the applicant of written notice specifying the difference between the *design flood elevation* and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the *design flood elevation* increases risks to life and property.

104.10 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *building official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, *fire resistance*, durability and safety. Where the alternative material, design or method of construction is not *approved*, the *building official* shall respond in writing, stating the reasons why the alternative was not *approved*.

104.10.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

104.10.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *building official* shall have the authority to require tests as evidence of compliance to be made without expense to the *municipality*. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *building official* shall approve the testing procedures. Tests shall be performed by an *approved agency*. Reports of such tests shall be retained by the *building official* for the period required for retention of public records.

SECTION 105 PERMITS

105.1 Required. Any *owner* or owner's authorized agent who intends to construct, enlarge, alter, *repair*, move, change the character or use of the occupancy, or change the occupancy of a building or structure, which is regulated by this code, or to cause any such work to be performed, shall first make application to the *building official* and obtain the required *permit*. See ORS 455.020(2).

Exceptions:

1. Construction subject to minor labels and master permits when authorized by the inspection authority under OAR Chapter 918, Division 100.
2. Temporary (180 days) structural supports, structural replacement or repairs performed in an emergency on an existing structure. The authority having jurisdiction shall be notified of this work within 72 hours and permit application for the temporary work shall be submitted within the next five business days.

105.2 Work exempt from permit. See [Section 101 for the application and scope of this code](#). Permits shall not be required for the following:

Building:

1. One-story detached *accessory structures* used as tool and storage sheds, ~~playhouses~~ and similar uses, provided that the floor area is not greater than 120 square feet (11 m²).
- ~~2. Oil derricks.~~
2. Platforms, sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or *story* below and are not part of an *accessible route*.
3. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- ~~5. Temporary motion picture, television and theater stage sets and scenery.~~
4. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
5. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the *exterior wall* and do not require additional support.
6. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
7. Farm ~~or~~ and forest use agricultural buildings exempted in ORS 455.315 (also see Appendix C).
8. Equine facilities exempted in ORS 455.315.

Note: Unless otherwise exempted, separate plumbing, electrical and mechanical permits may be required for the exempted items listed in this section. Additionally, all new construction and substantial improvements (including the placement of prefabricated buildings and certain building work exempt from permit under Section 105.2) shall be designed and constructed with methods, practices and materials that minimize flood damage in accordance with this code.

105.2.1 Repairs. Application or notice to the *building official* is not required for ordinary repairs to structures. Such repairs shall not include the cutting away of any wall, partition or portion thereof; the removal or cutting of any structural beam or load-bearing support; or the removal or change of any required *means of egress*, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include *addition* to, *alteration* of, replacement or relocation of any standpipe.

The requirements of Sections 105.3 through 105.6 shall apply unless specifically amended by a local *municipality* under the authority of ORS 455.020.

105.3 Application for permit. To obtain a *permit*, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the *permit* for which application is made.

2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by *construction documents* and other information as required in Section 107.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the *building official*.

105.3.1 Action on application. The *building official* shall examine or cause to be examined applications for *permits* and amendments thereto within a reasonable time after filing. If the application or the *construction documents* do not conform to the requirements of pertinent laws, the *building official* shall reject such application in writing, stating the reasons therefor. If the *building official* is satisfied that the proposed work conforms to the requirements of this code and laws ~~and ordinances~~ applicable thereto, the *building official* shall issue a *permit* therefor as soon as practicable. Nothing in this code limits a local municipality's ability to require application of its own ordinances, or to enforce its own ordinances.

105.3.2 Time limitation of application. An application for a *permit* for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a *permit* has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.4 Validity of permit. The issuance or granting of a *permit* shall not be construed to be a *permit* for, or an approval of, any violation of any of the provisions of this code or of any other laws ~~or ordinances of the municipality~~. *Permits* presuming to give authority to violate or cancel the provisions of this code or other laws ~~or ordinances of the municipality~~ shall not be valid. The issuance of a *permit* based on *construction documents* and other data shall not prevent the *building official* from requiring the correction of errors in the *construction documents* and other data. The *building official* is authorized to prevent occupancy or use of a structure where in violation of this code or of any other laws ~~or ordinances of this municipality~~. Nothing in this code limits a local municipality's ability to require application of its own ordinances, or to enforce its own ordinances.

105.5 Expiration. 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 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.6 Suspension or revocation. The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this code wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ~~ordinance or regulation or any~~ of the provisions of this code. Nothing in this code limits a local municipality's ability to require application of its own ordinances, or to enforce its own ordinances.

105.7 Placement of permit. The building *permit* or copy shall be kept on the site of the work until ~~the~~ completion of the project. The building official may adopt local policies approving specific permit and inspection recording methods.

SECTION 106 FLOOR AND ROOF DESIGN LOADS

106.1 Live loads posted. In commercial or industrial buildings, for each floor or portion thereof designed for *live loads* exceeding 50 psf (2.40 kN/m²), such design *live loads* shall be conspicuously posted by the owner or the owner's authorized agent in that part of each *story* in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

106.2 Issuance of certificate of occupancy. A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

106.3 Restrictions on loading. It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

SECTION 107 SUBMITTAL DOCUMENTS

107.1 General. Submittal documents consisting of *construction documents*, statement of *special inspections*, geotechnical report and other data shall be submitted in two or more sets with each *permit* application. The *construction documents* shall be prepared by a *registered design professional* where required by ORS 671 and 672. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional*.

Exceptions:

1. The *building official* may waive the submission of plans, calculations, construction inspection requirements and other data and the related plan review fee if it is found that the nature of the work applied for is such that review of plans is not necessary to obtain compliance with this code.
2. Plans, specifications, calculations, diagrams and other data prepared and designed by an engineer or architect licensed by the state to practice as such are not required for the following work, ~~provided the building official determines that the work is not of a highly technical nature or there is no unreasonable potential risk to life and/or safety of the structure:~~
 - 2.1. The erection, enlargement or alteration of any building, or any appurtenance thereto, where the resulting building has a ground area of 4,000 square feet (372 m²) or less and is not more than 20 feet (6096 mm) in height from the top surface

of the lowest floor to the highest interior overhead finish (see ORS 671.030).

- 2.2. A detached single-family dwelling; farm agricultural building; nonfarm agricultural building; or accessory building to a single-family dwelling, farm agricultural building, or nonfarm agricultural building.
- 2.3. Alterations or repairs that do not involve the structural parts of the building.

107.2 Construction documents. *Construction documents* shall be in accordance with Sections 107.2.1 through 107.2.8.

107.2.1 Information on construction documents. *Construction documents* shall be dimensioned and drawn on suitable material. Electronic media documents are permitted to be submitted where *approved* by the *building official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ~~ordinances, rules and regulations, as determined by the building official.~~ Nothing in this code limits a local municipality's ability to require application of its own ordinances, or to enforce its own ordinances.

107.2.2 Fire protection system shop drawings. Shop drawings, plans, specifications or sketches for the *fire protection system(s)* shall be submitted to the *building official* pursuant to the requirements of the *state building code* and ORS Chapter 455 or ORS 479.155 to determine compliance with the *state building code*, including but not limited to fire and life safety standards that are part of the *state building code*. Shop drawings, plans, specifications or sketches shall be *approved* prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9. The issuance of permits and inspections shall be the authority of the *building official* to administer under ORS Chapter 455.

107.2.3 Means of egress. The *construction documents* shall show in sufficient detail the location, construction, size and character of all portions of the *means of egress* including the path of the *exit discharge* to the *public way* in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the *construction documents* shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

107.2.4 Exterior wall envelope. *Construction documents* for all buildings shall describe the *exterior wall envelope* in sufficient detail to determine compliance with this code. The *construction documents* shall provide details of the *exterior wall envelope* as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The *construction documents* shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the *construction documents* maintain the weather resistance of the *exterior wall envelope*. The supporting documentation shall fully describe the *exterior wall* system that was tested, where applicable, as well as the test procedure used.

107.2.5 Exterior balconies and elevated walking surfaces.

Where balconies or other elevated walking surfaces are exposed to water from direct or blowing rain, snow, or irrigation, and the structural framing is protected by an impervious moisture barrier, the *construction documents* shall include details for all elements of the impervious moisture barrier system. The *construction documents* shall include manufacturer's installation instructions.

107.2.6 Site plan. The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from *lot lines*, the established street grades and the proposed finished grades and it shall be drawn in accordance with an accurate boundary line survey. The *building official* is authorized to waive or modify the requirement for a site plan where the application for *permit* is for *alteration* or *repair* or where otherwise warranted.

107.2.7 Structural information. The *construction documents* shall provide the information specified in Section 1603.

107.3 Examination of documents. The *building official* shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws ~~or ordinances~~. Nothing in this code limits a local municipality's ability to require application of its own ordinances, or to enforce its own ordinances.

107.3.1 Approval of construction documents. When the *building official* issues a *permit*, the *construction documents* shall be *approved*, in writing or by stamp, as "Reviewed for Code Compliance." One set of *construction documents* so reviewed shall be retained by the *building official*. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the *building official* or a duly authorized representative. *Construction documents* shall be *approved* in the timelines specified in ORS 455.467.

107.3.2 Previous approvals. This code shall not require changes in the *construction documents*, construction or designated occupancy of a structure for which a lawful *permit* has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

107.3.3 Phased approval. The *building official* is authorized to issue a *permit* for the construction of foundations or any other part of a building or structure before the *construction documents* for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such *permit* for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a *permit* for the entire structure will be granted.

ORS 455.467(1) & (2) are not part of this code but are reprinted here for the reader's convenience:

455.467 Timelines for approval or disapproval of certain specialty code building plans; exceptions; phased permit systems; failure to adhere to timelines.

(1) Except as provided in subsection (2) of this section, for specialty code plan reviews of simple low-rise residential dwellings, the Department of Consumer and Business Services or a municipality that administers a building inspection program under ORS 455.148 or 455.150 shall approve or disapprove the specialty code building plan:

(a) For a jurisdiction with a population that is less than 300,000, within 10 business days of receiving a complete application, or shall implement the process described in ORS 455.465.

(b) For a jurisdiction with a population that is 300,000 or more, shall implement the process described in ORS 455.465.

(2) The 10-day and 15-day requirements in subsection (1) of this section do not apply if:

(a) The plan requires approval by federal, state or local agencies outside the jurisdiction of the issuing agency;

(b) The plan is for a complex structure that requires additional review as determined by the department or municipality; or

(c) Based on conditions that exist in the affected municipality, the Director of the Department of Consumer and Business Services authorizes a different plan review schedule as described in a building inspection program submitted under ORS 455.148 or 455.150. [1999 c.1045 §21; 2001 c.384 §1; 2001 c.573 §13; 2003 c.675 §28]

107.3.4 Design professional in responsible charge. Where it is required that documents be prepared by a *registered design professional*, the *building official* shall be authorized to require the *owner* or the *owner's* authorized agent to engage and designate on the building *permit* application a *registered design professional* who shall act as the *registered design professional in responsible charge*. If the circumstances require, the *owner* or the *owner's* authorized agent shall designate a substitute *registered design professional in responsible charge* who shall perform the duties required of the original *registered design professional in responsible charge*. The *building official* shall be notified in writing by the *owner* or the *owner's* authorized agent if the *registered design professional in responsible charge* is changed or is unable to continue to perform the duties.

The *registered design professional in responsible charge* shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

107.3.4.1 Deferred submittals. Deferral of any submittal items shall have the prior approval of the *building official*. The *registered design professional in responsible charge* shall list the deferred submittals on the *construction documents* for review by the *building official*.

Documents for deferred submittal items shall be submitted to the *registered design professional in responsible charge* who shall review them and forward them to the *building official* with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been *approved* by the *building official*. See ORS 455.467(3).

Two copies of a plot plan for the occupancies listed in this section shall be submitted for the placing of prefabricated structures to show the relationship of all adjacent buildings and their exit ways.

ORS 455.467(3), (4), (5) & (6) are not part of this code but are reprinted here for the reader's convenience:

455.467 Timelines for approval or disapproval of certain specialty code building plans; exceptions; phased permit systems; failure to adhere to timelines.

(3) For specialty code plan reviews of commercial structures, a municipality shall include in its building inspection program submitted under ORS 455.148 or 455.150 a process for plan review services. The municipality shall include in its program detailed reasons supporting the proposed plan review process. The plan review services provided by the municipality shall:

(a) Allow an applicant to defer the submittal of plans for one or more construction phases for a commercial construction project in accordance with the state building code; and

(b) Allow an applicant to receive permits for each of the phases of a commercial construction project as described in the state building code when the plan review for that phase is approved.

(4) For a phased commercial construction project as described in subsection (3) of this section, the municipality shall inform the applicant of the detailed plans necessary for each phase of the project and the estimated time for initial and phased review of the building plans for conformance with the state building code.

(5) An applicant submitting plans under subsection (3) of this section is responsible for ensuring that the project meets all specialty code requirements and that the project does not proceed beyond the level of approval authorized by the building official.

(6) A municipality that repeatedly fails to meet the plan review period described in this section or otherwise authorized in its building inspection program submitted under ORS 455.148 or 455.150 shall be considered to be engaging in a pattern of conduct of failing to provide timely plan reviews under ORS 455.160. [1999 c.1045 §21; 2001 c.384 §1; 2001 c.573 §13; 2003 c.675 §28]

107.3.5 Fire and life safety plan review, occupancies to be reviewed. ORS 479.155(2) requires submission of plans for review and approval of certain occupancies.

Unless exempted by the Building Codes Division through delegation of the fire and life safety plan review program, the owner shall submit to the building codes administrator two copies (or, where required, an additional copy shall be submitted for local government use) of a plan or sketch drawn clearly and to scale showing information as set forth in Section 107.3.5.1 for review and approval prior to beginning construction or alteration. Fire and life safety plan review is required for the following occupancies:

1. Group A occupancies.
2. Group B occupancies over 4,000 square feet (372 m²) or more than 20 feet (6096 mm) in height, or with a basement.
3. Group E occupancies.
4. Group F occupancies over 4,000 square feet (372 m²) or more than 20 feet (6096 mm) in height, or with a basement.
5. Group H occupancies over 1,500 square feet (139 m²) or

more than 20 feet (6096 mm) in height, or with a basement.

6. Group I occupancies.
7. Group M occupancies over 4,000 square feet (372 m²) or more than 20 feet (6096 mm) in height, or with a basement.
8. Group R, Division 1, 2 and 4 occupancies over 4,000 square feet (372 m²) or more than 20 feet (6096 mm) in height, or with a basement over 1,500 square feet (139 m²).
9. Group S, Division 1, 2 and 3 occupancies over 4,000 square feet (372 m²) or more than 20 feet (6096 mm) in height, or with a basement.
10. Group U occupancies over 4,000 square feet (372 m²) or more than 20 feet (6096 mm) in height, or with a basement.

ORS 479.155(2) is not part of this code but is reprinted here for the reader's convenience:

479.155 Plan of proposed construction or alteration; declaration of value; approval of plan; effect of approval; rules.

(2) Prior to construction or alteration of a hospital, public building as defined in ORS 479.168, public garage, dry cleaning establishment, apartment house, hotel, bulk oil storage plant, school, institution as defined in ORS 479.210, or any other building or structure regulated by the State Fire Marshal for use and occupancy or requiring approval by the State Fire Marshal pursuant to statute, the owner shall submit to the director two copies of a plan or sketch showing the location of the building or structure with relation to the premises, distances, lengths and details of construction as the director shall require. A filing is not required with respect to any such building or structure in any area exempted by order of the State Fire Marshal pursuant to ORS 476.030. Approval of the plans or sketches by the director is considered approval by the State Fire Marshal and satisfies any statutory provision requiring approval by the State Fire Marshal. [1965 c.602 §14; 1967 c.417 §20; 1973 c.834 §33; 1977 c.821 §4; 1987 c.414 §158; 1993 c.744 §116; 1999 c.1082 §13; 2005 c.22 §364]

107.3.5.1 Fire and life safety plan review limits. The following portions of this code shall be used to review the plans submitted under this subsection. (These requirements are not intended to apply to structural, architectural, light and ventilation, accessibility and energy conservation requirements of the code except as they affect requirements included on the list.)

Chapter 1, except Sections 103, 104, 105, 109, 110 and 113.

Chapters 2 through 10.

Chapter 11 (egress signage).

Chapters 14.

Chapter 15 (except Sections 1503 and 1504);

Chapter 24.

Chapter 26.

Chapters 30 through 32.

Chapter 34.

Appendix C.

107.4 Amended construction documents. Work shall be installed in accordance with the *approved construction documents*, and any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*.

107.5 Retention of construction documents. One set of *approved construction documents* shall be retained by the *building official* for a period of not less than dictated by OAR 166-150-0020 where a county has jurisdiction; OAR 166-200-0250 where the city has jurisdiction; and OAR 166-300, et al., for the jurisdictions where the State of Oregon has jurisdiction. One set of approved plans and specifications shall be returned to the applicant and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

ORS 455.020(2) is not part of this code but is reprinted here for the reader's convenience:

455.020(2) Purpose: scope of application; exceptions; scope of rules; fees by rule.

(2) The rules adopted pursuant to this chapter shall include structural standards; standards for the installation and use of mechanical, heating and ventilating devices and equipment; and standards for prefabricated structures; and shall, subject to ORS 455.210, prescribe reasonable fees for the issuance of building permits and similar documents, inspections and plan review services by the Department of Consumer and Business Services. The department may also establish, by rule, the amount of any fee pertaining to the state building code or any specialty code that is authorized by statute, but for which an amount is not specified by statute. [Formerly 456.755; 1991 c.227 §2; 1991 c.310 §2; 1995 c.304 §1; 1995 c.400 §5; 1999 c.1045 §13; 1999

SECTION 108 TEMPORARY STRUCTURES AND USES

108.1 General. The *building official* is authorized to issue a *permit* for temporary structures and temporary uses. Such *permits* shall be limited as to time of service, but shall not be permitted for more than 180 days. The *building official* is authorized to grant extensions for demonstrated cause. See Chapter 31 for additional requirements.

Tents and other membrane structures erected for a period of less than 180 days are regulated by the *fire official*.

ORS 455.210(3)(a) is not part of this code but is reprinted for the reader's convenience:

ORS 455.210 Fees; appeal of fees; surcharge; reduced fees; rules.

(3)(a) A municipality may adopt by ordinance or regulation such fees as may be necessary and reasonable to provide for the administration and enforcement of any specialty code or codes for which the municipality has assumed responsibility under ORS 455.148 or 455.150. A municipality shall give the director notice of the proposed adoption of a new or increased fee under this subsection. The municipality shall give the notice to the director at the time the municipality provides the opportunity for public comment under ORS 294.160 regarding the fee or, if the proposed fee is contained in an estimate of municipal budget resources, at the time notice of the last budget meeting is published under ORS 294.426. [Subsections (1) to (5) formerly 456.760; subsection (6) enacted as 1987 c.604 §6; 1997 c.856 §1; 1999 c.432 §1; 1999 c.1045 §24; 1999 c.1082 §9; 2001 c.573 §9; 2001 c.673 §1; 2005 c.193 §1; 2005 c.833 §3; 2007 c.69 §5; 2011 c.473 §29]

108.2 Conformance. Temporary structures and uses shall comply with the requirements in Section 3103.

108.3 Termination of approval. The *building official* is authorized to terminate such *permit* for a temporary structure or use and to order the temporary structure or use to be discontinued.

SECTION 109 FEES

The requirements of Section 109 shall apply unless specifically amended by a *municipality* under the authority of ORS 455.020.

109.1 Payment of fees. A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fee, if any, has been paid.

109.2 Schedule of permit fees. On buildings, structures or *alterations* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the *municipality*, under authority of ORS 455.020 and 455.210 or as set forth in OAR Chapter 918, Division 460, where the State of Oregon has jurisdiction.

109.2.1 Plan review fees. Where submittal documents are required by Section 107.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be a percentage of the building permit fee as established under Section 109.2. Additionally, the fee for a fire and life safety plan review, as required by Section 107.3.5, shall be a percentage of the building permit fee established under Section 109.2.

The plan review fees specified in this section are separate from the permit fees specified in Section 109.2 and are in addition to the permit fees. The state surcharge is not applied to plan review fees.

Where submittal documents are incomplete or changed so as to require additional plan review, a fee shall be charged according to the rate established by the *municipality*. Where the project involves deferred submittal items, as defined in Section 107.3.4.2, an additional plan review fee shall be charged according to the rate established by the *municipality* in accordance with OAR 918-050-0170.

109.3 Building permit valuations. Structural building permit valuations shall be based on the Uniform Fee Methodologies established by OAR 918-050-0100.

Exception: Work as permitted in Section 105.1.

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary *permits* shall be subject to an investigation fee. The amount of the investigative fee shall be the average or actual additional cost of ensuring that a building or structure is in conformance with this code and shall be in addition to the required *permit* fees.

109.5 Related fees. The payment of the fee for the construction, *alteration*, removal or demolition for work done in connection to or concurrently with the work authorized by a building *permit* shall not relieve the applicant or holder of the *permit* from the payment of other fees that are prescribed by law.

109.6 Refunds. The *building official* is authorized to establish a refund policy.

OAR 918-050-0100 is not part of this code but is reprinted here for the reader's convenience.

Uniform Fee Methodology

918-050-0100 Statewide Fee Methodologies for Residential and Commercial Permits

(2) Commercial construction permit fees shall be calculated using the following methodologies:

(a) A plumbing permit fee shall be calculated based on the number of fixtures and footage of piping, with a set minimum fee.
 (b) A mechanical permit fee shall be calculated based on the value of the mechanical equipment and installation costs and applied to the municipality's fee schedule with a set minimum fee.

(c) A structural permit fee shall be calculated by applying the valuation to the municipality's fee schedule with a minimum set fee. Valuation shall be the greater of either:

(A) The valuation based on the ICC Building Valuation Data Table current as of April 1 of each year, using the occupancy and construction type as determined by the building official, multiplied by the square footage of the structure; or (B) The value as stated by the applicant. (C) When the construction or occupancy type does not fit the ICC Building Valuation Data Table, the valuation shall be determined by the building official with input from the applicant.

Stat. Auth.: ORS 455.048 & 455.055

Stats. Implemented: ORS 455.046 & 455.055

ORS 455.058 is not part of this code but is reprinted here for the reader's convenience:

455.058 Investigation fee for work commenced without permit; rules.

(1) Except as provided in subsection (2) of this section, the Department of Consumer and Business Services, or a municipality administering and enforcing a building inspection program, may assess an investigation fee against a person that is required to obtain a permit for work on the electrical, gas, mechanical, elevator, boiler, plumbing or other systems of a building or structure if the work is commenced before the permit required for the work is obtained. The amount of the investigation fee shall be the average or actual additional cost of ensuring that a building, structure or system is in conformance with state building code requirements that results from the person not obtaining a required permit before work for which the permit is required commences.

(2) This section does not apply to: (a) An emergency repair required for health, safety, the prevention of property damage or the prevention of financial harm if the required building permit for the repair is obtained no later than five business days after commencement of the repair; or (b) Any project for which construction, alteration, repair, maintenance or installation in a building or structure prior to obtaining a permit is expressly authorized by law.

(3) The department may adopt rules and establish policies and procedures for use by the department or municipalities in assessing an investigation fee under this section. [2013 c.324 §2]

SECTION 110 INSPECTIONS

110.1 General. 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*. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other laws ~~or ordinances of the municipality~~. Inspections presuming to give authority to violate or cancel the provisions of this code or of other laws ~~or ordinances of the municipality~~ shall not be valid. It shall be the duty of the *owner* or the owner's authorized agent to cause the work to remain visible and able to be accessed for inspection purposes. Neither the *building official* nor the *municipality* shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. Nothing in this code limits a local municipality's ability to require application of its own ordinances, or to enforce its own ordinances.

110.2 Preliminary inspection. Before issuing a *permit*, the *building official* is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

110.3 Required inspections. The *building official*, upon notification, shall make the inspections set forth in Sections 110.3.1 through 110.3.11. The building official may adopt local policies approving specific inspection recording methods.

110.3.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C94, the concrete need not be on the job.

110.3.2 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

110.3.3 Lowest floor elevation. In *flood hazard areas*, upon placement of the lowest floor, including the *basement*, and prior to further vertical construction, the elevation certification required in Section 1612.4 shall be submitted to the *building official* as required for building code administration and to the *flood plain administrator* in the management of any NFIP requirements.

110.3.4 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, *fireblocking* and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are *approved*.

110.3.5 Lath, gypsum board and gypsum panel product inspection. Lath, gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

Exception: Gypsum board and gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly.

110.3.6 Weather-exposed balcony and walking surface waterproofing. Where balconies or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious moisture barrier system shall not be concealed until inspected and *approved*.

Exception: Where *special inspections* are provided in accordance with Section 1705.1.1, Item 3.

110.3.7 Fire-and smoke-resistant penetrations. Protection of joints and penetrations in *fire-resistance-rated* assemblies, *smoke barriers* and smoke partitions shall not be concealed from view until inspected and *approved*.

110.3.8 Energy efficiency inspections. Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation *R* and *U*-values, fenestration *U*-value, duct system *R*-value, and HVAC and water-heating equipment efficiency.

110.3.9 Other inspections. In addition to the inspections specified in Sections 110.3.1 through 110.3.8, the *building official* is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

110.3.10 Special inspections. For *special inspections*, see Chapter 17.

110.3.11 Final inspection. The final inspection shall be made after all work required by the *building permit* is completed.

110.3.12 Radon mitigation inspections. Where radon mitigation systems are required by Section 1811 or 1812, or both, inspections shall be provided in accordance with the methods and frequency prescribed in this section.

110.3.12.1 Inspection of subfloor preparation. In conjunction with the “concrete slab and under-floor inspection” required by Section 110.3.2, the *building official* shall conduct subfloor preparation inspections. Such inspections shall be made after the placement of the gas-permeable layer in accordance with the compliance method selected in Section 1811.2.1 or 1812, or both. Depending on the method of construction, inspections shall include, but not be limited to:

1. Aggregate type and placement.
2. Sand type and placement.
3. Geotextile fabric placement.
4. Gas conveyance piping system placement in accordance with Section 1811.3.4.
5. Radon suction pits, including plenum boxes, collection pits, etc.
6. Preparations for installation of subslab soil exhaust ducts.

7. Other inspections as required by the *building official* to ensure compliance with selected alternate methods or engineered systems.

110.3.12.2 Inspection of walls in contact with soil gas. For designs incorporating walls in contact with soil gas, the *building official* shall conduct inspections for compliance with Section 1811.2.4. This inspection shall be made in conjunction with the “footing and foundation inspection” required by Section 110.3.

110.3.12.3 Inspection of subslab soil exhaust system duct (SSED). In conjunction with the “frame inspection” required by Section 110.3.4, the *building official* shall conduct SSED inspections. Such inspections shall be made after the placement and identification of all SSEDs as required by Sections 1811.2.5 and 1812.3.7, and where an active soil depressurized system is selected in accordance with Section 1811.3.2.

110.3.12.4 Inspection of SSED blower—active soil depressurization systems (ASD). In conjunction with the “final inspection” required by Section 110.3.11, the *building official* shall conduct ASD SSED blower inspections. Such inspections shall be made after the installation of SSED blowers in accordance with Section 1811.3.3.

110.4 Inspection agencies. The *building official* is authorized to accept reports of *approved* inspection agencies, provided that such agencies satisfy the requirements as to qualifications and reliability.

110.5 Inspection requests. It shall be the duty of the holder of the *building permit* or their duly authorized agent to notify the *building official* when work is ready for inspection. It shall be the duty of the *permit* holder to provide access to and means for inspections of such work that are required by this code.

110.6 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official*, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the *permit* holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *building official*.

SECTION 111 CERTIFICATE OF OCCUPANCY

Under state authority, buildings occupied without a valid certificate of occupancy or permit are under the enforcement authority of the Office of State Fire Marshal.

Local programs should ensure that adequate local ordinances have been adopted allowing for enforcement action where a certificate of occupancy was not issued or where no permit has been applied for.

111.1 Change of occupancy. A building or structure shall not be used or occupied, and a change in the existing character, use or occupancy classification of a building or structure or portion thereof shall not be made, until the *building official* has issued a certificate of occupancy for such change in character, use or occupancy therefor as provided herein. Issuance of a certificate of

occupancy shall not be construed as an approval of a violation of the provisions of this code.

Exception: Certificates of occupancy are not required for work exempt from *permits* in accordance with Section 105.2.

111.2 Certificate issued. After the *building official* inspects the building or structure and does not find violations of the provisions of this code or other laws that are enforced by the department of building safety, the *building official* shall issue a certificate of occupancy that contains the following:

1. The building *permit* number.
2. The address of the structure.
3. The name and address of the *owner* or the owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the *building official*.
7. The edition of the code under which the *permit* was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. The design *occupant load*.
11. If an *automatic sprinkler system* is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building *permit*.

111.3 Temporary occupancy. The *building official* is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the *permit*, provided that such portion or portions shall be occupied safely. The *building official* shall set a time period during which the temporary certificate of occupancy is valid.

111.4 Revocation. The *building official* is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ~~ordinance or regulation or any~~ of the provisions of this code. Nothing in this code limits a local municipality's ability to require application of its own ordinances, or to enforce its own ordinances.

SECTION 112 SERVICE UTILITIES

Not adopted by the State of Oregon Building Codes Division as part of the state building code.
Municipalities may have independent local authority regarding service utilities.

SECTION 113 BOARD OF APPEALS

113.1 General. The local *municipality* shall establish a process to review appeals of determinations made by the *building official* regarding any provision of the specialty codes the *municipality* administers and enforces, to include a method to identify the local *building official* or designee and to notify a permit applicant of the provisions of ORS 455.475, see OAR 918-020-0090(1)(c).

Where there are practical difficulties in establishing a local appeals board, appeals filed under the provisions of ORS 455.475 shall satisfy this requirement.

113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. An appeals board, where appointed, shall not have authority to waive requirements of this code.

113.3 Qualifications. An appeals board, where appointed, shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction.

113.4 Alternative appeal process. ORS 455.475 provides an alternative appeal process to any established by a local *municipality*. An applicant for a building permit may choose to appeal a *building official's* decision to a local appeals board or directly to the appropriate specialty code program chief.

Note: Forms for filing an appeal under ORS 455.475 are available online at: Oregon.gov/bcd.

ORS 455.475 is not part of this code but is reprinted here for the reader's convenience:

455.475. Appeal of decision of building official.

(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. [1999 c.1045]

SECTION 114 VIOLATIONS

114.1 Prohibited acts. Prohibited acts are as described in ORS 455.450.

ORS 455.450 is not part of this code but is reprinted here for the reader's convenience:

455.450 Prohibited acts. A person may not:

(1) Violate, or procure or assist in the violation of, any final order the Director of the Department of Consumer and Business Services, an advisory board, a state administrative officer or any local appeals board, building official or inspector, concerning the application of the state building code in a particular case or concerning a license, certificate, registration or other authorization.

(2) Engage in, or procure or assist any other person to engage in, any conduct or activity for which a permit, label, license, certificate, registration or other formal authorization is required by any specialty code, any provision of ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 446.566 to 446.646, 446.666 to 446.746, 479.510 to 479.945, 479.950 and 480.510 to 480.670, this chapter or ORS chapter 447, 460 or 693 or any rule adopted or order issued for the administration and enforcement of these provisions without first having obtained such permit, label, license, certificate, registration or other formal authorization.

(3) Violate, or procure or assist in the violation of, any standard, specification, requirement, prohibition or other technical provision set forth in the state building code or an applicable local building code or in any rule or order of the Department of Consumer and Business Services, an advisory board, a local governing body or local building official. [Formerly 456.885 (1); 2007 c.306 §3]

114.2 Notice of violation. The *building official* is authorized to serve a notice of violation or order on the person responsible for the construction, reconstruction, *alteration* and *repair* of a building or structure in violation of the provisions of this code, or in violation of a *permit* or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

114.3 Prosecution of violation. If the notice of violation is not complied with promptly, the *building official* is authorized to request the legal counsel of the *municipality* to institute the appropriate proceeding at law.

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

114.5 Penalties. Penalty amounts other than those described in Section 109.4 are limited by ORS 455.895. Local authority to levy penalties is limited to violations of code application only.

ORS 455.895 is not part of this code but is reprinted here for the reader's convenience:

455.895 Civil penalties.

(2) The Department of Consumer and Business Services, or an appropriate advisory board, if any, may at its discretion impose a civil penalty against any person who violates the state building code or ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 446.566 to 446.646, 446.666 to 446.746, 479.510 to 479.945, 479.950 or 480.510 to 480.670, or this chapter or ORS chapter 447, 460 or 693, or any rule adopted or order issued for the administration and enforcement of those statutes. Except as provided in subsections (3), (4) and (9) of this section or ORS 446.995, a civil penalty imposed under this section must be in an amount determined by the appropriate advisory board or the department of not more than \$5,000 for each offense or, in the case of a continuing offense, not more than \$1,000 for each day of the offense.

(3) Each violation of ORS 446.003 to 446.200 or 446.225 to 446.285, or any rule or order issued under ORS 446.003 to 446.200 or 446.225 to 446.285, constitutes a separate violation with respect to each manufactured structure or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty may not exceed \$1 million for any related series of violations occurring within one year from the date of the first violation.

(4) The department may impose a civil penalty of not more than \$25,000 against a public body responsible for administering and enforcing a building inspection program. As used in this subsection, "public body" has the meaning given that term in ORS 174.109.

(5) The maximum penalty established by this section for a violation may be imposed only upon a finding that the person has engaged in a pattern of violations. The department, by rule, shall define what constitutes a pattern of violations. Except as provided in subsections (1) and (10) of this section, moneys received from any civil penalty under this section are appropriated continuously for and shall be used by the department for enforcement and administration of provisions and rules described in subsection (2) of this section.

(6) Civil penalties under this section shall be imposed as provided in ORS 183.745.

(7) A civil penalty imposed under this section may be remitted or reduced upon such terms and conditions as the department or the appropriate advisory board considers proper and consistent with the public health and safety. In any judicial review of a civil penalty imposed under this section, the court may, in its discretion, reduce the penalty.

(8) Any officer, director, shareholder or agent of a corporation, or member or agent of a partnership or association, who personally participates in or is an accessory to any violation by the partnership, association or corporation of a provision or rule described in subsection (2) of this section is subject to the penalties prescribed in this section.

(9) In addition to the civil penalty set forth in subsection (1) or (2) of this section, any person who violates a provision or rule described in subsection (2) of this section may be required by the department or the appropriate advisory board to forfeit and pay to the General Fund of the State Treasury a civil penalty in an amount determined by the department or advisory board that does not exceed five times the amount by which such person profited in any transaction that violates a provision or rule described in subsection (2) of this section.

(10) If a civil penalty is imposed for a violation of a provision of ORS 446.566 to 446.646 and the violation relates to a filing or failure to file with a county assessor functioning as agent of the department, the department, after deducting an amount equal to the department's procedural, collection and other related costs and expenses, shall forward one-half of the remaining civil penalty amount to the county in which the manufactured structure is located at the time of the violation. [1991 c.792 §4; 1991 c.734 §111; 1999 c.1045 §19; 2001 c.411 §21; 2003 c.14 §286; 2003 c.655 §76; 2007 c.549 §6; 2007 c.898 §1; 2013 c.324 §11]

SECTION 115 STOP WORK ORDER

Not adopted by the State of Oregon Building Codes Division as part of the state building code. Municipalities may have independent local authority regarding stop work orders.

SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT

Not adopted by the State of Oregon Building Codes Division as part of the state building code. Municipalities may have independent local authority regarding unsafe structures and equipment.

CHAPTER 1 SCOPE AND ADMINISTRATION

PART 1—SCOPE AND APPLICATION

SECTION R101 GENERAL

R101.1 Title. These provisions shall be known as the *Oregon Residential Specialty Code* and shall be cited as such and will be referred to herein as “this code.”

R101.2 Scope. The *Oregon Residential Specialty Code*, as adopted by the State of Oregon, Building Codes Division, includes portions of the *International Residential Code* and the *International Fire Code* pertaining to any construction, reconstruction, alteration, repair and installation of materials and equipment in or part of buildings and structures covered under the *state building code*.

R101.2.1 Application. The provisions of this code shall apply to the construction, *alteration*, movement, enlargement, replacement, *repair, equipment*, use, occupancy and location of the following:

1. Detached one- and two-family *dwelling*s and *townhouse*s classified as Group R-3, not more than three stories above *grade plane* in height, and their *accessory structures*.
2. Detached owner-occupied *lodging houses* containing not more than five guest rooms.
3. Residential aircraft hangars as defined in Section R202.
4. Live/work units located in detached one- and two-family *dwelling*s and *townhouse*s and complying with the requirements of Section 419 of the *Building Code*.

The following uses shall comply with the *Building Code*:

1. New “family childcare” uses and new “foster care” uses identified in ORS Chapters 418, 443 and 329A, located within detached one-family *dwelling*s, shall be classified as Group R-3 occupancies.
2. *Congregate living facilities.*

Consistent with discretionary decision-making powers granted to *building officials*, a *building official* may take any action including but not limited to waiving a requirement, modifying a requirement and/or accepting an alternate method to the requirements of the *state building code*. When waiving or accepting a modification, a *building official* shall not allow a provision that would create an unsafe or dangerous condition regarding fire and life safety, and may not enforce requirements that are in addition to the *state building code* except where additional code requirements are specified by the terms of an alternate method approval.

R101.2.2 Optional local adoption. In addition to the work exempt from building *permits* in Section R105, the following items are exempt from building *permits* unless specifically required by a *municipality*’s local ordinance. If a *municipality* adopts an ordinance to require a *permit* for any of these items, the construction standards of this code shall be applicable:

1. Fences, other than required *swimming pool* barriers, constructed of wood, wire mesh or chain link. Statewide, fences serving as a *swimming pool* barrier, or as a portion of a *swimming pool* barrier, shall require a building *permit*. A *municipality* may adopt an ordinance to regulate the construction of other fences constructed of wood, wire mesh or chain link, provided that the threshold established for requiring a building *permit* does not include fences that are 7 feet (2134 mm) or less in height. A *municipality* may adopt an ordinance to regulate fences constructed of materials other than wood, wire mesh or chain link, regardless of height. A local height threshold greater than 7 feet (2134 mm) is allowed, regardless of which materials are used.
2. Retaining walls. Statewide, retaining walls that provide safeguards for the users of the buildings, support a regulated building or retain material that, if not restrained, could impact a regulated building shall require a building permit. A *municipality* may adopt an ordinance to regulate other retaining walls, provided that the threshold established for requiring a *permit* does not include retaining walls 4 feet (1219 mm) or less in height, when measured from the bottom of the footing to the top of the wall except where the retaining wall supports ascending slopes exceeding 3:1 or where the retaining wall supports a nonsoil surcharge. A local height threshold greater than 4 feet (1219 mm) is allowed.
3. Freestanding radio television and other telecommunication antennae and towers not attached to or supported by a regulated building. A local *municipality* may adopt an ordinance to require a building *permit* for these structures.
4. Ground-mounted photovoltaic systems. A local *municipality* may adopt an ordinance requiring a building *permit* for these structures, provided that a *permit* is not required where these structures are 10 feet (3048 mm) or less in height measured to the highest point of the installation and no public access is permitted beneath the structures. A local height threshold greater than 10 feet (3048 mm) is allowed.
5. Tanks that are located exterior to and not attached to or supported by a regulated building.
6. Fixed docks not supporting a superstructure.
7. The design and construction of in-ground *swimming pools* accessory to detached one- and two-family *dwelling*s, and individual *townhouse dwelling units*.

R101.2.3 Matters not available for local regulation under the statutory authority of the state building code. While the following matters may be included in the published national model code, they may not be regulated by the local *municipality* under the authority of the *state building code*. Any references to these matters in this code have been retained for the convenience of the reader.

R101.2.3.1 Matters outside the statutory authority of the state building code. The following matters are outside the statutory authority of the *state building code*. Local *municipalities* may not regulate these matters under the *state building code*. A *municipality* may have additional authority outside of the *state building code* to regulate these matters locally, where not preempted:

1. Public utility facilities owned and maintained by the serving utility.
2. Abatement of nuisances and dangerous buildings.
3. Demolition.
4. Floating structures.
5. Floating docks.
6. Transitional housing accommodations.
7. Administration and implementation of a National Flood Insurance Program (NFIP).
8. Mechanical equipment not specifically regulated in this code.

R101.2.3.2 Matters preempted by the state building code. The following matters are not adopted and are preempted by the *state building code* and may not be adopted by a local *municipality*:

1. Appendix A (Sizing and Capacities of Gas Piping).
2. Appendix B (Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances listed for use with Type B Vents).
3. Appendix C (Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems).
4. Appendix D (Recommended Procedure for Safety Inspection of an Existing Appliance Installation).
5. Appendix G (Piping Standards for Various Applications).
6. Appendix I (Private Sewage Disposal).
7. Appendix J (Existing Buildings and Structures).
8. Appendix L (Permit Fees).
9. Appendix M (Home Day Care—R-3 Occupancy).
10. Appendix N (Venting Methods).
11. Appendix O (Automatic Vehicular Gates).
12. Appendix P (Sizing of Water Piping System).
13. Appendix Q (Tiny Houses)
14. Appendix T (Solar-ready Provisions—Detached One- and Two-family Dwellings and Townhouses).

R101.2.4 Appendices. The following appendices are adopted as part of this code:

1. Appendix E (Manufactured Housing Used as Dwellings).
2. Appendix F (Radon Control Methods).
3. Appendix H (Patio Covers).
4. Appendix K (Sound Transmission).
5. Appendix R (Light Straw-clay Construction).
6. Appendix S (Strawbale Construction).

R101.3 Owner-built dwellings. For exempt owner-built dwellings and outbuildings, see ORS 455.320.

ORS 455.320 is not part of this code but is reprinted here for the readers' convenience:

455.320 Owner-built dwellings exempt from certain structural code provisions; recording of exemption. (1) As used in this section, unless the context requires otherwise:

(a) "Owner" means the owner of the title to real property or the contract purchaser of real property, of record as shown on the last available complete assessment roll which person has not taken advantage of the exemptions under subsection (2) of this section during the five years prior to applying for an exemption under this section.

(b) "Owner-built dwelling and outbuildings" means a single-family residence and adjacent auxiliary structures the structural components of which are constructed entirely by the owner who intends to occupy the structures or by that owner and friends and relatives of the owner assisting on an unpaid basis.

(2) Owner-built dwellings and outbuildings shall be exempt from any requirements of the structural code for ceiling heights, room sizes and the maintenance of specific temperature levels in those structures. The exemption shall apply to the new construction, renovation, remodeling or alteration of an owner-built dwelling or outbuilding.

(3) A building permit issued for an owner-built dwelling or outbuilding shall note whether the owner-built dwelling or outbuilding complies with the requirements it is exempted from under subsection (2) of this section. If the dwelling or other structure does not comply with these requirements, the owner-builder shall file a copy of the building permit with the county clerk, who shall make the permit a part of the permanent deed record of the property. The owner shall provide the county clerk with a description of the property sufficient if it were contained in a mortgage of the property to give constructive notice of the mortgage under the law of this state.

(4) Noncompliance with subsection (3) of this section shall not affect, in any manner, any conveyance of interest in property subject to this section. [Formerly 456.920]

R101.4 Intent. The purpose of this code is to establish minimum requirements to provide a reasonable level of safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment, and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations.

R101.5 Statutory references. This code is adopted pursuant to Oregon Revised Statutes (ORS). Where this code and the statutes specify different requirements, the statute shall govern. Statutes related to this code include, but are not limited to, ORS 455.010 through 455.895.

Statutes referenced may be obtained from the Building Codes Division, 1535 Edgewater St. NW, Salem, OR 97304 or P.O. Box 14470, Salem, OR 97309 at a nominal cost or read online at Oregon.gov/bcd/laws-rules.

SECTION R102 APPLICABILITY

R102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

R102.2 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

R102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

R102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections R102.4.1 and R102.4.2.

Exception: Where enforcement of a code provision would violate the conditions of the *listing* of the *equipment* or *appliance*, the conditions of the *listing* and manufacturer's instructions shall apply.

R102.4.1 ASCE Standard 24 Flood Resistant Design and Construction. The following ASCE Standard 24 Tables are not adopted by the State of Oregon as the subject matter encompasses Free Board, Base Flood Elevation and Design Flood Elevation. The authority to establish the same is reserved for local government:

1. Table 2-1, *Minimum elevation of the top of lowest floor.*
2. Table 4-1, *Minimum elevation of bottom of lowest supporting horizontal structural member of lowest floor.*
3. Table 5-1, *Minimum elevation below which flood damage-resistant materials shall be used.*
4. Table 6-1, *Minimum elevation of floodproofing.*
5. Table 7-1, *Minimum elevation of attendant utilities and equipment.*

National Flood Insurance Program (NFIP)

Each local community participating in the National Flood Insurance Program (NFIP) designates a local *flood plain administrator* who is responsible to make sure communities meet their insurance program obligations. Certain matters comprised within the NFIP program may conflict with or overlap with the *state building code*. Certain decisions such as sill plate height and other NFIP criteria fall under the authority and responsibility of the *flood plain administrator*. Once decisions under the NFIP program are made, then the appropriate requirements of this code for the construction of the building are applied.

Local communities may choose to designate their local *building official* as the *flood plain administrator* or may designate other staff. When a *building official* functioning in the capacity of *flood plain administrator* exercises authority under the NFIP, such decisions are not part of this code nor subject to the *building official* duties and responsibilities as adopted by the Oregon Building Codes Division.

Per ORS 455.210(3)(c), local communities are prohibited from using building permit monies for any matter other than administration and enforcement of the *state building code*. Administration and implementation of a local NFIP program are not part of the *state building code*.

R102.4.2 Conflicts. Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

R102.4.3 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

OAR 918-008-0000 is not part of this code but is reprinted here for the readers' convenience:

918-008-0000 Purpose and Scope

(1) The Department of Consumer and Business Services, Building Codes Division, adopts model building codes, standards and other publications by reference, as necessary, through administrative rule to create the state building code. When a matter is included in a specialty code or referenced publication that is in conflict with Oregon Revised Statutes or Oregon Administrative Rules, the statute or rule applies and the code or standard provision does not. All remaining parts or application of the code or standard remain in effect.

(2) Unless required by law, matters generally not authorized for inclusion in a specialty code or referenced standard include, but are not limited to: licensing or certification requirements, or other qualifications and standards for businesses or workers; structures or equipment maintenance requirements; matters covered by federal or state law; and matters that conflict with other specialty codes or publications adopted by the department.

(3) OAR 918-008-0000 to 918-008-0070 provides the process for adopting and amending the state building code that is consistent across all program areas.

(4) The state building code is derived from the most appropriate version of base model codes, which are updated periodically.

(5) The Oregon specialty code amendment process begins approximately midway into a code cycle.

(6) An appropriate advisory board approves or forwards the adoption of the Oregon specialty code and amendments to the Department for adoption.

(7) Notwithstanding sections (3) through (6) of this rule, the division may adopt supplemental code amendments as authorized by OAR 918-008-0028.

Statutory/Other Authority: ORS 447.020, 455.030 & 479.730

Statutes/Other Implemented: ORS 447.020, 455.030 & 479.730

R102.5 Reserved.

R102.6 Partial invalidity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

R102.7 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code.

R102.7.1 Additions and alterations. *Additions and alterations* to any structure shall conform to the requirements for a new structure without requiring the existing structure to comply with the requirements of this code, unless otherwise stated. *Additions and alterations* shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or structure to become structurally unsafe or overloaded; will not provide adequate egress in compliance with the provisions of this code or will obstruct existing egress; will create a fire hazard; will reduce required fire resistance; or will otherwise create conditions dangerous to human life. Any building plus new additions shall not exceed the height and stories specified for new buildings in Section R101.2.

Exception: Structural changes which improve the resistance of the building to seismic forces may be made without complying with the current code requirements provided that:

1. The strength of the existing structural elements is not reduced; and
2. An unsafe condition is not created.

R102.7.2 Repairs. *Repairs shall not make the building any less conforming with the provisions of this code than the building was before the repair was undertaken. Repairs for the purposes of building maintenance shall comply with Section R105.2.2. Repairs for the purposes of correcting damage shall be permitted to conform with the code edition in effect at the time of original construction, where the requirements of this section are met.*

Where it becomes necessary to repair all or a portion of a legally existing building that has been damaged by, including but not limited to fire, wind, flood, earthquake or other similar damage, and where prior to the damage the legally existing building did not contain unsafe conditions, the building may be reconstructed exactly as it existed prior to the damage. The following requirements from the currently effective code shall be included in the reconstruction, where applicable:

1. *Repaired structural elements in accordance with the design criteria and loading requirements of Chapter 3, or to the maximum extent practical as approved by the building official.*
2. *Smoke alarms in accordance with Section R314.*
3. *Carbon monoxide alarms in accordance with Section R315.*
4. *Guards and fall protection in accordance with Section R312.*
5. *Hazardous glazing locations in accordance with Section R308.*
6. *Emergency escape and rescue openings in accordance with Section R310.*
7. *Table N1101.2, to the maximum extent practical.*

8. Floodplain construction requirements, where applicable, as determined by the flood plain administrator.

Such repairs for the purposes of correcting damage are not required to meet other current code requirements for new construction. Where unsafe conditions existed prior to the damage occurring, the building may be reconstructed in accordance with this section provided that the unsafe conditions are corrected, as determined by the building official.

PART 2—ADMINISTRATIVE AND ENFORCEMENT

SECTION R103 DEPARTMENT OF BUILDING SAFETY

Not adopted by the State of Oregon Building Codes Division as part of the *state building code*.

SECTION R104 DUTIES AND POWERS OF THE BUILDING OFFICIAL

R104.1 General. The *building official* is hereby authorized and directed to enforce the provisions of this code. The *building official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving safeguard requirements specifically provided for in this code, statewide alternate methods, or statewide code interpretations. Nothing in this code limits a local municipality's ability to require application of its own ordinances, or to enforce its own ordinances.

R104.2 Applications and permits. The *building official* shall receive applications, review *construction documents* and issue *permits* for the erection, *alteration and moving* of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

R104.3 Notices and orders. The *building official* shall issue necessary notices or orders to ensure compliance with this code.

R104.4 Inspections. The *building official* shall make the required inspections, or the *building official* shall have the authority to accept reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise.

R104.5 Identification. Not adopted by the State of Oregon, Building Codes Division, as part of the *state building code*.

R104.6 Right of entry. Not adopted by the State of Oregon, Building Codes Division, as part of the *state building code*.

R104.7 Department records. The building official shall retain official records for the periods specified regarding the retention of public records. See OAR 166-150-0020 for locations where a county has jurisdiction; OAR 166-200-0025 where a city has jurisdiction; and OAR 166 Division 300 et al. for the cities and counties where the State of Oregon has jurisdiction.

R104.8 Liability. See ORS 30.265 for regulations relating to liability.

ORS 30.265 is not part of this code but is reprinted here for the readers' convenience:

ORS 30.265 Scope of liability of public body, officers, employees and agents; liability in nuclear incident.

(1) Subject to the limitations of ORS 30.260 to 30.300, every public body is subject to civil action for its torts and those of its officers, employees and agents acting within the scope of their employment or duties, whether arising out of a governmental or proprietary function or while operating a motor vehicle in a ridesharing arrangement authorized under ORS 276.598.

(2) The sole cause of action for a tort committed by officers, employees or agents of a public body acting within the scope of their employment or duties and eligible for representation and indemnification under ORS 30.285 or 30.287 is an action under ORS 30.260 to 30.300. The remedy provided by ORS 30.260 to 30.300 is exclusive of any other action against any such officer, employee or agent of a public body whose act or omission within the scope of the officer's, employee's or agent's employment or duties gives rise to the action. No other form of civil action is permitted.

(3) If an action under ORS 30.260 to 30.300 alleges damages in an amount equal to or less than the damages allowed under ORS 30.271, 30.272 or 30.273, the sole cause of action for a tort committed by officers, employees or agents of a public body acting within the scope of their employment or duties and eligible for representation and indemnification under ORS 30.285 or 30.287 is an action against the public body. If an action is filed against an officer, employee or agent of a public body, and the plaintiff alleges damages in an amount equal to or less than the damages allowed under ORS 30.271, 30.272 or 30.273, the court upon motion shall substitute the public body as the defendant. Substitution of the public body as the defendant does not exempt the public body from making any report required under ORS 742.400.

(4) If an action under ORS 30.260 to 30.300 alleges damages in an amount greater than the damages allowed under ORS 30.271, 30.272 or 30.273, the action may be brought and maintained against an officer, employee or agent of a public body, whether or not the public body is also named as a defendant. An action brought under this subsection is subject to the limitations on damages imposed under ORS 30.271, 30.272 or 30.273, and the total combined amount recovered in the action may not exceed those limitations for a single accident or occurrence without regard to the number or types of defendants named in the action.

(5) Every public body is immune from liability for any claim for injury to or death of any person or injury to property resulting from an act or omission of an officer, employee or agent of a public body when such officer, employee or agent is immune from liability.

(6) Every public body and its officers, employees and agents acting within the scope of their employment or duties, or while operating a motor vehicle in a ridesharing arrangement authorized under ORS 276.598, are immune from liability for:

- (a) Any claim for injury to or death of any person covered by any workers' compensation law.
- (b) Any claim in connection with the assessment and collection of taxes.
- (c) Any claim based upon the performance of or the failure to exercise or perform a discretionary function or duty, whether or not the discretion is abused.
- (d) Any claim that is limited or barred by the provisions of any other statute, including but not limited to any statute of ultimate repose.
- (e) Any claim arising out of riot, civil commotion or mob action or out of any act or omission in connection with the prevention of any of the foregoing.

(f) Any claim arising out of an act done or omitted under apparent authority of a law, resolution, rule or regulation that is unconstitutional, invalid or inapplicable except to the extent that they would have been liable had the

law, resolution, rule or regulation been constitutional, valid and applicable, unless such act was done or omitted in bad faith or with malice.

(7) This section applies to any action of any officer, employee or agent of the state relating to a nuclear incident, whether or not the officer, employee or agent is acting within the scope of employment, and provided the nuclear incident is covered by an insurance or indemnity agreement under 42 U.S.C. 2210.

(8) Subsection (6)(c) of this section does not apply to any discretionary act that is found to be the cause or partial cause of a nuclear incident covered by an insurance or indemnity agreement under the provisions of 42 U.S.C. 2210, including but not limited to road design and route selection. [1967 c.627 §§2,3,10; 1969 c.429 §1; 1975 c.609 §12; 1977 c.823 §2; 1981 c.490 §4; 1985 c.731 §31; 1987 c.705 §7; 1991 c.861 §1; 2005 c.22 §19; 2007 c.803 §4; 2011 c.270 §1]

R104.9 Approved materials and equipment. Materials, *equipment* and devices *approved* by the *building official* shall be constructed and installed in accordance with such approval.

R104.9.1 Used materials and equipment. Used materials, *equipment* and devices shall not be reused unless *approved* by the *building official*. Used or salvaged dimensional lumber shall be permitted to be used in accordance with all of the following:

1. Used or salvaged dimensional lumber shall be in generally good condition and free of any obvious areas of decay.
2. Where used or salvaged dimensional lumber is identified by a grade mark or where a certificate of inspection is provided from a lumber grading or inspection agency *approved* by an accreditation body that complies with DOC PS 20, structural properties for the used or salvaged lumber shall be as determined by the *approved* agency in accordance with the grade stamp or certificate provided.

Exception: In lieu of the grade mark or certificate described in Item 2, used or salvaged dimensional lumber not bearing a grade stamp or provided with a certificate shall be assumed to be Douglas fir-larch No. 2 grade and shall have structural properties assigned in accordance with current adopted standards.

R104.10 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the *building official* shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the *building official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not create an unsafe or dangerous condition regarding fire and life safety, and does not require enforcement of any requirements that are in addition to the state building code except where additional code requirements are specified by the terms of an alternate method approval. The details of action granting modifications shall be recorded and entered in the *municipality's* files.

R104.10.1 Flood hazard areas. Not adopted by the State of Oregon, Building Codes Division, as part of the *state building code*.

R104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *building official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Compliance with the specific performance-based provisions of the current edition of the *Building Code* shall be an alternative to the specific requirements of this code. Where the alternative material, design or method of construction is not *approved*, the *building official* shall respond in writing, stating the reasons why the alternative was not *approved*.

R104.11.1 Tests. Where there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *building official* shall have the authority to require tests as evidence of compliance to be made at no expense to the *municipality*. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *building official* shall approve the testing procedures. Tests shall be performed by an *approved* agency. Reports of such tests shall be retained by the *building official* for the period required for retention of public records.

SECTION R105 PERMITS

R105.1 Required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any gas or mechanical system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the *building official* and obtain the required *permit*.

R105.1.1 New spaces. The creation of new habitable spaces, new toilet rooms, or new bathrooms shall require a building permit.

ORS 455.310(2) is not part of this code but is reprinted here for the readers' convenience:

455.310(2) Single-family residence repair and maintenance exempt from codes; exemption itemized. (2) Items designated by the Director of the Department of Consumer and Business Services, with the advice of the Residential and Manufactured Structures Board, shall be exempt from permits and fees required under this chapter. The director shall, pursuant to ORS chapter 183, develop and maintain an applicable list of such exempt items, which shall include, but not be limited to, concrete slabs, driveways, sidewalks, masonry repair, porches, patio covers, painting, interior wall, floor or ceiling covering, nonbearing partitions, shelving, cabinet work, gutters, downspouts, small accessory buildings, door and window replacements, replacement or repair of siding and replacement or repair of roofing. In making the list of exempt items, the director shall further define the items on the list contained in this subsection so that no item which adversely affects the structural integrity of the dwelling shall be on the list. [Formerly 456.753 and then 456.915; 1993 c.744 §93; 2003 c.675 §26; 2009 c.567 §17]

R105.2 Work exempt from permit. Exemption from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws. Nothing in this code limits a local municipality's ability to require application of its ordinances, or to enforce its own ordinances. See Section R101 for the application and scope of this code. *Permits* shall not be required for the following:

Building:

1. Nonhabitable one-story detached *accessory structures*, provided that the floor area does not exceed 200 square feet (18.58 m²) and does not exceed a height of 15 feet (4572 mm) measured from grade plane to the average height of the highest roof surface.

Exception: Where the structure is located on a parcel of 2.0 acres or greater in area, and the structure is located a minimum of 20 feet (6096 mm) from all property lines and regulated structures, the floor area may be increased to 400 square feet (37.16 m²).

2. Concrete sidewalks, slabs, platforms, driveways and similar work.
3. Painting, papering, tiling, carpeting, cabinets, counter tops, interior wall, floor or ceiling covering, shelving and similar work.
4. Above-grade and on-ground swimming pools.
5. Swings, other playground equipment and similar work.
6. Patio covers, as defined in Section AH102, and porch covers not over 200 square feet (11 m²) and supported by an exterior building wall.
7. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
8. Nonbearing partitions, except when such partitions create *habitable space*.
9. Replacement or repair of siding not required to be fire resistive.
10. Retrofitted insulation.
11. Masonry repair.
12. Porches and decks where the floor or deck is not more than 30 inches (762 mm) above adjacent *grade* measured at any point within 3 feet (914 mm) horizontally of the floor or deck, and where in the case of a covered porch the covered portion of the porch does not come closer than 3 feet (914 mm) to *lot* lines.
13. Gutters and downspouts.
14. Door and window replacements (where no structural member is changed).
15. Re-roofing, where replacement or repair of roofing and sheathing does not exceed 30 percent of the required live load design capacity.

Exceptions: Permits for re-roofing are required for the following:

1. Structures in wildfire hazard zones as provided in Section R327.
2. Townhouses.
3. Installation of building-integrated photovoltaic roof panels and other photovoltaic roof coverings.

16. Framed-covered nonhabitable *accessory structures* not more than 500 square feet (46.45 m²) in area, one story in height and not closer than 3 feet (914 mm) to a property line, where the structure is composed of a rigid framework that supports a fabric membrane.

Unless otherwise exempted, separate plumbing, electrical and mechanical *permits* may be required for the above exempted items.

Electrical: See the *Electrical Code*.

Mechanical:

1. Portable heating *appliances*, cooking or clothes drying *appliances*.
2. Portable ventilation *appliances*.
3. Portable cooling units.
4. Steam, hot- or chilled-water piping within any heating or cooling *equipment* regulated by this code.
5. Replacement of any minor part that does not alter approval of *equipment* or make such *equipment* unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell *appliances* that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing: See the *Plumbing Code*.

R105.2.1 Emergency repairs. Where *mechanical equipment* replacements and repairs must be performed in an emergency situation, the *permit* application shall be submitted to the *building official* within the next 5 working business day.

R105.2.1.1 Structural temporary repairs. For temporary (180 days) structural supports, structural replacement or repairs performed in an emergency on an existing structure, the *building official* shall be notified within 72 hours and permit application for the temporary work shall be submitted to the *building official* within the next 5 business days.

R105.2.2 Repairs. Application or notice to the *building official* is not required for ordinary repairs to structures. Repair work shall be performed using like materials or materials permitted by this code for new construction. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include *addition* to, *alteration* of, replacement or relocation of any gas, piping, or mechanical work.

ORS 455.058 is not part of this code but is reprinted here for the readers' convenience:

455.058 Investigation fee for work commenced without permit; rules.

(1) Except as provided in subsection (2) of this section, the Department of Consumer and Business Services, or a municipality administering and enforcing a building inspection program, may assess an investigation fee against a person that is required to obtain a permit for work on the electrical, gas, mechanical, elevator, boiler, plumbing or other systems of a building or structure if the work is commenced before the permit required for the work is obtained. The amount of the investigation fee shall be the average or actual additional cost of ensuring that a building, structure or system is in conformance with state building code requirements that results from the person not obtaining a required permit before work for which the permit is required commences.

(2) This section does not apply to:

- (a) An emergency repair required for health, safety, the prevention of property damage or the prevention of financial harm if the required building permit for the repair is obtained no later than five business days after commencement of the repair; or
- (b) Any project for which construction, alteration, repair, maintenance or installation in a building or structure prior to obtaining a permit is expressly authorized by law.
- (c) The department may adopt rules and establish policies and procedures for use by the department or municipalities in assessing an investigation fee under this section. [2013 c.324 §2]

R105.2.3 Public service agencies. A *permit* shall not be required for the installation, *alteration* or repair of generation, transmission, distribution, metering or other related *equipment* that is under the ownership and control of public service agencies by established right.

R105.3 Application for permit. To obtain a *permit*, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the *permit* for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by *construction documents* and other information as required in Section R106.1.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the *building official*.

R105.3.1 Action on application. The *building official* shall examine or cause to be examined applications for *permits* and amendments thereto within a reasonable time after filing. If the application or the *construction documents* do not conform to the requirements of pertinent laws, the *building official* shall reject such application in writing stating the reasons therefor. If the *building official* is satisfied that the proposed work conforms to

the requirements of this code and laws applicable thereto, the *building official* shall issue a *permit* therefor as soon as practicable. Nothing in this code limits a local municipality's ability to require application of its own ordinances, or to enforce its own ordinances.

R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas. Not adopted by the State of Oregon, Building Codes Division, as part of the *state building code*.

R105.3.2 Time limitation of application. An application for a *permit* for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a *permit* has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

R105.4 Validity of permit. The issuance or granting of a *permit* shall not be construed to be a *permit* for, or an *approval* of, any violation of any of the provisions of this code. *Permits* presuming to give authority to violate or cancel the provisions of this code shall not be valid. The issuance of a *permit* based on *construction documents* and other data shall not prevent the *building official* from requiring the correction of errors in the *construction documents* and other data. The *building official* is authorized to prevent occupancy or use of a structure where in violation of this code, by withholding or revoking a certificate of occupancy. Nothing in this code limits a local municipality's ability to require application of its own ordinances, or to enforce its own ordinances.

R105.5 Expiration. Every *permit* issued shall become invalid unless the work authorized by such *permit* is commenced within 180 days after its issuance, or if the work authorized 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 days each. The extension shall be requested in writing and justifiable cause demonstrated.

R105.6 Suspension or revocation. The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this code wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any of the provisions of this code. Nothing in this code limits a local municipality's ability to require application of its own ordinances, or to enforce its own ordinances.

R105.7 Placement of permit. The building *permit* or a copy shall be kept on the site of the work until the completion of the project.

R105.8 Responsibility. It shall be the duty of every person who performs work for the installation or repair of building, structure or mechanical systems, for which this code is applicable, to comply with this code.

R105.9 Preliminary inspection. Before issuing a *permit*, the *building official* is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

SECTION R106 CONSTRUCTION DOCUMENTS

R106.1 Submittal documents. Submittal documents consisting of *construction documents*, and other data shall be submitted in two or more sets with each application for a *permit*. The *construction documents* shall be prepared by a registered *design professional* where required by *state law*. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a registered *design professional*.

Exception:

1. The *building official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a registered *design professional* if it is found that the nature of the work applied for is such that reviewing of *construction documents* is not necessary to obtain compliance with this code.
2. Plans, calculations, specifications, diagrams and other data prepared and designed by an architect or an engineer licensed by the state to practice as such are not required for the following work:
 - 2.1. The erection, enlargement or alteration of any building, or any appurtenance thereto, where the resulting building has a ground area of 4,000 square feet (372 m²) or less and is not more than 20 feet (6096 mm) in height from the top surface of the lowest floor to the highest interior overhead finish (ORS 671.030).
 - 2.2. A detached single-family dwelling, a farm agricultural building, nonfarm agricultural building, or accessory building to a single-family dwelling.
 - 2.3. Alterations or repairs that do not involve structural parts of the building.

R106.1.1 Information on construction documents. *Construction documents* shall be drawn upon suitable material. Electronic media documents are permitted to be submitted where *approved* by the *building official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws.

R106.1.2 Manufacturer's installation instructions. Manufacturer's installation instructions, as required by this code, shall be available on the job site at the time of inspection.

R106.1.3 Information on braced wall design. All braced wall lines shall be identified on the *construction documents*. Pertinent information including, but not limited to, bracing methods, location and length of *braced wall panels* and foundation requirements of braced wall panels at top and bottom shall be provided.

R106.1.4 Information for construction in flood hazard areas. For buildings and structures located in whole or in part in flood hazard areas as determined by the *flood plain administrator*, *construction documents* shall include:

1. Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation, as appropriate.

2. The elevation of the proposed lowest floor, including *basement*; in areas of shallow flooding (AO Zones), the height of the proposed lowest floor, including *basement*, above the highest adjacent *grade*.
3. The elevation of the bottom of the lowest horizontal structural member in coastal high hazard areas (V Zone) and in Coastal A Zones where such zones are delineated on flood hazard maps or otherwise delineated by the *flood plain administrator*.

R106.2 Site plan or plot plan. The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing the size and location of new construction and existing structures on the site and distances from *lot lines*. The *building official* is authorized to waive or modify the requirement for a site plan where the application for *permit* is for *alteration* or repair or where otherwise warranted.

R106.3 Examination of documents. The *building official* shall examine or cause to be examined *accompanying construction documents* and shall ascertain by such examination whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws.

R106.3.1 Approval of construction documents. Where the *building official* issues a *permit*, the *construction documents* shall be *approved* in writing or by a stamp that states "REVIEWED FOR CODE COMPLIANCE." One set of *construction documents* so reviewed shall be retained by the *building official*. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the *building official* or a duly authorized representative. *Construction documents* shall be *approved* in the timelines specified in ORS 455.467.

R106.3.2 Previous approvals. This code shall not require changes in the *construction documents*, construction or designated occupancy of a structure for which a lawful *permit* has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

R106.3.3 Phased approval. The *building official* is authorized to issue a *permit* for the construction of foundations or any other part of a building or structure before the *construction documents* for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such *permit* for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a *permit* for the entire structure will be granted.

R106.3.4 Design professional in responsible charge.

R106.3.4.1 General. When it is required that documents be prepared by a registered *design professional*, the *building official* shall be authorized to require the owner to engage and designate on the building *permit* application a registered *design professional* who shall act as the registered *design professional* in responsible charge. If the circumstances require, the owner shall designate a substitute registered *design professional* in responsible charge who shall perform

the duties required of the original registered *design professional* in responsible charge. The *building official* shall be notified in writing by the owner if the registered *design professional* in responsible charge is changed or is unable to continue to perform the duties.

The registered *design professional* in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

R106.4 Amended construction documents. Work shall be installed in accordance with the *approved construction documents*, and any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*.

R106.5 Retention of construction documents. One set of *approved construction documents* shall be retained by the *building official* for a period of not less than that dictated by OAR 166-150-0020 where a county has jurisdiction; OAR 166-200-0025 where a city has jurisdiction; and OAR 166-300 et al., for the jurisdictions where the State of Oregon has jurisdiction. One set of *approved plans* and specifications shall be returned to the applicant and kept on the site of the building or work at all times during which the work authorized thereby is in progress. The *building official* shall maintain a permanent record of all *permits* issued in *flood hazard areas*, including copies of inspection reports and certifications required in Section R109.1.3.

SECTION R107 TEMPORARY STRUCTURES AND USES

R107.1 General. The *building official* is authorized to issue a *permit* for temporary structures and temporary uses. Such *permits* shall be limited as to time of service, but shall not be permitted for more than 180 days. The *building official* is authorized to grant extensions for demonstrated cause.

R107.2 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

R107.3 Temporary power. See the *Electrical Code*.

R107.4 Termination of approval. The *building official* is authorized to terminate such *permit* for a temporary structure or use and to order the temporary structure or use to be discontinued.

SECTION R108 FEES

R108.1 Payment of fees. A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fee, if any, has been paid.

R108.2 Schedule of permit fees. Permit and plan review fees shall be as adopted by the *municipality*, except as otherwise limited by statute. On buildings, structures, and mechanical systems or *alterations* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the *municipality* under authority of ORS 455.020 and 455.210, or set forth in OAR chapter 918, division 480 where the State of Oregon has jurisdiction.

ORS 455.020(2) is not part of this code but is reprinted here for the readers' convenience:

455.020(2) Purpose: scope of application; exceptions; scope of rules; fees by rule.

(2) The rules adopted pursuant to this chapter shall include structural standards; standards for the installation and use of mechanical, heating and ventilating devices and equipment; and standards for prefabricated structures; and shall, subject to ORS 455.210, prescribe reasonable fees for the issuance of building permits and similar documents, inspections and plan review services by the Department of Consumer and Business Services. The department may also establish, by rule, the amount of any fee pertaining to the state building code or any specialty code that is authorized by statute, but for which an amount is not specified by statute. [Formerly 456.755; 1991 c.227 §2; 1991 c.310 §2; 1995 c.304 §1; 1995 c.400 §5; 1999 c.1045 §13; 1999 c.1082 §11; 2001 c.710 §8]

ORS 455.210(3)(a) is not part of this code but is reprinted here for the readers' convenience:

455.210 Fees; appeal of fees; surcharge; reduced fees; rules.

(3) (a) A municipality may adopt by ordinance or regulation such fees as may be necessary and reasonable to provide for the administration and enforcement of any specialty code or codes for which the municipality has assumed responsibility under ORS 455.148 or 455.150. A municipality shall give the director notice of the proposed adoption of a new or increased fee under this subsection. The municipality shall give the notice to the director at the time the municipality provides the opportunity for public comment under ORS 294.160 regarding the fee or, if the proposed fee is contained in an estimate of municipal budget resources, at the time notice of the last budget meeting is published under ORS 294.426. [Subsections (1) to (5) formerly 456.760; subsection (6) enacted as 1987 c.604 §6; 1997 c.856 §1; 1999 c.432 §1; 1999 c.1045 §24; 1999 c.1082 §9; 2001 c.573 §9; 2001 c.673 §1; 2005 c.193 §1; 2005 c.833 §3; 2007 c.69 §5; 2011 c.473 §29]

R108.2.1 Plan review fees. When *construction documents* are required by Section R106.1, a plan review fee shall be paid at the time of submitting the *construction documents* for plan review. Said plan review fee shall be a percentage of the building *permit* fee as established under Section R108.2. The plan review fees specified in this section are separate from the *permit* fees specified in Section R108.2 and are in addition to the *permit* fees. The state surcharge is not applied to plan review fees. When *construction documents* are incomplete or changed so as to require additional plans, an additional plan review fee shall be charged according to the rate established by the *municipality* or OAR chapter 918, division 480 where the State of Oregon has jurisdiction.

R108.3 Building permit fees. Structural and mechanical permit fees shall be based upon the uniform fee methodologies as established by OAR 918-050-0100. Valuations used to calculate structural permit fees shall be based upon the uniform methodology established by OAR 918-050-0100.

R108.4 Related fees. The payment of the fee for the construction or *alteration* for work done in connection to or concurrently with the work authorized by a building *permit* shall not relieve the applicant or holder of the *permit* from the payment of other fees that are prescribed by law.

OAR 918-050-0100 is not part of this code but is reprinted here for the reader's convenience:

918-050-0100 Statewide Fee Methodologies for Residential and Commercial Permits.

(1) Residential construction permit fees shall be calculated using the following methodologies:

(a) A plumbing permit fee for new construction includes one kitchen and is based on the number of bathrooms, from one to three, on a graduated scale. An additional set fee shall be assessed for each additional bath or kitchen.

(A) No additional fee shall be charged for the first 100 feet of water and sewer lines, hose bibbs, icemakers, underfloor low-point drains, and rain drain packages that include the piping, gutters, downspouts, and perimeter system.

(B) The plumbing permit fee described in this section does not include:

(i) Any storm water retention/detention facility;

(ii) Irrigation and fire suppression systems; or

(iii) Additional water, sewer and service piping or private storm drainage systems exceeding the first 100 feet.

(C) Permit fees for an addition, alteration, or repair shall be calculated based on the number of fixtures, appurtenances, and piping, with a set minimum fee.

(b) A mechanical permit fee shall be calculated per appliance and related equipment, with a set minimum fee.

(c) Effective January 1, 2009, a structural permit fee for new construction and additions shall be calculated using the ICC Building Valuation Data Table current as of April 1 of each year, multiplied by the square footage of the dwelling to determine the valuation. The valuation shall then be applied to the municipality's fee schedule to determine the permit fee. The plan review fee shall be based on a predetermined percentage of the permit fee set by the municipality.

(A) The square footage of a dwelling, addition, or garage shall be determined from outside exterior wall to outside exterior wall for each level.

(B) The square footage of a carport, covered porch, patio, or deck shall be calculated separately at fifty percent of the value of a private garage from the ICC Building Valuation Data Table current as of April 1.

(C) Permit fees for an alteration or repair shall be calculated based on the fair market value as determined by the building official, and then applying the valuation to the municipality's fee schedule.

(2) Commercial construction permit fees shall be calculated using the following methodologies:

(a) A plumbing permit fee shall be calculated based on the number of fixtures and footage of piping, with a set minimum fee.

(b) A mechanical permit fee shall be calculated based on the value of the mechanical equipment and installation costs and applied to the municipality's fee schedule with a set minimum fee.

(c) A structural permit fee shall be calculated by applying the valuation to the municipality's fee schedule with a minimum set fee. Valuation shall be the greater of either:

(A) The valuation based on the ICC Building Valuation Data Table current as of April 1 of each year, using the occupancy and construction type as determined by the building official, multiplied by the square footage of the structure; or

(B) The value as stated by the applicant.

(C) When the construction or occupancy type does not fit the ICC Building Valuation Data Table, the valuation shall be determined by the building official with input from the applicant.

Statutory/Other Authority: ORS 455.048 & 455.055

Statutes/Other Implemented: ORS 455.046 & 455.055

R108.5 Refunds. The *building official* is authorized to establish a refund policy.

R108.6 Work commencing before permit issuance. Any person who commences work requiring a permit on a building, [structure, or mechanical system](#) before obtaining the necessary permits shall be subject to an investigation fee. The amount of the investigation fee shall be the average or actual additional cost of ensuring that a building, structure or system is in conformance with this code and shall be in addition to the required *permit* fees.

Exception: Work exempt from building *permit*.

SECTION R109 INSPECTIONS

R109.1 General. 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 accessible and exposed for inspection purposes until *approved*. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other laws of the *municipality*. Inspections presuming to give authority to violate or cancel the provisions of this code or of other laws of the *municipality* shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the *building official* nor the state shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

R109.1.1 Foundation inspection. Inspection of the foundation shall be made after poles or piers are set or trenches or *basement* areas are excavated, and any required forms erected, and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or *equipment* and special requirements for wood foundations.

R109.1.1.1 Concrete slab or under-floor inspection. Concrete slab or under-floor inspection shall be made after in-slab or under-floor building service equipment, conduit, piping accessories and other ancillary equipment items are in place but before any concrete is placed or floor sheathing installed, including subfloor.

R109.1.2 Mechanical systems inspection. Rough inspection of mechanical systems shall be made prior to covering or concealment, before fixtures or *appliances* are set or installed, and prior to framing inspection.

Exception: Backfilling of ground-source heat pump loop systems tested in accordance with Section M2105.28 prior to inspection shall be permitted.

R109.1.3 Floodplain inspections. In flood hazard areas as [determined by the flood plain administrator](#), upon placement of the lowest floor, including *basement*, and prior to further vertical construction, the [flood plain administrator](#) shall require submission of documentation, prepared and sealed by a registered *design professional*, of the elevation of the lowest floor, including *basement*, required in Section R322.

R109.1.4 Frame and masonry inspection. Inspection of framing and masonry construction shall be made after the roof, masonry, framing, firestopping, draftstopping and bracing are in place and after the plumbing, mechanical and electrical rough inspections are *approved*.

R109.1.4.1 Moisture content. After the framing inspection and prior to the installation of interior finishes, the *building official* shall be notified in writing by the general contractor that all moisture-sensitive wood framing members used in construction have a moisture content of not more than 19 percent of the weight of dry wood framing members.

R109.1.5 Other inspections. In addition to inspections in Sections R109.1.1 through R109.1.4, the *building official* shall have the authority to make or require other inspections to ascertain compliance with this code and other laws enforced by the *building official*.

R109.1.5.1 Fire-resistance-rated construction inspection. Where fire-resistance-rated construction is required between *dwelling units* or due to location on property, the *building official* shall require an inspection of such construction after lathing or gypsum board or gypsum panel products are in place, but before any plaster is applied, or before board or panel joints and fasteners are taped and finished.

R109.1.5.2 Insulation and vapor retarder inspection. Inspection shall be made after all insulation and required vapor retarders are in place, but before any lath or gypsum board interior wall covering is applied.

Exceptions:

1. Ceiling and floor insulation visible during final inspection.
2. The *building official* may allow the frame, insulation and vapor retarder inspections to be performed simultaneously.

R109.1.5.3 Reinforced masonry, insulating concrete form (ICF) and conventionally formed concrete wall inspection. Reinforced masonry walls, insulating concrete form (ICF) walls and conventionally formed concrete walls located in Seismic Design Categories D₀, D₁, D₂ and E shall be inspected after plumbing, mechanical and electrical systems embedded within the walls and reinforcing steel are in place, and prior to placement of grout or concrete. Inspection shall verify the correct size, location, spacing and lapping of reinforcing. For masonry walls, inspection shall also verify that the location of grout cleanouts and size of grout spaces comply with the requirements of this code.

R109.1.6 Final inspection. Final inspection shall be made after all work [required by the building permit](#) is completed.

R109.1.6.1 Elevation documentation. If located in a flood hazard area, the documentation of elevations required in Section R322.1.10 shall be submitted to the *building official* prior to the final inspection.

R109.2 Inspection agencies. The *building official* is authorized to accept reports of *approved* agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

R109.3 Inspection requests. It shall be the duty of the **holder of the building permit** or their **duly authorized** agent to notify the **building official** when work is ready for inspection. It shall be the duty of the **permit holder** to provide access to and means for inspection of such work that is required by this code.

OAR 918-098-1900 is not part of this code but is reprinted here for the readers' convenience:

918-098-1900 Corrective Notices—Cite-it Write-it Requirement.

In addition to any other requirements set forth in statute and rule, all building officials, inspectors and plans examiners certified under Division 098, OAR 918-225-0540, 918-281-0020, 918-695-0400, and ORS 460.055 must include an exact reference to the applicable specialty code section, Oregon administrative rule, or statute, when issuing corrective notices at construction sites or to buildings or related appurtenances during a plan review while administering or enforcing a building inspection program. The building official, inspector, or plans examiner must include a plain statement of facts upon which the citation for correction action is based.

Statutory/Other Authority: ORS 455.720 & 455.740

Statutes/Other Implemented: ORS 455.720 & 455.740

R109.4 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the **building official**. The **building official** upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the **permit holder** or **their duly authorized** agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the **building official**.

SECTION R110 CERTIFICATE OF OCCUPANCY

R110.1 Use and occupancy. A building or structure shall not be used or occupied, and a change in the existing character, use or occupancy classification of a building or structure or portion thereof shall not be made, until the **building official** has issued a **certificate of occupancy for such change in character, use or occupancy**. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code. Nothing in this code limits a local municipality's ability to require application of its own ordinances, or to enforce its own ordinances. See OAR 918-480-0140.

Exceptions:

1. Certificates of occupancy are not required for work exempt from permits under Section R105.2.
2. *Accessory structures.*

R110.2 Change in use or occupancy. No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code, or the *Building Code* for such division or group of occupancy. Subject to the approval of the **building official**, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is not more hazardous, based on life and fire risk, than the existing use.

OAR 918-480-0140 is not part of this code but is reprinted here for the readers' convenience:

OAR 918-480-0140 Certificates of Occupancy — Residential

(1) Prior to occupancy of a new residential dwelling or townhouse the building official must issue a certificate of occupancy in the form and format established by the Division, unless a temporary certificate of occupancy is issued by the building official.

(2) For purposes of this rule, the terms "residential dwelling" and "townhouse" have the same meaning as in Section R202 of the Oregon Residential Specialty Code.

(3) Before the certificate of occupancy is issued, the general contractor or owner who was issued the structural permit for construction must provide to the building official the contact information and relevant license information for the general contractor, as well as any electrical contractor, H-VAC contractor and plumbing contractor that performed work on the residential dwelling or townhouse.

(4) A building official may revoke a certificate of occupancy or a temporary certificate of occupancy when the residential dwelling or townhouse is in violation of applicable law that poses a threat to health and safety. The revocation must be in writing and state the basis for the revocation of the certificate of occupancy.

Statutory/Other Authority: ORS 455.055

Statutes/Other Implemented: ORS 455.055

R110.3 Certificate issued. After the **building official** inspects the building or structure and does not find violations of the provisions of this code or other laws that are enforced by the department of building safety, the **building official** shall issue a certificate of occupancy containing the following:

1. The building *permit* number.
2. The address of the structure.
3. The name and address of the owner or the owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code.
6. The name of the **building official**.
7. The edition of the code under which the *permit* was issued.
8. If an automatic sprinkler system is provided and whether the sprinkler system is required.
9. Any special stipulations and conditions of the building *permit*.

R110.4 Temporary occupancy. The **building official** is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the *permit*, provided that such portion or portions shall be occupied safely. The **building official** shall set a time period during which the temporary certificate of occupancy is valid.

R110.5 Revocation. The **building official** is authorized to, in writing, suspend or revoke a certificate of occupancy or **certificate of completion** issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any of the provisions of this code. Nothing in this code limits a local municipality's ability to require application of its own ordinances, or to enforce its own ordinances.

SECTION R111 SERVICE UTILITIES

Not adopted by the State of Oregon Building Codes Division as part of the *state building code*. Municipalities may have independent local authority regarding service utilities.

SECTION R112 BOARD OF APPEALS

R112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code, the *municipality* shall establish an appeals procedure. [ORS 455.475 provides an alternative appeal process to that set forth by the local municipality.](#)

R112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall not have authority to waive requirements of this code.

ORS 455.475 is not part of this code but is reprinted here for the readers' convenience:

455.475 Appeal of decision of building official. A person aggrieved by a decision made by a building official under authority established pursuant to ORS 455.148, 455.150 or 455.467 may appeal the decision. The following apply to an appeal under this section:

(1) An appeal under this section 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.

(2) 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 subsection, 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.

(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.

Forms for appeals under ORS 455.690 and ORS 455.475 are available online at Oregon.gov/bcd.

R112.3 Qualifications. An appeals board shall consist of members who are qualified by experience and training to pass judgement on matters pertaining to building construction.

R112.4 Administration. Not adopted by the State of Oregon Building Codes Division as part of the *state building code*.

SECTION R113 VIOLATIONS

R113.1 Prohibited acts. Prohibited acts are as described in ORS 455.450.

ORS 455.450 is not part of this code but is reprinted here for the readers' convenience:

455.450 Prohibited acts. A person shall not:

(1) Violate, or procure or assist in the violation of, any final order of the Director of the Department of Consumer and Business Services, an advisory board, a state administrative officer or any local appeals board, building official or inspector, concerning the application of the state building code in a particular case or concerning a license, certificate, registration or other authorization.

(2) Engage in, or procure or assist any other person to engage in, any conduct or activity for which a permit, label, license, certificate, registration or other formal authorization is required by any specialty code, any provision of ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 446.566 to 446.646, 446.666 to 446.746, 479.510 to 479.945, 479.950 and 480.510 to 480.670, this chapter or ORS chapter 447, 460 or 693, or any rule adopted or order issued for the administration and enforcement of those provisions, without first having obtained such permit, label, license, certificate, registration or other formal authorization.

Violate, or procure or assist in the violation of, any standard, specification, requirement, prohibition or other technical provision set forth in the state building code or an applicable local building code or in any rule or order of the Department of Consumer and Business Services, an advisory board, a local governing body or local building official.

R113.2 Notice of violation. The *building official* is authorized to serve a notice of violation or order on the person responsible for the erection, construction, *alteration*, extension, repair, moving, or occupancy of a building or structure in violation of the provisions of this code, or in violation of a detail statement or a plan *approved* thereunder, or in violation of a *permit* or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

R113.3 Prosecution of violation. If the notice of violation is not complied with in the time prescribed by such notice, the *building official* is authorized to request the legal counsel of the *municipality* to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

R113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

SECTION R114 STOP WORK ORDER

Not adopted by the State of Oregon Building Codes Division as part of the *state building code*. Municipalities may have independent local authority regarding stop orders.

SECTION R115 PREFABRICATED CONSTRUCTION

R115.1 General. See ORS 455.010 and OAR chapter 918, division 674.

ORS 455.010(6) is not part of this code but is reprinted here for the readers' convenience:

ORS 455.010 Definitions

(6) "Prefabricated structure":

- (a) Means a building or subassembly that has been in whole or substantial part manufactured or assembled using closed construction at an off-site location to be wholly or partially assembled on-site.
- (b) Does not mean a manufactured dwelling.

SECTION R116 INSPECTION CARD

R116.1 Record required. The *permit* holder or *permit* holder's agent shall post the inspection record on the job site in an accessible and conspicuous place to allow the *building official* to make the required entries. The record shall be maintained by the *permit* holder until the final inspection has been made and approved. The building official may adopt local policies approving alternative inspection recording methods.

SECTION R117 MOVED BUILDINGS

R117.1 Moved buildings. See ORS 455.410.

ORS 455.410 is not part of this code but is reprinted here for the readers' convenience:

455.410 Relocated buildings; substantial compliance required; permits.

(3) Existing buildings or structures which are removed from their foundation and relocated to another site within this state shall be in substantial compliance as defined in sub- sections (2) and (3) of this section.

(4) "Substantial compliance" means compliance with local construction codes in effect as of the original permit date of the building or structure, or where there was no permitting required at the time of original construction, with basic health and safety standards, as described in the closest dated *Uniform Housing Code*, as published by the International Conference of Building Officials as of the date of construction. Only the insulation, overhead and underneath the structure, shall be upgraded to the current insulation requirements of the state building code, or to the maximum extent possible subject to the design of the structure. Nothing in this statute shall be construed to mean that all heating, plumbing and electrical systems shall be replaced with systems meeting current standards for new construction, except that any life-threatening deficiencies in those systems shall be repaired, notwithstanding that the cost of rehabilitation may exceed 50 percent of the value of the structure before rehabilitation.

(5) All foundation and basement construction on the structure and any remodeling at the new location shall be constructed subject to all applicable local current building and safety codes, or where none exist, with the applicable standards as described in the *Uniform Housing Code* described in subsection (2) of this section.

(6) All moved houses shall be provided with either battery- operated or hard-wired smoke detection devices located in accordance with the provisions of the state building code.

(7) Nothing in this section is intended to permit any person to move a structure unless the person first consults the appropriate building inspection authority and obtains all required permits.

SECTION R118 HISTORIC BUILDINGS

R118.1 Repairs, alterations and additions. Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a historical building may be made without conforming to all of the requirements of this code when authorized by the *building official*, provided:

1. The building has been officially designated a historic building.
2. Unsafe conditions are corrected.
3. The restored building will be no more hazardous, based on life and fire risk, than the existing building.
4. The *building official* seeks the advice of the State of Oregon Historic Preservation Office.

In the case of appeals related to historic buildings, the local appeals board or the appropriate state appeals board shall seek the advice of the state historic preservation officer.

2021 Building Code Update

- Chapter 1 of Oregon Structural Specialty Code (OSSC)
- Chapter 1 of Oregon Residential Specialty Code (ORSC)
- Updated Language regarding BCD's scope of authority

Chapter 15 updates

- Local Adoption of regulation no longer within BCD's scope of authority.
- Update City code Section 15.04.080. Specifically updating language on Penalties, Right of Entry, Stop Work Orders and Enforcement of Local Ordinances.
- Update local adopted fire code to that adopted by CRF&R.

Effective April 1, 2021

SCOPE AND ADMINISTRATION

CHAPTER 1
SCOPE AND ADMINISTRATION

PART 1—SCOPE AND APPLICATION

SECTION 101
GENERAL

101.1 Title. These regulations shall be known as the *Oregon Structural Specialty Code* and may be cited as such and will be referred to herein as “this code.”

101.2 Scope. The scope of this code is as provided in ORS 455.020(1).

ORS 455.020 is not part of this code but is reprinted here for the reader's convenience:

455.020 Purpose; scope of application; exceptions; scope of rules; fees by rule.

(1) This chapter is enacted to enable the Director of the Department of Consumer and Business Services to promulgate a state building code to govern the construction, reconstruction, alteration and repair of buildings and other structures and the installation of mechanical devices and equipment therein, and to require the correction of unsafe conditions caused by earthquakes in existing buildings. The state building code shall establish uniform performance standards providing reasonable safeguards for health, safety, welfare, comfort and security of the residents of this state who are occupants and users of buildings, and will provide for the use of modern methods, devices, materials, techniques and practicable maximum energy conservation. [Formerly 456.755; 1991 c.227 §2; 1991 c.310 §2; 1995 c.304 §1; 1995 c.400 §5; 1999 c.1045 §13; 1999 c.1082 §11; 2001 c.710§8]

The *Oregon Structural Specialty Code* as adopted by the State of Oregon, Building Codes Division, includes portions of the *International Building Code*, the *International Fire Code* and other nationally adopted codes.

It does not include provisions of the “State Fire Code” adopted under the State Fire Marshal’s statutory authority. Unlike the “State Fire Code,” the provisions of the *Oregon Structural Specialty Code* shall apply to the construction, reconstruction, alteration, repair and installation of materials and equipment in or a part of buildings and structures covered under the *state building code*.

Detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the *Residential Code*.

101.2.1 Optional local adoption. In addition to the work exempt from building permit in Section 105, the following matters are exempt from building permits unless specifically required by a municipality’s local ordinance. If a municipality adopts an ordinance to require a permit for any of the items below, the construction standards of this code shall be applicable:

1. Protection of adjoining property.
2. Retaining walls. Statewide, retaining walls that provide safeguards for the users of buildings; support accessible parking; support a regulated building; or retain material, which if not restrained, could impact a regulated building, shall require a building permit. A municipality may adopt an ordinance to regulate other retaining walls, provided that the threshold established for requiring a permit does not include retaining walls 4 feet (1219 mm) or less in height, when measured from the bottom of the footing to the top of the wall, except where the retaining wall supports ascending slopes exceeding 3:1 or where the retaining wall supports a nonsoil surcharge. A local height threshold greater than 4 feet (1219 mm) is allowed.
3. Fences, other than required swimming pool barriers, constructed of wood, wire mesh or chain link. Statewide, fences serving as a swimming pool barrier, or as a portion of a swimming pool barrier, for swimming pools accessory to not more than four dwelling units shall require a building permit. A municipality may adopt an ordinance to regulate the construction of other fences constructed of wood, wire mesh or chain link, provided that the threshold established for requiring a building permit does not include fences that are 7 feet (2134 mm) or less in height. A municipality may adopt an ordinance to regulate fences constructed of materials other than wood, wire mesh or chain link, regardless of height. A local height threshold greater than 7 feet (2134 mm) is allowed, regardless of which materials are used.
4. Tanks that are located exterior to and not attached to or supported by a regulated building.
5. Cellular phone, radio, television and other telecommunication and broadcast towers that are not attached to or supported by a regulated building.
6. Flagpoles not attached to or supported by a regulated building. A local municipality may adopt an ordinance to require a permit for these structures provided that a permit is not required for these structures that are 25 feet (7620 mm) or less in height. A local height threshold greater than 25 feet (7620 mm) is allowed.

SCOPE AND ADMINISTRATION

7. Ground-mounted photovoltaic systems. A local municipality may adopt an ordinance requiring a building permit for these structures, provided that a permit is not required where these structures are 10 feet (3048 mm) or less in height measured to the highest point of the installation and no public access is permitted beneath the structures. A local height threshold greater than 10 feet (3048 mm) is allowed.
8. Signs not located in a public right-of-way, and not attached to or supported by a regulated building, which may include local adoption of Appendix H.
9. Fixed docks, piers or wharves with no superstructure.
10. Equipment shelters not intended for human occupancy with a building area of 250 square feet or less, designated as Risk Category I or II.

11. Unoccupied grain elevators and silos not exempted by ORS 455.315.

12. Tsunami loads, in accordance with Appendix O.

13. Rodentproofing, in accordance with Appendix F.

14. The design and construction of in-ground swimming pools accessory to not more than four dwelling units.

101.2.2 Matters not available for local regulation under the statutory authority of the state building code. While the following matters may be included in the published national model code, they may not be regulated by the local municipality under the authority of the *state building code*. Any references to these matters in this code have been retained for the convenience of the reader.

101.2.2.1 Matters outside the statutory authority of the state building code. The following matters are outside the statutory authority of the *state building code* in Oregon. Local municipalities may not regulate these matters under the *state building code*. A municipality may have additional authority outside of the *state building code* to regulate these matters locally, where not preempted:

1. Pursuant to the regulation of dangerous buildings, a municipality may adopt seismic rehabilitation plans that provide for phased completion of repairs that are designed to provide improved life safety but that may be less than the standards for new buildings.
2. Abatement of nuisances and dangerous buildings.
3. Portable fire extinguishers.
4. Fire safety during construction.
5. Public utility towers and poles.
6. Building or structure encroachments into the public right-of-way.
7. Demolition.
8. Hydraulic flood control structures, including but not limited to dams and levees.
9. Mechanical equipment not specifically regulated in the *state building code*.
10. Temporary use of streets, alleys and public property.

11. Floating structures.
12. Detached tents and other membrane structures erected for periods of 180 days or less.
13. Administration and implementation of a National Flood Insurance Program (NFIP).
14. Transitional housing accommodations.
15. Employee qualifications, in accordance with Appendix A.
16. Fire districts, in accordance with Appendix D.
17. Flood-resistant construction, in accordance with Appendix G.
18. Grading, in accordance with Appendix J.
19. Construction located in the public right-of-way.

R101.2.2.2 Matters preempted by the state building code. The following matters are preempted by the *state building code* and may not be adopted by a local municipality:

1. Appendix B (Board of Appeals).
2. Appendix E (Supplementary Accessibility Requirements).
3. Appendix K (Administrative Provisions).
4. Appendix L (Earthquake Recording Instrumentation).
5. Appendix M (Tsunami-generated Flood Hazard).
6. Appendix N (Replicable Buildings).

101.2.3 Appendices adopted. The following appendices are adopted by the State of Oregon, Building Codes Division, as part of the *state building code*:

1. Appendix C (Agricultural Buildings).
2. Appendix I (Patio Covers).
3. Appendix P (Tall Wood Buildings).

101.3 Purpose. The purpose of this code, as provided in ORS 455.020(1) and noted in Section 101.2, is to establish the minimum requirements to provide a reasonable level of safety, health and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations. It is not the purpose of this code to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code. Nothing in this code limits a local municipality’s ability to require application of its own ordinances, or to enforce its own ordinances.

SECTION 102
APPLICATION

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Consistent with discretionary decision-making powers granted to building officials, a building official may take any action including but not

2021 ORSC

CHAPTER 1
SCOPE AND ADMINISTRATION

PART 1—SCOPE AND APPLICATION

SECTION R101
GENERAL

R101.1 Title. These provisions shall be known as the *Oregon Residential Specialty Code* and shall be cited as such and will be referred to herein as “this code.”

R101.2 Scope. The *Oregon Residential Specialty Code*, as adopted by the State of Oregon, Building Codes Division, includes portions of the *International Residential Code* and the *International Fire Code* pertaining to any construction, reconstruction, alteration, repair and installation of materials and equipment in or part of buildings and structures covered under the *state building code*.

R101.2.1 Application. The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use, occupancy and location of the following:

1. Detached one- and two-family dwellings and townhouses classified as Group R-3, not more than three stories above grade plane in height, and their accessory structures.
2. Detached owner-occupied lodging houses containing not more than five guest rooms.
3. Residential aircraft hangars as defined in Section R202.
4. Live/work units located in detached one- and two-family dwellings and townhouses and complying with the requirements of Section 419 of the *Building Code*.

The following uses shall comply with the *Building Code*:

1. New “family childcare” uses and new “foster care” uses identified in ORS Chapters 418, 443 and 329A, located within detached one-family dwellings, shall be classified as Group R-3 occupancies.
2. Congregate living facilities.

Consistent with discretionary decision-making powers granted to building officials, a building official may take any action including but not limited to waiving a requirement, modifying a requirement and/or accepting an alternate method to the requirements of the *state building code*. When waiving or accepting a modification, a building official shall not allow a provision that would create an unsafe or dangerous condition regarding fire and life safety, and may not enforce requirements that are in addition to the *state building code* except where additional code requirements are specified by the terms of an alternate method approval.

Blue = Existing added language
~~Strikethrough and red~~ = New deleted language
Blue and underline = New to ORSC language

R101.2.2 Optional local adoption. In addition to the work exempt from building permits in Section R105, the following items are exempt from building permits unless specifically required by a municipality’s local ordinance. If a municipality adopts an ordinance to require a permit for any of these items, the construction standards of this code shall be applicable:

1. Fences, other than required swimming pool barriers, constructed of wood, wire mesh or chain link. Statewide, fences serving as a swimming pool barrier, or as a portion of a swimming pool barrier, shall require a building permit. A municipality may adopt an ordinance to regulate the construction of other fences constructed of wood, wire mesh or chain link, provided that the threshold established for requiring a building permit does not include fences that are 7 feet (2134 mm) or less in height. A municipality may adopt an ordinance to regulate fences constructed of materials other than wood, wire mesh or chain link, regardless of height. A local height threshold greater than 7 feet (2134 mm) is allowed, regardless of which materials are used.
2. Retaining walls. Statewide, retaining walls that provide safeguards for the users of the buildings, support a regulated building or retain material that, if not restrained, could impact a regulated building shall require a building permit. A municipality may adopt an ordinance to regulate other retaining walls, provided that the threshold established for requiring a permit does not include retaining walls 4 feet (1219 mm) or less in height, when measured from the bottom of the footing to the top of the wall except where the retaining wall supports ascending slopes exceeding 3:1 or where the retaining wall supports a nonsoil surcharge. A local height threshold greater than 4 feet (1219 mm) is allowed.
3. Freestanding radio television and other telecommunication antennae and towers not attached to or supported by a regulated building. A local municipality may adopt an ordinance to require a building permit for these structures.
4. Ground-mounted photovoltaic systems. A local municipality may adopt an ordinance requiring a building permit for these structures, provided that a permit is not required where these structures are 10 feet (3048 mm) or less in height measured to the highest point of the installation and no public access is permitted beneath the structures. A local height threshold greater than 10 feet (3048 mm) is allowed.
5. Tanks that are located exterior to and not attached to or supported by a regulated building.
6. Fixed docks not supporting a superstructure.
7. The design and construction of in-ground swimming pools accessory to detached one- and two-family dwellings, and individual townhouse dwelling units.

R101.2.3 Matters not available for local regulation under the statutory authority of the state building code. While the following matters may be included in the published national model code, they may not be regulated by the local municipality under the authority of the *state building code*. Any references to these matters in this code have been retained for the convenience of the reader.

R101.2.3.1 Matters outside the statutory authority of the state building code. The following matters are outside the statutory authority of the *state building code*. Local municipalities may not regulate these matters under the *state building code*. A municipality may have additional authority outside of the *state building code* to regulate these matters locally, where not preempted:

1. Public utility facilities owned and maintained by the serving utility.
2. Abatement of nuisances and dangerous buildings.
3. Demolition.
4. Floating structures.
5. Floating docks.
6. Transitional housing accommodations.
7. Administration and implementation of a National Flood Insurance Program (NFIP).
8. Mechanical equipment not specifically regulated in this code.

R101.2.3.2 Matters preempted by the state building code. The following matters are not adopted and are preempted by the *state building code* and may not be adopted by a local municipality:

1. Appendix A (Sizing and Capacities of Gas Piping).
2. Appendix B (Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category 1 Appliances, and Appliances listed for use with Type B Vents).
3. Appendix C (Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems).
4. Appendix D (Recommended Procedure for Safety Inspection of an Existing Appliance Installation).
5. Appendix G (Piping Standards for Various Applications).
6. Appendix I (Private Sewage Disposal).
7. Appendix J (Existing Buildings and Structures).
8. Appendix L (Permit Fees).
9. Appendix M (Home Day Care—R-3 Occupancy).
10. Appendix N (Venting Methods).
11. Appendix O (Automatic Vehicular Gates).
12. Appendix P (Sizing of Water Piping System).
13. Appendix Q (Tiny Houses).
14. Appendix T (Solar-ready Provisions—Detached One- and Two-family Dwellings and Townhouses).

R101.2.4 Appendices. The following appendices are adopted as part of this code:

1. Appendix E (Manufactured Housing Used as Dwellings).
2. Appendix F (Radon Control Methods).
3. Appendix H (Patio Covers).
4. Appendix K (Sound Transmission).
5. Appendix R (Light Straw-clay Construction).
6. Appendix S (Strawbale Construction).

R101.3 Owner-built dwellings. For exempt owner-built dwellings and outbuildings, see ORS 455.320.

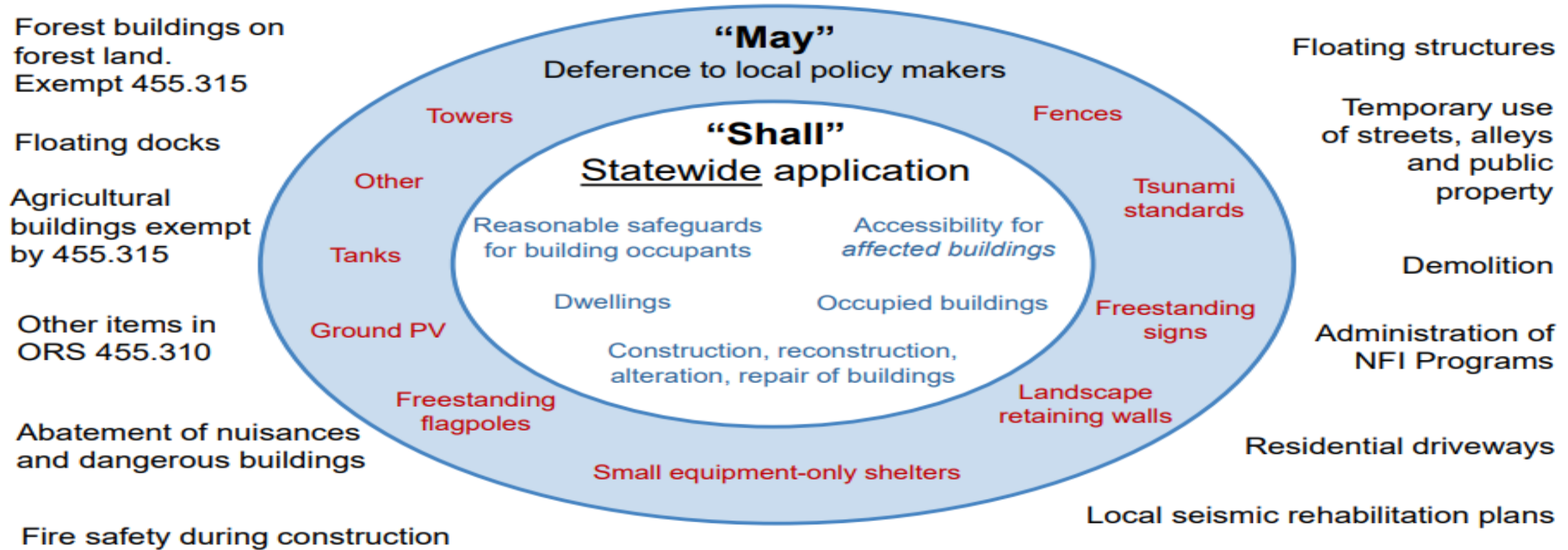
ORS 455.320 is not part of this code but is reprinted here for the readers’ convenience:
455.320 Owner-built dwellings exempt from certain structural code provisions; recording of exemption. (1) As used in this section, unless the context requires otherwise:
(a) “Owner” means the owner of the title to real property or the contract purchaser of real property, of record as shown on the last available complete assessment roll which person has not taken advantage of the exemptions under subsection (2) of this section during the five years prior to applying for an exemption under this section.
(b) “Owner-built dwelling and outbuildings” means a single-family residence and adjacent auxiliary structures the structural components of which are constructed entirely by the owner who intends to occupy the structures or by that owner and friends and relatives of the owner assisting on an unpaid basis.
(2) Owner-built dwellings and outbuildings shall be exempt from any requirements of the structural code for ceiling heights, room sizes and the maintenance of specific temperature levels in those structures. The exemption shall apply to the new construction, renovation, remodeling or alteration of an owner-built dwelling or outbuilding.
(3) A building permit issued for an owner-built dwelling or outbuilding shall note whether the owner-built dwelling or outbuilding complies with the requirements it is exempted from under subsection (2) of this section. If the dwelling or other structure does not comply with these requirements, the owner-builder shall file a copy of the building permit with the county clerk, who shall make the permit a part of the permanent deed record of the property. The owner shall provide the county clerk with a description of the property sufficient if it were contained in a mortgage of the property to give constructive notice of the mortgage under the law of this state.
(4) Noncompliance with subsection (3) of this section shall not affect, in any manner, any conveyance of interest in property subject to this section. [Formerly 456.920]

R101.4 Intent. The purpose of this code is to establish minimum requirements to provide a reasonable level of safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment, and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations.

R101.5 Statutory references. This code is adopted pursuant to Oregon Revised Statutes (ORS). Where this code and the statutes specify different requirements, the statute shall govern. Statutes related to this code include, but are not limited to, ORS 455.010 through 455.895.

Chapter 1 – Administrative Updates - Scope

CHANGE SUMMARY: Chapter 1 has been updated to accurately reflect scoping policy, delegated authority, local allowances and applicable construction standards.



Not Regulated Under ORS 455
(outside of both circles)



2019 OREGON STRUCTURAL SPECIALTY CODE

Based on the 2018 International Building Code®

Department Recommendations for Local Adoption: **State Building Codes Applicable**

Item #4.

- Protection of adjoining property
- Retaining walls greater than 4 feet in height.
- Fences greater than 7 feet in height
- Tanks
- Communication towers
- Flagpoles greater than 25 feet in height
- Ground mounted photovoltaic systems greater than 10' in height
- Sign not located in a public right of way.
- Fixed dock, piers or wharves with no superstructure
- Equipment Shelters not intended for human occupancy with a building area of 250 feet or less
- Unoccupied grain elevators and silos not exempted by Oregon Law
- Rodent Proofing
- Inground swimming pools accessory to not more than four dwellings.

Not recommended for adoption

- Tsunami Loads

Page 63



Department Recommendations for adoption. Matters outside the statutory authority of the state building code.

- Portable fire extinguishers
- Fire Safety During Construction
- Buildings or Structure encroachments into the public right of way
- Demolition
- Hydraulic flood control structures
- Mechanical equipment not specifically regulated by the State Building Codes
- Flood Resistant Construction
- Transitional Housing accommodations

Not Recommended for Adoption

- Detached tents and other membrane structures erected for 180days or less
- Seismic Rehabilitation Plans with regards to dangerous buildings
- Employee Qualification in accordance with Appendix A
- Fire Districts
- Construction located within the public right of way.
- Public utility towers and poles

Currently Adopted

- Floating Structures
- Abatement of nuisances and dangerous buildings.
- Administration of the National Flood Insurance Program (Chapter 17)
- Grade and fill, in accordance with Appendix J

104.5 Right of entry. (Not adopted by the State of Oregon, Building Codes Division, as part of the *state building code*.)



RIGHT OF ENTRY



&



STOP WORK ORDERS

**SECTION 115
STOP WORK ORDER**

Not adopted by the State of Oregon Building Codes Division as part of the *state building code*. Municipalities may have independent local authority regarding stop work orders.

Ability for the City to apply and enforce its own ordinances

107.3 Examination of documents. The *building official* shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws ~~or ordinances~~. Nothing in this code limits a local *municipality's* ability to require application of its own ordinances, or to enforce its own ordinances.

105.6 Suspension or revocation. The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this code wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ~~ordinance or regulation or any~~ of the provisions of this code. Nothing in this code limits a local *municipality's* ability to require application of its own ordinances, or to enforce its own ordinances.

111.4 Revocation. The *building official* is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ~~ordinance or regulation or any~~ of the provisions of this code. Nothing in this code limits a local *municipality's* ability to require application of its own ordinances, or to enforce its own ordinances.



2019 OREGON FIRE CODE

Based on the 2018 International Fire Code®



Adoption of the
2019 Oregon Fire
Code
As Recommended
by CRF&R

PROJECT ACTION PLAN

This Project Action Plan is intended as a tool for planning and monitoring how management staff will achieve the goals and objectives set by the City Council in the 2020-2022 Strategic Workplan. Management staff will complete this form for each Council project, it will be updated periodically and shared during scheduled Council department reports. This information is public, posted on the city's website and used to ensure accountability and share with our community.

Lead Department:	Planning
City Council Goal / Tactic:	GOAL AREA 4 ECONOMIC DEVELOPMENT / Develop City Owned Property for Development
Project Summary:	<p>Property consists of multiple lots and undeveloped rights-of-way. Tasks include right-of-way vacations, right-of-way dedication where N. 12th Street transitions to N. 11th Street, and eliminating property lines (e.g., a replat process).</p> <p>May also include expanding a Planned Development overlay zone that only covers a portion of the property currently.</p>
Estimated Completion:	June 2022?
ACTION PLAN	
1. Background of Project: <ul style="list-style-type: none"> This property is known by city staff as the “earth removal case” property. Before city ownership in 2017, it was owned privately. There was a proposal to “mine” the bluff by removing it entirely including creating a hole. The bluff is largely composed of basalt rock. The mining issue was challenged up to the Oregon Court of Appeals in <i>St. Helens LLC v. City of St. Helens</i> (LUBA No. 2014-067), but the City’s determination that the proposal was “mining” which is not allowed in this area was upheld. Main objective is to clean property line and right-of-way issues up to make the property more marketable and create less steps for a future development. Another objective is to ensure wetland protection zone regulations are acknowledged / reflected in outcome. 	
2. Current Status of Project: <ul style="list-style-type: none"> Not started. 	
3. Strategic Steps to Accomplish Project: <ul style="list-style-type: none"> TBD 	
4. Estimated Cost of Project: <ul style="list-style-type: none"> \$0 to \$25,000 depending on how much service if needed from a professionally licensed surveyor. 	
5. Barriers to Complete: <ul style="list-style-type: none"> TBD 	

Updated 4.08.2021 by JAG

PROJECT ACTION PLAN

This Project Action Plan is intended as a tool for planning and monitoring how management staff will achieve the goals and objectives set by the City Council in the 2020-2022 Strategic Workplan. Management staff will complete this form for each Council project, it will be updated periodically and shared during scheduled Council department reports. This information is public, posted on the city's website and used to ensure accountability and share with our community.

Lead Department:	Administration – Finance – UB Planning
City Council Goal / Tactic:	Goal 3 – Maintain Safe/Inviting Public Services & Facilities
Project Summary:	Redo front façade of Utility Billing and Court Department (known as Bennet Building)
Estimated Completion:	June 2021

ACTION PLAN

1. Background of Project:

- UB went through a complete interior remodel. Court went through small interior remodel. UB remodel involved redoing HVAC and changing drop ceiling that involved tearing out old HVAC that went into front windows, causing a need for replacement.
- Exterior changes to buildings within the Riverfront District require review by the Historic Landmarks Commission. The window replacement was not on the original Building Permit. Work stopped when the Historic Landmarks Commission reviewed the proposal (including the window replacement) and made a recommendation to redo the windows and incorporate historic accuracy into the full design of the future façade changes
- The Planning Department reached out to an architectural firm with historic preservation expertise (Arciform) to re-design the front façade of the building, including the windows. This firm is unique in that they do the design and build out in house, as opposed to just design services.

2. Current Status of Project:

- The Personal Services Agreement with Arciform was approved at the September 16, 2020 Council meeting to complete develop two options (Plan A & Plan B) for the façade based on the as-built sketches and feedback provided at a Project Team Meeting.
- Phase I, which includes all new storefront and all new transom windows was approved by City Council.
- Building Permit was received in May 2021.
- Windows are being fabricated and anticipated to be installed in May/June 2021.
- Staff will re-visit the remainder of the façade work (Phase II) when other interior work is considered.

3. Strategic Steps to Accomplish Project:

- Arciform to deliver and install the windows in May/June 2021.

4. Estimated Cost of Project:

- The cost for the design services will range from \$4,500 to \$6,500.
- The cost for the window fabrication, delivery, and install is \$40,487.

5. Barriers to Complete:

- None at this time.

Updated by JD on 04/08/21

PROJECT ACTION PLAN

This Project Action Plan is intended as a tool for planning and monitoring how management staff will achieve the goals and objectives set by the City Council in the 2020-2022 Strategic Workplan. Management staff will complete this form for each Council project, it will be updated periodically and shared during scheduled Council department reports. This information is public, posted on the city's website and used to ensure accountability and share with our community .

Lead Department:	Community Development
City Council Goal / Tactic:	Economic Development / Create a Riverfront District Development Plan
Project Summary:	Boardwalk Design & Construction (Riverwalk Phase I and II)
Estimated Completion:	Spring 2022

ACTION PLAN

1. Background of Project:

- The Riverwalk Project will construct a new pathway along the City-owned waterfront property. Project components include a boardwalk, scenic overlook features, furnishings, lighting, railing, and areas for interpretive signage and civic artwork
- The Framework Plan (2018) identified the desire for public access along the Columbia River. Further, the Urban Renewal Plan (2018) identified this project as a high priority for the agency. The City applied for two Oregon Parks & Recreation Grants, the Land & Water Conservation Fund (LWCF) and the Local Government Grant Program (LGGP). The \$500k from LWCF is pending approval from the National Parks Service. \$338k was awarded by the LGGP and the grant contract was executed early April 2021.
- The City is also pursuing funding through Business Oregon's Infrastructure Finance Authority (IFA) through their Special Public Works Fund, which is a low interest loan program. This would fund all design and construction for Riverwalk Phase I, less the potential state grants.

2. Current Status of Project:

- The City selected Mayer Reed for the design, engineering, and permitting for Riverwalk Phase I which includes all Columbia River public access within Columbia View Park and slightly outside of the park (terminates approximately across from the Cowlitz Street right-of-way). The project will include 30 percent design of the remainder of the public access (Riverwalk Phase II) which extends all the way to Plymouth Street.
- Also included in this contract is the design, engineering, and permitting for the new amphitheater to replace the gazebo/stage that will utilize the existing seating in Columbia View Park.
- The project schedule has been broken into two work orders. Council authorized Work Order #1, which includes 30% design for the entire Riverwalk and stage. It includes 1 public meeting, and 4 technical advisory committee meetings through July 2021.
- Work Order #2 will go before Council for approval June or July 2021.

3. Strategic Steps to Accomplish Project:

- Mayer Reed to work through the approved Work Order #1 scope of work.
- Riverwalk Project team to coordinate with the Streets & Utilities Extension Project team to ensure a comprehensive design.

4. Estimated Cost of Project:

- Design: Work Order #1 is around \$163,000.
- Construction: Riverwalk Phase I construction is anticipated around \$1.5 million.

5. Barriers to Complete:

- None at this time.

PROJECT ACTION PLAN

This Project Action Plan is intended as a tool for planning and monitoring how management staff will achieve the goals and objectives set by the City Council in the 2020-2022 Strategic Workplan. Management staff will complete this form for each Council project, it will be updated periodically and shared during scheduled Council department reports. This information is public, posted on the city's website and used to ensure accountability and share with our community.

Lead Department:	Planning
City Council Goal / Tactic:	Livable & Safe Community / Community Development Block Grant – Columbia Pacific Food Bank Renovation
Project Summary:	Grant management of the Community Development Block Grant for Columbia Pacific Food Bank's relocation
Estimated Completion:	December 2021

ACTION PLAN**1. Background of Project:**

- The City applied and received a \$1.5 million grant award from the state of Oregon's Community Development Block Grant program at the request and behalf of the Columbia Pacific Food Bank in January 2019. The Food Bank is moving from their inadequate and small location on Milton Way to the former Columbia Feed & Seed building on Columbia Blvd. The City is managing the grant funds and involved in the design and construction of the project.

2. Current Status of Project:

- The construction contract was awarded to JH Kelly, who has begun demolition work. Structural, plumbing, and mechanical permits were issued. JH Kelly is in the process of preparing their electrical permit. Construction schedule states completion by October 2021. The CDBG Program requires that the project be completed by December 2021.

3. Strategic Steps to Accomplish Project:

- JH Kelly will continue to work through the construction schedule. Project team will work to address any unanticipated issues that may come up during construction.

4. Estimated Cost of Project:

- \$1.6 million

5. Barriers to Complete:

- None at this time.

Updated by JD 04/08/21.

PROJECT ACTION PLAN

This Project Action Plan is intended as a tool for planning and monitoring how management staff will achieve the goals and objectives set by the City Council in the 2020-2022 Strategic Workplan. Management staff will complete this form for each Council project, it will be updated periodically and shared during scheduled Council department reports. This information is public, posted on the city's website and used to ensure accountability and share with our community .

Lead Department:	Community Development
City Council Goal / Tactic:	Economic Development / Create an Industrial Park Development Plan
Project Summary:	St. Helens Industrial Business Park Master Plan – Parcelization Plan & Infrastructure Funding Plan
Estimated Completion:	January 2021
ACTION PLAN	
1. Background of Project: <ul style="list-style-type: none"> Department of Land Conservation & Development (DLCD) awarded the City with a \$50,000 technical assistance grant in December 2019. Due to the COVID-19 pandemic, the grant was reduced to \$41,156 on September 18, 2020. The grant award was to create a St. Helens Industrial Business Park Master Plan, which includes two main components a Parcelization Plan and an Infrastructure Funding Plan. The Parcelization Plan included a Market Update which was to inform the City of the ideal parcel size and potential users for redevelopment of the site. The Infrastructure Funding Plan includes a phased infrastructure funding plan with estimated costs for street and utility development. It looks at existing revenue sources and makes recommendations for how and when to fund the infrastructure incrementally. 	
2. Current Status of Project: <ul style="list-style-type: none"> The Parcelization Plan is complete. The Infrastructure Funding Plan is complete. Both plans were adopted January 20, 2021 unanimously by Council. 	
3. Strategic Steps to Accomplish Project: <ul style="list-style-type: none"> None at this time. 	
4. Estimated Cost of Project: <ul style="list-style-type: none"> The hard cost to the City went from \$0 to \$8,844 due to the budget shortfall at DLCD. 	
5. Barriers to Complete: <ul style="list-style-type: none"> There are no barriers to complete this project. 	

Updated by JD 04/08/21.

PROJECT ACTION PLAN

This Project Action Plan is intended as a tool for planning and monitoring how management staff will achieve the goals and objectives set by the City Council in the 2020-2022 Strategic Workplan. Management staff will complete this form for each Council project, it will be updated periodically and shared during scheduled Council department reports. This information is public, posted on the city's website and used to ensure accountability and share with our community .

Lead Department:	Community Development
City Council Goal / Tactic:	Economic Development / Update Revenue Projections for the Urban Renewal Agency
Project Summary:	Update tax-increment financing projections of the URA since revenues fell short of original 2017 projections
Estimated Completion:	November 4, 2020

ACTION PLAN**1. Background of Project:**

- Historical growth in assessed value in the St. Helens URA has failed to keep pace with the original projections in the St. Helens Urban Renewal Plan (2017). The gap between actual and projected assessed value grew to \$32.6 million in FYE 2020, due largely to the closure of the Armstrong World Industries manufacturing facility. With assessed value lower than the certified frozen base, the URA received essentially no TIF revenue in FYE 2020. This has resulted in no financial capacity to invest in urban renewal projects and jeopardizes the ability of the URA to incur the full amount of authorized maximum indebtedness before the target termination date in FYE 2043.
- Amending the URA boundary to include additional development opportunities could increase the financial capacity of the URA. City staff identified several properties which will help the URA meet the maximum indebtedness and fund priority projects at a quicker pace.
- At the guidance of the URA, the City pursued a Major Amendment to the boundary in order to remove unproductive properties and add productive properties.
- The boundary amendment was approved by the City Council and Agency on November 4, 2020.

2. Current Status of Project:

- The project has been completed.

3. Strategic Steps to Accomplish Project:

- The project has been completed.

4. Estimated Cost of Project:

- \$7,580 for the URA revenue projection update
- \$13,270 for the URA Major Amendment

5. Barriers to Complete:

- None

Updated by JD 04/08/21

PROJECT ACTION PLAN

This Project Action Plan is intended as a tool for planning and monitoring how management staff will achieve the goals and objectives set by the City Council in the 2020-2022 Strategic Workplan. Management staff will complete this form for each Council project, it will be updated periodically and shared during scheduled Council department reports. This information is public, posted on the city's website and used to ensure accountability and share with our community.

Lead Department:	Planning
City Council Goal / Tactic:	GOAL 4 ECONOMIC DEVELOPMENT / Review City Policies and Program to Promote Economic Development
Project Summary:	Development code amendments resulting from Oregon HB 2001
Estimated Completion:	June 2021

ACTION PLAN**1. Background of Project:**

- OR HB 2001 requires cities with population greater than 10,000 or within Metro to allow duplexes in lands zoned for single-family dwellings within the urban growth boundary. Being around 14,000 in population, this includes St. Helens. We need to amend our code within the limitation of state law. The deadline to do so is the end of June 2021. This will end single-family zoning for St. Helens and other communities in the state.

2. Current Status of Project:

- All public hearing processes have been completed
- Adoption ordinance anticipated for second reading on May 5. If this is the case, rules would be effective on June 4, 2021.

3. Strategic Steps to Accomplish Project:

- Vet issues, research, write code, prepare staff report, and go through the State process for amending development codes.
- Public notices, work with communications staff, manage public hearings.

4. Estimated Cost of Project:

- n/a

5. Barriers to Complete:

- Limited window of time to vet code change possibilities.
- At this time, this project is a MUST priority and will be until adoption targeted before the end of June 2021. Thus, it will conflict with other projects, including current planning (e.g., development review) tasks.
- As of the date of this update, staff anticipates smooth sailing for the last portions of this project.

Updated April 8, 2021 by JAG

Request for Proposals: 23-acre Development Opportunity in St. Helens on Millard Road

April 2021

City of St. Helens

Due date and time: June 11, 2021, 3:00 pm PDT

Responses to this Request for Qualifications shall be submitted electronically to
Jenny Dimsho, Associate Planner, jdimsho@ci.st-helens.or.us

<https://www.sthelensoregon.gov/rfps>



This page intentionally blank

Table of Contents

1. DEVELOPMENT CONTEXT	2
2. DEVELOPMENT CONSIDERATIONS	7
3. MARKET DYNAMICS.....	10
4. SUBMISSION AND EVALUATION	12
5. APPENDIX	

This page intentionally blank

Summary

The City of St. Helens is excited to partner with a private developer to construct market-driven housing or other mixed-use development on a 23-acre City-owned property on Millard Road near U.S. Highway 30. Through development and sale of the site, the City seeks to (1) increase the City's housing inventory and (2) achieve public benefit, like maintaining pedestrian connectivity through the site and offering small open space amenities. The City is interested in soliciting proposals which include housing types that meet current market demand.

St. Helens is a community of about 14,000 people located 30 miles north of Portland along U.S. Highway 30. Over the past decade, the City's economy has transitioned from a primarily timber-driven economy into a more diversified economy. St. Helens offers a small-town lifestyle within a relatively short commute to Portland-area employers and a lower cost of living. As housing costs in the Portland area increase, the City has seen an inflow of new residents that are seeking the quality of life in St. Helens and lower-cost housing.

1. Development Context

Site Context

Located about 30 miles north of Portland (35-minute drive), the Millard Road property in St. Helens comprises just over 23 acres of land and is located between Maple Street to the north and Millard Road to the south.

The site is mainly level except in the north quarter, which is heavily wooded around McNulty Creek. The area south of the wooded portion is generally open field with scattered trees, except around some wetlands where tree density increases (see Exhibit 5 in the Appendix). The site is surrounded largely by City and County residential-zoned land, all within the Urban Growth Boundary (See zoning map in Exhibit 7 in the Appendix). The Ross Road property to the northwest of the site has been set aside to become a community park.

The site was previously owned by the St. Helens School District and used for wetland mitigation for school projects. The City annexed the property in 2009, and at the time of annexation, the City owned the northern two-thirds of the property and the Columbia Health District owned the remaining one-third to the south. In November 2010, the Columbia Health District was dissolved, and the City now owns the entire property.

Oregon Department of Transportation (ODOT) has invested \$7.5 million in a new traffic signal at Millard Road and US 30, approximately 1,700 feet from the site. It is anticipated to be completed by October 2021. A 50-foot utility easement to Chase Road on the following map is identified. A secondary access point may also be vested in this location with development.

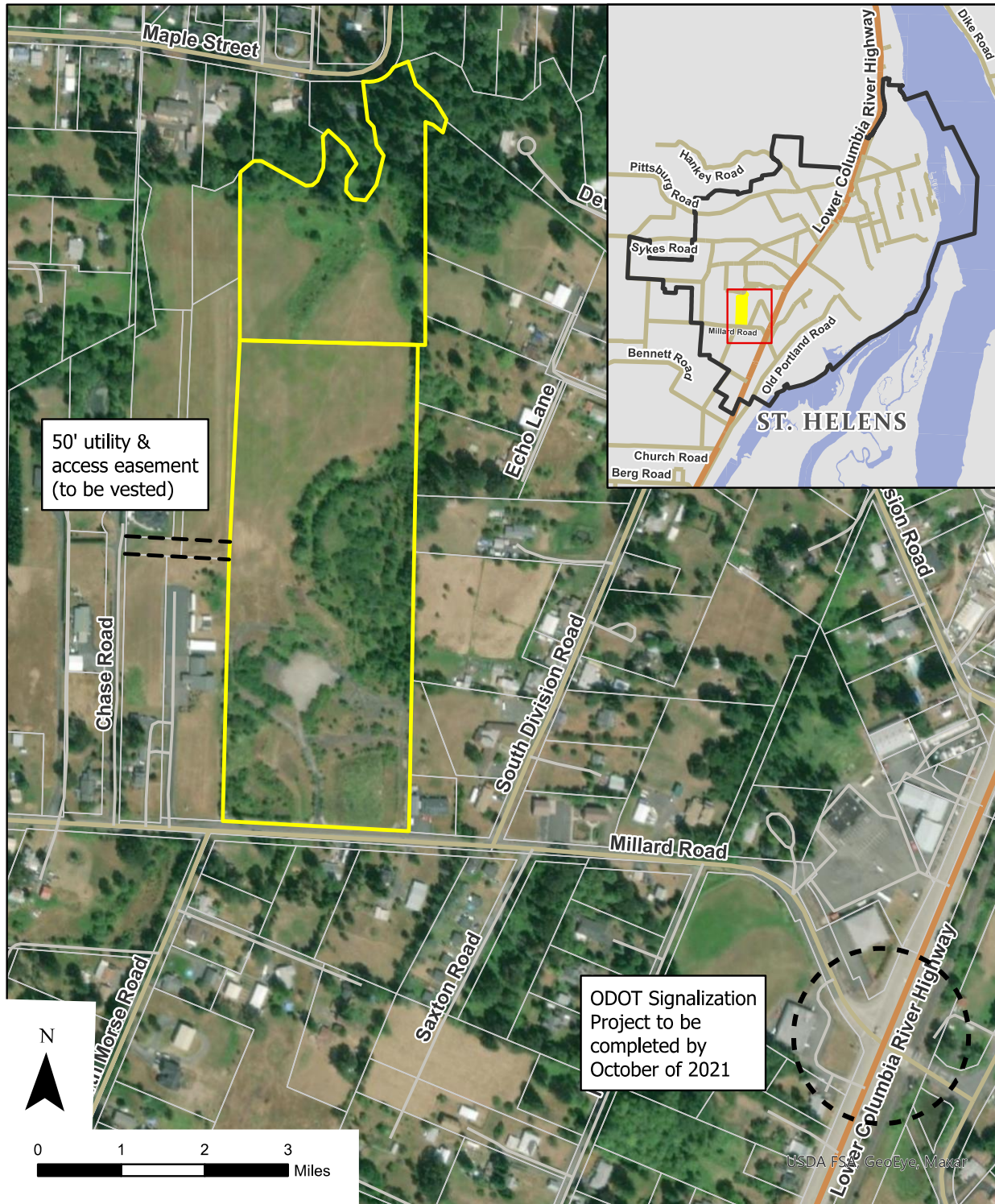


Millard Road site: Heading north to McNulty Creek, near tree line



Millard Road site: Taken from Maple Street looking south into McNulty Creek area

Exhibit 1. Millard Road Property in St. Helens



Sources: esri, Open Street Map, Columbia County GIS, OR Division of State Lands

St. Helens Economy and Public Investments

Industrial Development

St. Helens and nearby Scappoose are seeing substantial industrial development that are bringing new jobs and residents to the area.

In Scappoose, the **Oregon Manufacturing Innovation Center (OMIC)** offers high tech training to companies throughout the Portland region. Modeled on an industrial redevelopment project in Sheffield, England, area leaders are spearheading a public-private collaborative research and development outpost for Boeing, Oregon State University, Portland State University, and Oregon Tech. The project features workforce training facilities in OMIC's Training Center, operated by Portland Community College, with the goal of placing graduates in to high-wage, high-demand jobs. In addition, **Cascade Tissue, Inc.** announced a new 600,000 square foot plant in Scappoose that will employ 80 workers. The site will use wood material from the existing tissue plant in St. Helens. In 2020, the City of St. Helens completed a parcelization and funding plan for the 204-acre **St. Helens Industrial Business Park**, the largest remaining parcel of industrial employment lands within St. Helens city limits. Today, Cascade Tissue operates two paper machines employing 100 people on 25 to 30 acres of the property. The Port of Columbia County is assisting the City in marketing this industrial property for new users.

The City and partnering Columbia County Economic Development Team receive regular inquiries from potential investors citing a relocation interest outside of Portland for their commercial and industrial space needs.

Commercial & Institutional Development

On US 30, a new Legacy Health Clinic recently opened its doors in 2020, and a new Grocery Outlet is under construction with completion anticipated in Summer 2021. The St. Helens Middle School was just completely re-built, and the St. Helens High School is in the design process for a major re-model which has already been funded. The St. Helens Police Station is being re-designed, and the City is working on acquiring funding for a completely new Public Safety Facility in a new location.

Quality of Life

Riverfront District: The site is located about 3.5 miles from the nationally registered historic downtown, which has seen several adaptive reuse redevelopment projects, indicating growing interest and investment in the area. The City is actively working to revitalize the riverfront, and over \$830,000 in grants to construct the first phase of its Riverwalk Project by 2023. In addition, the City is leveraging over \$12 million from its Urban Renewal Agency to construct streets and utilities on the site in order to catalyze mixed-use development on the 24-acre parcel, adjacent to downtown. The City purchased this site after the Boise veneer plant closed in 2009 due to years of declining profitability, with the intention of positioning a portion of the area for new mixed-use development. The result is a vision of the

area as a vibrant, mixed-use waterfront neighborhood that takes advantage of the striking natural setting to provide new development and public access to the Columbia River.



Riverfront District Rendering, courtesy of the City of St. Helens

Local Events: The area hosts a series of popular events throughout the year, including the annual *Spirit of Halloweentown* festival that commemorates the 1998 Disney movie filmed in the community. The month-long event attracts over 10,000 Halloween enthusiasts traveling from around the globe to visit the nostalgic film site. Hotels are booked through weekends in October because many of these visitors come from out of state for the multi-day events.

Water Proximity: Proximity to water in a region where there is high demand for renting, mooring, and docking watercraft presents an opportunity to draw new residents from around the region and beyond. An existing public marina already draws boaters and fishing enthusiasts to St. Helens from around the region and the State. The Columbia River Yachting Association, based in Portland, has over 2,500 members and St. Helens is a popular cruise destination.

Parks & Recreation: The City has an extensive parks system with over 135 acres of parks which include well-maintained sport fields, river access, playgrounds, picnic shelters, and nature trails. The City has made significant investments in growing its Recreation Department in recent years, resulting in countless low-cost recreation programs for the residents of St. Helens.



Annual Halloweentown Celebration on the plaza (2014)



Historic Columbia Theater, renovated in 2012



The Muckle Building, converted into a mixed-use apartment building in 2016 and achieving some of the highest rents in the City.



13 Nights on the River market and concert series (2016) in Columbia View Park, the location of the Riverwalk Phase I project and a new stage/amphitheater

2. Development Considerations

Public Access, Transportation, and Open Space

Trail connectivity is one of the key City goals for this project. The Parks and Trails Master Plan (2015) suggested the development of a multi-use trail through the property that would provide pedestrian access from Maple Street to Millard Road. The existing wooden footbridge (pictured to the right) and small footpath that crosses McNulty Creek provide an ideal opportunity to construct a pedestrian path through the site and meet the goals for public access.¹



Hand-built pedestrian bridge across McNulty Creek on the northern end of the property.

The Transportation Systems Plan (2011) calls for a 60' wide collector street through the site from Millard Road to Maple Street. Any development will need to include public right-of-way dedication through the site to Maple Street. Access to Chase Road is also anticipated to improve connectivity and fire access (See Exhibit 1).

Zoning and Permitted Uses

In 2020, the City changed the zoning and comprehensive plan designations of the Millard Road Property, reflecting City priorities to solicit market-driven development on the property. The new Comprehensive Plan designation of General Commercial (GC) and the new zoning designation of Mixed Use (MU) are for the entire property and allow a flexible mix of uses. These uses include a variety of residential such as single family detached (SFD) and attached (SFA), duplexes, and multi-dwelling units with or without ground floor commercial, as well as commercial and civic uses including, but not limited to, dining establishments, small retail stores, and offices. Some specifics of the zoning code are included below. More details, including density calculations and landscaping requirements, can be found in the Community Development Code.² Due to HB 2001, the City is in the process of amending our housing codes to comply with state mandates. These code changes will be implemented by June 2021. The summary below reflects the proposed changes.

- **The maximum building height on the property is 45 feet**, unless it is purely residential, then it is 35 feet.

¹"Parks & Trails Master Plan." City of St. Helens. 2015.

<https://www.sthelensoregon.gov/sites/default/files/fileattachments/planning/page/268/parks-trails-master-plan-attachment-a.pdf>

² <https://www.codepublishing.com/OR/StHelens/#!/StHelens17/StHelens17.html>

- **SFD, SFA, and duplexes must comply with General Residential (R-5) zone standards.** Minimum lot size requirements are 5,000 sq/ft for SFD, 5,000 sq/ft for duplexes, and 2,500 sq/ft for SFAs.
- **Multi-dwelling units must comply with Apartment Residential (AR) zone standards.** Minimum lot size requirements are 1,500 sq/ft for each multi-dwelling unit over the base of 4,000 square feet for the first two units (with no maximum).
- **Maximum lot coverage:**
 - Nonresidential: 90%
 - SFD: 40%
 - SFA and multi-dwelling units: 50%

Planned Development in the City of St. Helens

A Planned Development may be a consideration for the Millard Road property. The Planned Development flexibilities are particularly advantageous for residential development. For example, the normal minimum size and dimension standards that apply to lots are exempt. There is also relief from other standards such as building height and yard (setback) requirements. A Planned Development can also help with wetland and riparian area buffer regulations.

A Planned Development requires two key things: 1) an overlay zone adopted for the property and 2) a development plan. The overlay zone can be done in advance or in conjunction with a development plan. It is possible that the City can adopt an overlay zone in advance of other matters.

Please see Chapter 17.148 of the St. Helens Municipal Code for further details.

Environmental Considerations

Wetlands

The site contains several wetlands and a riparian corridor, some of which are mitigation areas. Sensitive land constrains approximate 7.53 acres leaving net developable acres of about 15.63 acres. The appendix includes a map of the sensitive lands and their significance to the city, an estimate of sensitive land constraints and net developable acres (Exhibit 5), and a summary of potential upland protection zone reductions which only apply to riparian areas and wetlands that are significant to the city (Exhibit 8).

Infrastructure Needs

Water

City water will need to be extended to the property from the nearest water main (see Exhibit 7), which is located in the Maple Street right-of-way to the north of the property. The City is open to cost-sharing for this improvement, subject to evaluation of specific development proposals.

Stormwater

The Columbia County stormwater infrastructure in the Millard Road right-of-way may be able to support additional stormwater conveyance. However, the property will need on-site detention of stormwater as well. Further stormwater analysis will be needed, but the City anticipates that the existing wetlands and McNulty Creek may be suitable for some of the on-site stormwater detention.

Sanitary Sewer

An 8-inch sanitary sewer mainline extends onto the property from Millard Road and terminates along the west property line, approximately 750 feet north of the southwest property corner. It is approximately 8 feet deep. An as-built of the sanitary sewer line extension is included in the Appendix (Exhibit 10).

Road

The Transportation Systems Plan (2011) requires a 60' wide collector street from Millard Road to Maple Street. The developer may not be responsible for constructing the entire length of the road, but right-of-way dedication will be required for any portion that is not developed with this development. Trail connection is required through the site as well. The City is open to cost-sharing agreements for these public improvements, subject to specific development evaluation.



Frontage improvements on the site along Millard Road.

3. Market Dynamics

- **St. Helens is expected to grow faster than the county and state.** Between 2020 and 2040, the city's population will increase by nearly 4,000 new residents (an average annual growth rate of 1.2%). This growth rate is slightly higher than the state's expected annual growth rate of about 1% over the same period.³
- **St. Helens rental market is well positioned to compete with Portland. Residential** rents grew by nearly 21% between 2016 and 2020 for 2-bedroom apartments. Rents are generally tracking with the Portland market but at a lower value with the average 2-bedroom rent around \$1100 for St. Helens and \$1400 for the Portland MSA. Vacancy rates have also remained lower in St. Helens (4.9%) compared to Portland MSA (6.4%). The St. Helens Place Apartments, a large development completed in 2020, added 204 luxury rental units to the market. The building is almost fully leased (only 5 units available as of mid-March 2021) and asking rents for each dwelling are considerably higher than is usual for St. Helens. Two-bedroom units are listed between \$1,400-\$1,525 which is \$300-\$400 above average for the area. While the property is offering rent concessions (2 weeks free), this is lower than many projects in Portland, indicating a growing interest in St. Helens and a willingness to pay prices akin to those found in Portland.
- **St. Helens is attractive to first time homebuyers and middle-income households.** Housing prices in St. Helens have been increasing at a faster rate than the Portland MSA rising 136% between 2012 and 2020, from \$140,000 to nearly \$330,000. Comparatively, prices in the Portland MSA have risen 90% from \$228,608 to \$434,829 over the same time period. Sales volumes have also remained fairly steady from 2015-2020. Coupled with the substantial investments in the St. Helens Middle School (completely new) and High School (to be remodeled in the next 2 years), St. Helens will continue to be a desirable place for first time homebuyers and middle-income households as new home sales prices remain lower than the Portland region.
- **Office and retail asking rents remain significantly lower than the Portland MSA.** Retail asking rents are around \$8.50 per sq/ft compared to Portland's nearly \$20.00 per sq/ft. Office asking rents are slightly higher at \$15.00 per sq/ft compared to Portland's \$25.00 per sq/ft. Commercial would likely be a supportive part of residential development but not the main use of the Millard Road site.
- **The Millard Road property would be an ideal location for residential development.** St. Helens proximity to Portland and other job centers, combined with its relatively lower rent and home prices, make it a desirable location for renters and buyers alike. Commercial would likely be a supportive part of residential development that could include multi-family development. ODOT improvements to the US 30/Millard Road

³ PSU Population Forecasts

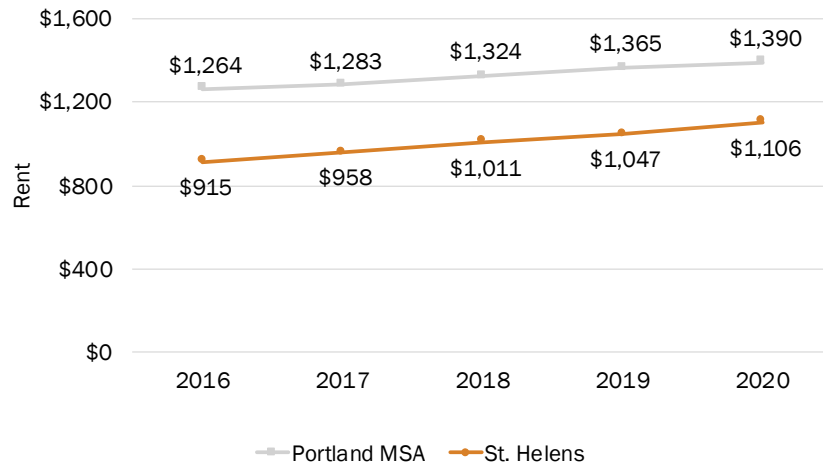
intersection will reduce potential traffic impact analysis fees/improvements that would normally otherwise be triggered from a development of this size and scale.

Residential Rents for 2-bedroom apartments increased 21% between 2016 and 2020 in St. Helens

Rents are generally tracking with the Portland market but at a lower value.

Exhibit 2. Average Rent for 2 Bedroom Units, St. Helens and Portland MSA, 2016-2020

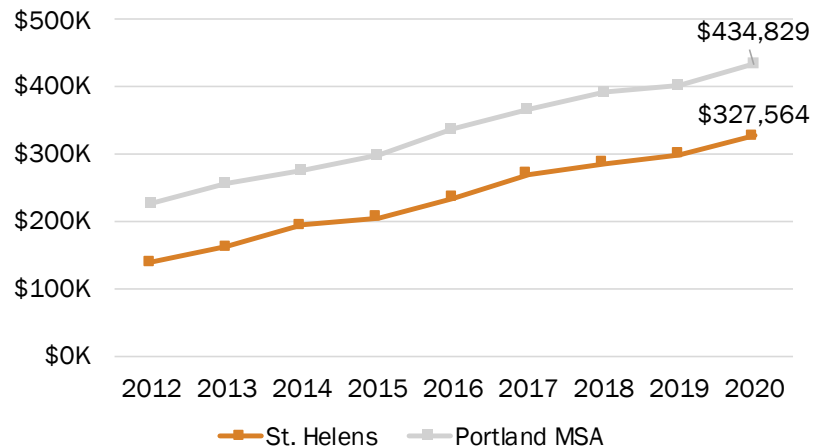
Source: Costar



Housing prices in St. Helens rose nearly 136% between 2012 and 2020 but are still lower than Portland.

Exhibit 3. Home Sales Prices, St. Helens and Portland MSA, 2012-2020

Source: Redfin



4. Submission and Evaluation

The City seeks to select the team with the most creative and compelling vision for meeting the public goals for the site and the most transparent appraisal of feasibility and team capacity for implementing that development. Evaluation of RFP responses will be based upon the following criteria:

1. Vision for the site accomplishes public objectives.
2. Proposed development is feasible.
3. Success in previous public-private partnerships.
4. Quality of representative projects.
5. Qualifications of project team and key project managers.
6. Proposed development meets the general provisions of the City's Development Code.

Written responses should be succinct. There is no formal page limit on the length of a response, but the City suggests that responses not exceed 20 pages, excluding appendices. Resumes, cut sheets, and other marketing materials may be included in an appendix. Content should be organized as shown in Exhibit 4.

Exhibit 4. Submittal Requirements and Selection Criteria

Proposal Section	Submittal Requirements	Suggested Page Limit	Total Points
Cover Letter	Define lead entity and team members; highlight key components of the team's vision for the site. Identify and describe the developer, including developer's name, corporation name (if applicable) or business name, addresses, telephone numbers, e-mail addresses, and the name of the primary project contact.	2 pages	0
Preliminary Vision for Site	<p>Describe why you believe this development program is the best solution for the site and furthers the City's goals. Describe your proposed preliminary development program. Include:</p> <ul style="list-style-type: none"> • A preliminary site plan identifying the location of residential units/lots, and/or commercial lots/units • If multi-family or mixed-use buildings are proposed, provide details about the uses and square footage on each floor. Include number of parking spaces. • Access in the form of right-of-way, roads, and trails • Areas for public open spaces improvements • Areas of sensitive lands (wetlands, riparian areas, and their associated upland protection zones) <p>Identify what you see as key development challenges and opportunities.</p> <p>Identify probable development phasing.</p>	10 pages	50
Financial Feasibility of Site Vision	<p>Provide your preliminary financial analysis regarding sources and uses for achieving your proposed development program, minimizing public investment to the degree practical.</p> <p>If your team or any member of your team will function as a fee developer, please provide your current thinking about the proposed fee. If any information that is provided in this section is proprietary, please clearly label it as such so that it may be kept confidential. Confidential materials will be returned.</p>	As needed	20
Financial Capacity of Team	<p>Describe and provide evidence of the team's financial capacity to complete the proposed development. This could include audited year-end financial statements from all relevant team members, financial statements from successfully completed past projects, or letters of interest from investment partners, which can be attached in an appendix.</p> <p>If any information that is provided in this section is proprietary, please clearly label it as such so that it may be kept confidential. Confidential materials will be returned.</p>	2 pages	10

Submittal Requirements and Selection Criteria, Continued

Proposal Section	Submittal Requirements	Suggested Page Limit	Total Points
Development Team Experience	Provide evidence of the team's qualifications to implement the proposed development program, including experience refining this program in collaboration with a public entity. Provide an organizational chart for your team that identifies: <ul style="list-style-type: none"> • The individual who would be authorized to negotiate on behalf of the team • The individual who would be responsible for coordinating all team activities during due diligence, including site planning activities • Minority, women and emerging small business representatives on team • Experience with LEED certified or other sustainable development • Experience with public private partnerships 	4 pages	20
References	Contact information for two references on similar projects completed in the last 8 years. References will be contacted, and responses scored for all respondents.	1 page	0
Supporting Materials	Appendices can include supporting material to supplement responses to the questions above. There are no requirements for contents of appendices and the contents are not scored separately: <ul style="list-style-type: none"> • Resumes for key personnel • Non-binding letters of support from financial partners • Images of similar completed projects • Testimonials from partners or stakeholders 	No limit	0

Interested developers must submit an electronic copy of the response to the RFP by email to jdimsho@ci.st-helens.or.us. It is suggested to limit the responses to no more than 20 pages, excluding supplementary material. The City will become owner of all submitted materials and will not pay any costs related to any responses to the RFP.

Evaluation Schedule, Process, and Award

April 22, 2021: Request for Proposals released.

Anytime: Site Tours. The site is publicly accessible and available for self-guided tours at any time.

May 21, 2021: Deadline for Questions.

May 28, 2021: Deadline for City to Issue Addenda (This will include a summarized list of Questions/Answers).

June 11, 2021: Responses due at 3pm PST by email.

June 2021: Interviews (as needed). Selected developer(s) will be invited to give a presentation on all aspects of the proposal, including design concepts, development cost, financial capacity/lender commitments, terms of site acquisition, and

implementation schedule to the review committee. This may be in person or on a digital platform, like ZOOM.

July 2021: Selection announced.

General Provisions and Conditions

The City reserves the right to:

- Modify the timeline and to issue addenda to this document
- Reject any and all responses.
- Negotiate with more than one development partner.
- Waive minor irregularities in a response.
- Cancel, revise, or extend this solicitation.
- Request additional information on any response beyond that required by this RFP.
- Modify the selection process set forth in this RFP upon written notification to all respondents who have not been rejected at the time of modification.
- Make the final decision on whether to move forward with a development team or not.

Contact information

Jenny Dimsho, AICP
Associate Planner
City of St. Helens
(503) 366-8207
jdimsho@ci.st-helens.or.us

Appendix

Exhibit 5. Millard Road Property – Sensitive Lands

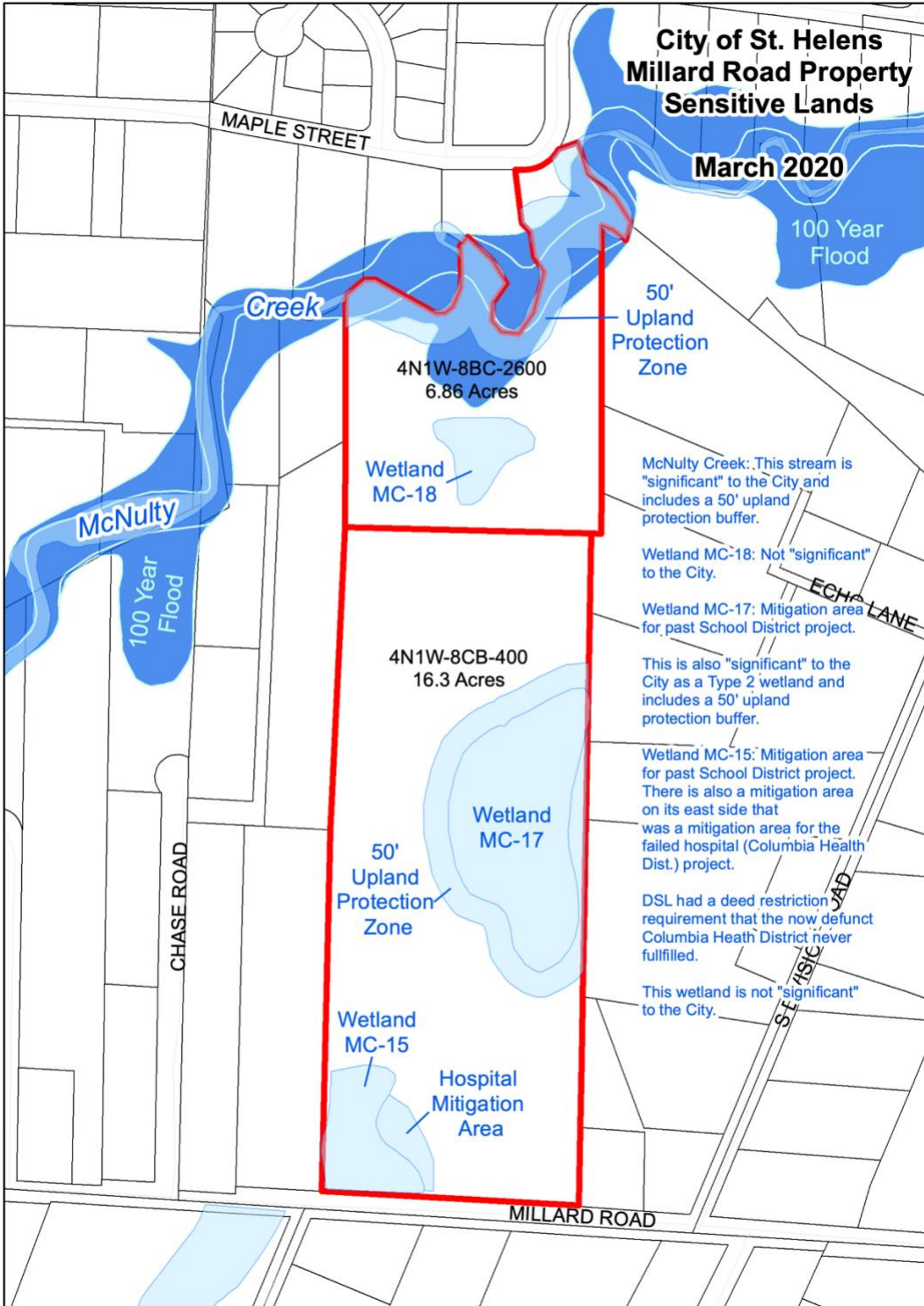


Exhibit 6. Millard Road Property Sensitive Lands – Estimated Net Developable Area (March 2020)

Total gross size: Approximately 23.16 acres

* * *

Sensitive Lands Constraints:

McNulty Creek floodplain (100 yr) and 50' upland protection zone (City required)

Approximate area: 97,000 s.f. or 2.23 acres

Basis: DFIRM and City Staff estimate (GIS – not field verified/surveyed)

Wetland MC-18

Approximate area: 0.54 acres

Basis: DSL WD# 06-0677

Wetland MC-17

Approximate area: 2.55 acres

Basis: DSL WD# 06-0677

Wetland MC-17's 50' upland protection zone (city required)

Approximate area: 60,000 s.f. or 1.38 acres

Basis: City Staff estimate (GIS– not field verified/surveyed)

Wetland MC-15

Approximate area: 0.66 acres

Basis: DSL WD# 06-0677

Wetland MC-15 addition (hospital mitigation area)

Approximate area: 7,341 s.f. or 0.17 acres

Basis: Hospital project plans

Total estimated approximate sensitive land constraints: 7.53 acres

* * *

Net acres, excluding estimated sensitive land constraints: 15.63 acres

Exhibit 7. Millard Road Property – Infrastructure Provision and Property Context

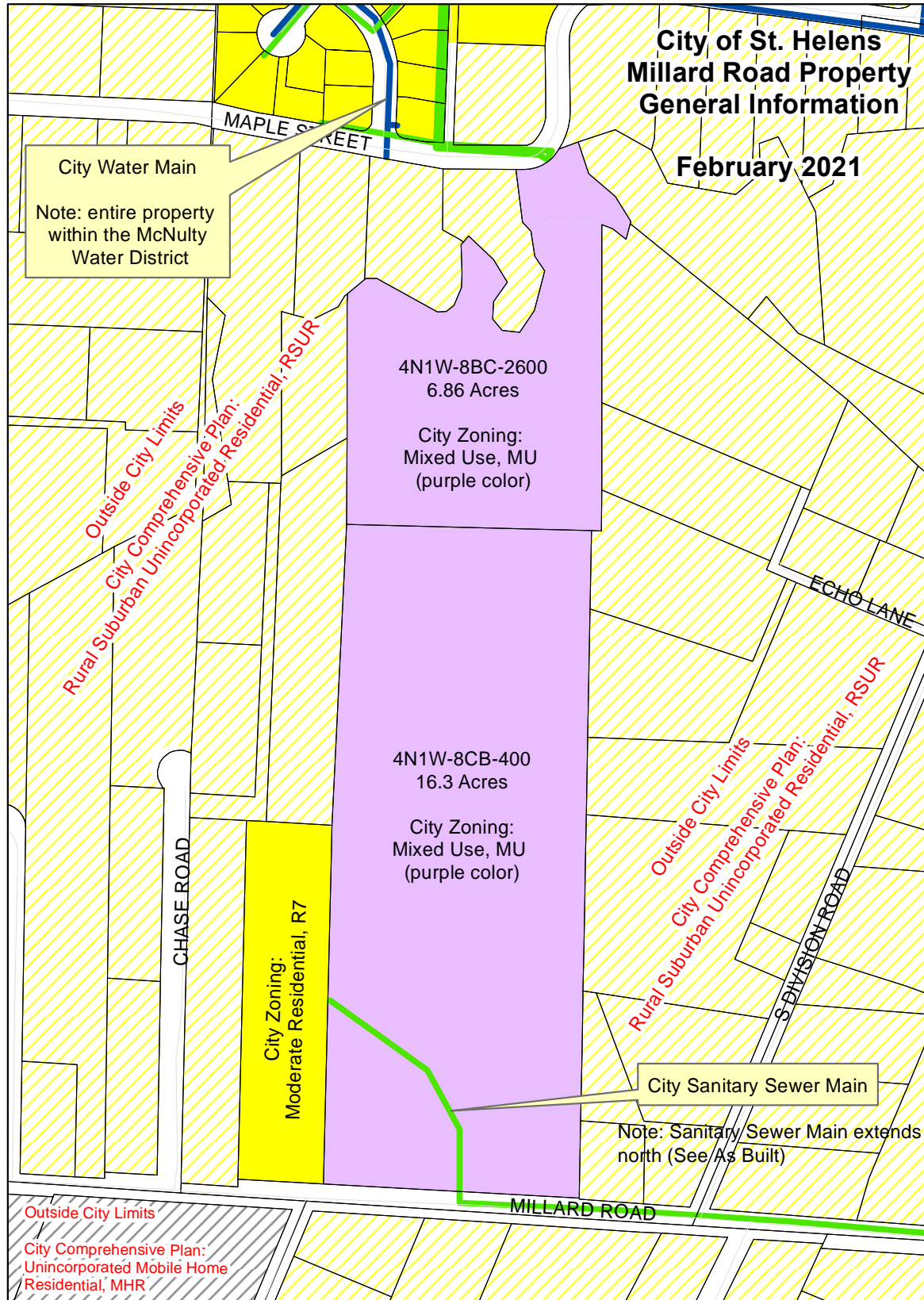


Exhibit 8. Wetland and Riparian Area Upland Protection Zone Reduction Options

Wetlands and riparian areas that are significant to the city include an upland protection zone subject to protection like the wetland or riparian areas themselves.

The Millard Road property includes a significant riparia area associated with McNulty Creek, which includes a 50' upland protection zone. There is also floodplain area associated with the creek, which is a separate matter, but also impacts potential development.

The site also has three known wetlands. Only the largest of the three, MC-17, is significant to the city. This wetland includes a 50' upland protection zone.

An upland protection zone may be reduced under the following circumstances:

1. If the property is developed without subdividing or a development agreement

- ☐ Up to 50% reduction to the 50' protection zone width possible
- ☐ The protection zone must be determined to be an obstacle that precludes reasonable use of the property.
- ☐ The development proposal must demonstrate that it is designed as much as possible to minimize protection zone impact.
- ☐ A dimensional standard (e.g., a yard or height requirement) may be adjusted up to 50% if the design of the development minimizing intrusion into the protection zone is to the adjustment (as opposed to being unrelated).
- ☐ 1:1 restoration and enhancement is required elsewhere within the protection zone to compensate for the reduced protection zone width.

2. If the property is developed without subdividing but with a development agreement

- ☐ If the 50% protection zone reduction noted above is insufficient for a development's needs or found to be not applicable to the circumstances, a development agreement is another option.
- ☐ The development agreement allows protection zone averaging such that it may vary in width, provided the overall average width is 50 feet.
- ☐ There are protection zone enhancement and minimum impact considerations.

3. If the property is subdivided

- ☐ Normally, significant wetlands, significant riparian corridors and protection zones are required to be in preservation tracts and not part of lots, or new streets or other infrastructure.
- ☐ If the subdivision is part of a planned development with a development agreement, the protection zone area may be part of individual lots. The protection zone may also vary in width, provided the overall average width is 50 feet.
- ☐ There are protection zone enhancement and minimum impact considerations.

Exhibit 9. Survey

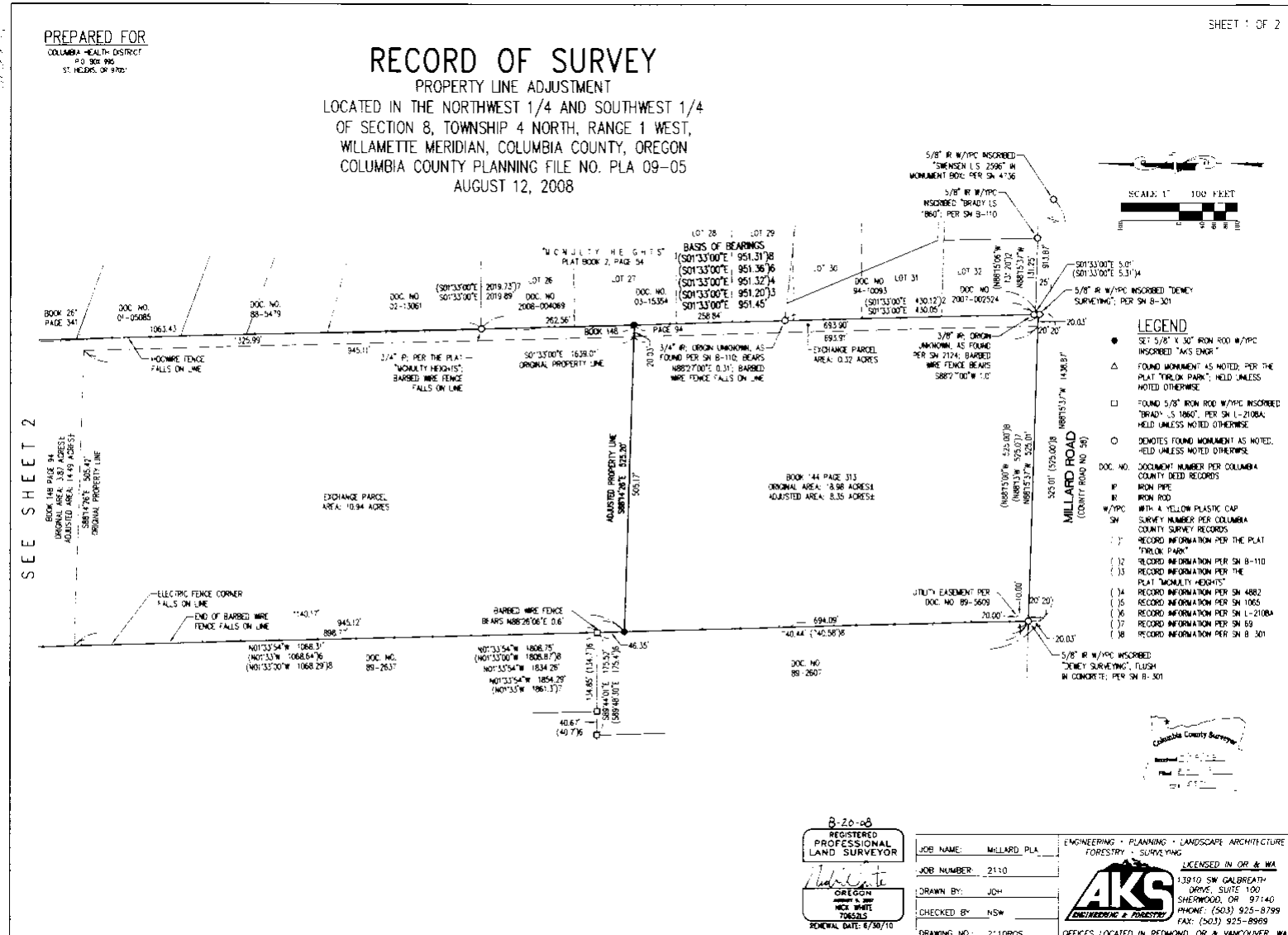
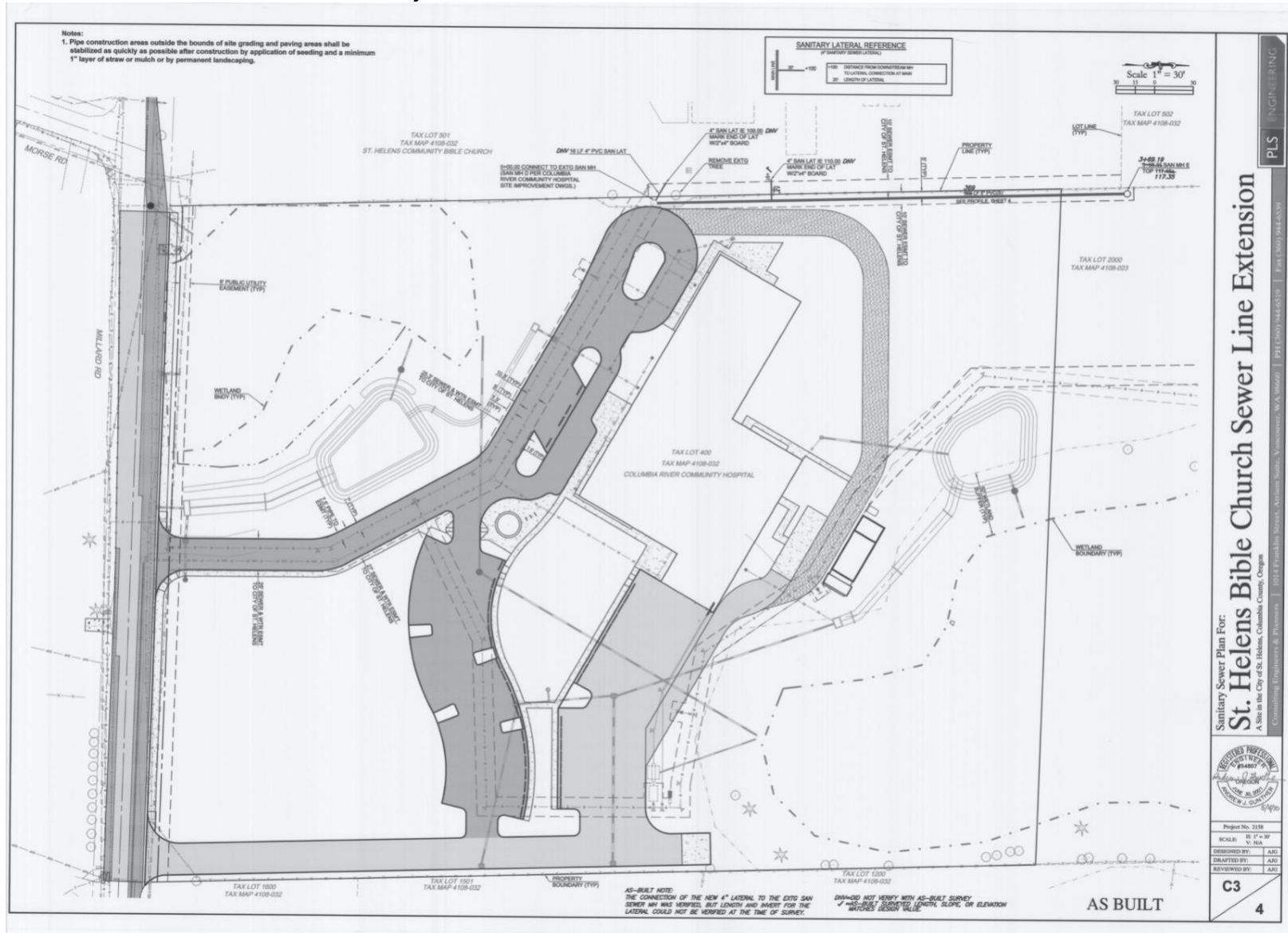


Exhibit 10. St. Helens As-Built Sanitary Sewer Line Extension





CITY COUNCIL MEMO

TOPIC: *FUNDING NEEDS AND REQUESTS – AMERICAN RESCUE PLAN*
DATE: 4/21/21

April 2021 City of St. Helens Priority projects
Funding request update

Surface transportation projects:

- Improvements at HYW 30 & Gable (widening and adding turn lanes) – \$0.8M – Submitted for funding through Congresswoman Bonamici's Transportation & Infrastructure Committee Requests process
- HWY 30 Corridor segment through town Highway 30 Corridor segment improvements to improve safety, connectivity, sense of place and economic vitality - \$5M
- Street improvement and roundabout at Old Portland Rd. and 18th - \$1.24 M - Submitted for funding through Congresswoman Bonamici's Transportation & Infrastructure Committee Requests process

Area revitalization

- Riverfront utility needs - water/wastewater, surface transportation – \$15.5M total partial design docs available fall/winter 2021. We have been securing other funding sources for components of the project. This is regionally significant and improves safety, economic competitiveness, sustainability and quality of life.
- Industrial park redevelopment - water/wastewater, surface transportation, regional stormwater – Parcelization and infrastructure finance plans available (Total \$15.6M - Phase 1, \$4.6M, Phase 2, \$3.2M, Phase 3-4, \$7.8M) Activating our industrial park is a high priority for quality of life and the economic development potential of our region and reactivating our working waterfront will have impacts throughout the Lower Columbia. The revitalization of this area will make use of many funding sources for different elements of the project. - Submitted for funding through the Oregon Legislature's Ways & Means Process. Phase 1 request of \$3.3 Million.

Large non-road infrastructure in addition to above:

- Central Waterfront - need for further study and permitting outstanding (\$6M). Phase 1B funding request of \$0.5 Million for additional seismic study through Oregon Office of Emergency Management for FEMA consideration. Application in process, due to state OEM 5/28/21.



265 Strand Street
St. Helens, OR 97051
(503) 397-6272
www.sthelensoregon.gov

2021 Legislative Priorities:

- **Infrastructure** – This is an ongoing need and opportunity for economic recovery. Increase the state's investment in key infrastructure funding sources, including, but not limited to, the Special Public Works Fund (SPWF), Brownfield Redevelopment Fund, and Regionally Significant Industrial Site loan program. Advocacy will include seeking an investment and set aside through the SPWF for seismic resilience planning and related infrastructure improvements that will help make Oregon water and wastewater systems more resilient. Key investments:
 - Fund the **Business Oregon Broadband Office**
 - Long-term **transportation infrastructure** funding
 - **Drinking water & water quality** investment through the SPWF
 - **Brownfield Redevelopment Fund** – recapitalize the fund with a \$10M investment from the sale of lottery bonds.

Bills supported: HB 5023 Business Oregon Budget Bill, HB 5505 Bonding Bill, HB 2344 Labeling of non-flushable wipes, HB 3089 Creates the public drinking water and sewer ratepayer assistance fund, HB 2518 Creates Brownfield Properties Revitalization Fund for remediation

Bills Opposed: HB 3040 Related to System Development Charges, HB2419/SB493 related to prevailing wage rates, HB 2324 Expands definition of "funds of a public agency" for public contracting.

- **COVID 19 Recovery** - Advocate for continued economic recovery strategies and investments for small business and workforce assistance in response to the economic impacts of the COVID-19 pandemic. Assist displaced workers in meeting basic needs including food, housing and utility assistance (including water and wastewater direct assistance).

Bills supported: SB 330 – Landlord Tax credit, SB 282 tenant relief, HB 2966 extend payment grace period, HB 2343 Enterprise Zone employment flexibility, HB 2484 Requires landlord to allow rental use for child care

- **Property tax reform** – Reform of the property tax system is a longstanding priority. Property tax revenues have been outpaced by rising costs due to the harsh limits and restrictions on the property tax system. This system is broken and in need of repair due to Measures 5 and 50, which are both now more than 20 years old.

Bills Supported: 2634 Disabled and Senior Citizens' homestead property tax deferral.

Bills Opposed: SB 299 Creates Children's Service Districts (new, additional overlapping taxing district)

- **Mental and Behavioral Health Delivery** – Invest in mental and behavioral health services and work with providers toward parity in coverage. Increase the price of alcohol to increase service funding.



265 Strand Street
St. Helens, OR 97051
(503) 397-6272
www.sthelensoregon.gov

Bills supported: *HB 2086 Behavioral Health investments through the Oregon Health Authority, HB 2980A respite centers for individuals in crisis.*

- **Housing and Services** - Support increased investments for affordable housing, homeless assistance, and related services including funding for: shelter, homeless services, case management, rent assistance, the development and preservation of affordable housing, and permanent supportive housing.

Bills Supported: *HB 5011 Housing and Community Services (OHCS) Budget Bill, HB 5505/5506 Housing Development Bonding Bills*

Bills Opposed: *HB 3072 Urban Growth Boundary expansion required for workforce housing, HB 2558 Requires development density near transit stops.*

- **Disaster Relief and Recovery** - Invest in infrastructure upgrades, repairs and resiliency that will help rebuild communities, better ensure equity and access to critical services, protect public health and the environment, improve community resiliency and promote economic recovery.

Bills Supported: *Wildland fire policy – risk reduction (SB 248/SB 287/ HB2722), HB 2289 Study of issues related to wildfire impacted areas, HB 5042 Budget Reconciliation, HB 2488 Requires DLCD to address climate justice and equity through goal updates.*

- **Organizational Priority** - Avoid unfunded mandates, preserve local decision-making and problem-solving authority, preserve local revenue streams, and avoid shifting additional costs onto local government partners.

Bills Supported: *HB 2015 Increase local taxing ability on sale of marijuana items, HB 2930 Collective bargaining for law enforcement, creates statewide commission on standards of conduct and discipline. HB 5530 Department of Land Conservation and Development budget, support for technical assistance. HB 3244 Increases film industry tax credit program*

Bills Opposed: *SB 801/802 Workers' Compensation claims, HB 2704 Liquor Agent compensation increase, HB3194 Canned Cocktails - treats low-proof spirits as wine, reduces revenues HB 2204 Police tort liability increase for cities.*



Associate Planner/**Community Development Project Manager**

DEPARTMENT: Community Development
DIVISION: Planning
SUPERVISOR: City Planner
CLASSIFICATION: Non-Exempt (overtime eligible)
UNION: Yes
CONFIDENTIAL: No

POSITION SUMMARY

Performs a variety of routine and complex administrative, technical, and professional work in the current and long-range planning programs of the city related to the development and implementation of land use and related municipal plans and policies. Assists with economic development programs, including Urban Renewal Agency projects, and activities.

SUPERVISION RECEIVED

Works under the direct supervision and oversight, including day-to-day work assignments/tasks of the City Planner. Also, works under the general guidance and direction of the Community Development Director and Urban Renewal Administrator.

SUPERVISION EXERCISED

~~This position has no supervisory responsibilities.~~ Has no direct supervisory responsibilities but may exercise general project specific oversight over temporary or technical staff as needed and assigned. Supports St. Helens Main Street staff as needed and assigned.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following, but are not limited to:

- Develops short- and long-range plans; gathers, interprets, and prepares data for studies, reports and recommendations; coordinates department activities with other departments and agencies as needed.
- Provides professional planning and land use advice to supervisors and other officials; makes private and public presentations to supervisors, boards, commissions, civic groups, and the general public.
- Communicates official plans, policies, and procedures to staff and the general public.
- Coordinates and plans public information meetings and promotes local projects, including preparing appropriate exhibits, plans, and information.
- Determines work procedures, prepares work schedules, and expedites workflow; studies and standardizes procedures to improve efficiency and effectiveness of operations.
- Prepares a variety of studies, reports, and related information for decision-making purposes.
- Reviews design plans, specifications, bid documents, evaluates bids, makes bid award recommendations, and reviews contract pay requests.
- Participates in project budget administration, cost accounting, and scheduling.

- Assists in the development and implementation of growth management, land use, economic development, utility, housing, transportation, park and open space, facilities, solid waste or other plans and codes to meet the City's needs and any intergovernmental agreements or requirements.
- Evaluates land use proposals for conformity to established plans and ordinances; evaluates land use proposals to ensure compliance with applicable City, State and/or Federal laws; evaluates proposals' development impact as they relate to the adopted plans of the City; and make recommendations.
- Approves shoreline development permits, sign permits, subdivision plats, boundary line adjustments, and land development proposals within scope of authority and responsibility.
- Coordinates with contractors, other departments and agencies, and other interested parties to solve construction difficulties and problems and makes adjustments in original designs as needed.
- Maintains accurate and complete records of department activities and of records relating to licenses, permits, maps, blueprints, overlay, and sketches pertinent to urban planning and development programs and projects.
- Provides support to the Planning Commission, Urban Renewal Agency, and Historic Landmarks Commission as needed and assigned.
- Evaluates environmental information and recommends mitigation measures to reduce adverse impacts of development.
- Serves when needed as a member of a planning task force composed of City, County or State groups.
- Prepares and administers, and writes grant applications components relating to geographies, maps, plats, site plans, etc. for projects identified in long-range planning documents.
- Assists with or directly manages projects and grants related to land use planning and ~~for~~ community development projects.
- Develops and maintains a database of information for planning purposes.
- Responds to local citizens inquiring about City planning and zoning regulations and ordinances; resolves complex disputes between planners and applicants, as required.
- Serves as a member of various staff committees as assigned.
- Attends professional development workshops and conferences to keep abreast of trends and developments in the field of municipal planning.
- Performs other related duties as assigned.

PERIPHERAL DUTIES

- Assists City staff in the enforcement of local ordinances and in interpreting City codes and master plans.
- Assists in designs for parks, streetscapes, landscapes, and other municipal projects.

MINIMUM QUALIFICATIONS

EDUCATION AND EXPERIENCE

- Graduation from an accredited four-year college or university with a degree in land use planning, urban planning, landscape architecture or a closely related field; and
- ~~Four~~ Six years of progressively responsible professional experience in City, County or

Regional planning work, including grant application and community development project management; or

- c. Any equivalent combination of education and experience, with additional education substituting on a year-for-year basis for the required experience.

KNOWLEDGE, SKILLS, AND ABILITIES

- a. Thorough knowledge of applicable zoning laws and comprehensive plans including their information, process of adoption, and enforcement; extensive knowledge of planning programs and processes; working knowledge of personal computers and GIS applications.
- b. Skill in the area of drafting and designing; skill in the operation of the listed tools and equipment.
- c. Ability to communicate effectively orally and in writing with architects, contractors, developers, owners, supervisors, employees, and the general public; ability to establish effective working relationships.
- d. Ability to review, oversee, and successfully manage grant and community development projects with time sensitive deadlines and cost-effective budgeting.
- e. Substantial knowledge of City and department operations, policies, and procedures.
- f. Substantial knowledge of pertinent Federal, State, and local laws, codes, and ordinances.

SPECIAL REQUIREMENTS

- Valid state driver's license or ability to obtain one.

TOOLS AND EQUIPMENT USED

Personal computer, including word processing; motor vehicle; calculator; phone; copy and fax machine; tape measure.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to talk or hear; sit; use hands to finger, handle, feel or operate objects, tools, or controls; and reach with hands and arms. The employee is regularly required to stand or walk. Hand-eye coordination is necessary to operate computers and various pieces of office equipment.

The employee must occasionally lift and/or move up to 10 pounds.

Specific vision abilities required by this job include close vision, distance vision, peripheral vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Work is performed mostly in office settings. Some outdoor work is required in the inspection of various land use developments and construction sites. While performing the duties of this job, the employee occasionally works in outside weather conditions. The employee is occasionally exposed to wet and/or humid conditions, or airborne particles.

The noise level in the work environment is usually quiet in the office, and moderate in the field.

EMPLOYEE ACKNOWLEDGMENT

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

I acknowledge that I have received a copy of the **Associate Planner/Community Development Project Manager** job description. I understand that it is my responsibility to adhere to the Essential Duties and Responsibilities as outlined within this job description.

My signature below is evidence that I have reviewed and concurred that the above detailed job description appropriately describes the work of the position, including essential job functions, the minimum education and experience required of the position, and the physical demands of the position.

Signatures:

Associate Planner/Community Development Project Manager

Date

Print Name: _____

City Planner

Date