



Oregon

Kate Brown, Governor

Department of Consumer and Business Services

Building Codes Division

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Electrical and Elevator Board

Meeting agenda

Thursday, January 27, 2022, at 9:30 a.m.

Virtual Zoom meeting

Meeting connection by computer, tablet, or mobile device:

<https://www.zoomgov.com/j/1603053767>

Meeting connection by phone only:

1 551 285 1373 US

Meeting ID for all devices:

160 305 3767

Online streaming connection for nonparticipants:

Oregon.gov/bcd/Pages/bcd-video.aspx

I. Board business

- A. Call to order
- B. Roll call
- C. Approval of agenda and order of business
- D. Approval of the draft board meeting minutes of [November 18, 2021](#)
- E. Date of the next scheduled meeting: [March 24, 2022](#)
- F. Formal farewell to Board Chair of this board and member of the Construction Industry Energy Board: Heather Miller
- G. Welcome new members: Sara Currie and Richard Rudder
- H. Board vote for Chair and Vice-chair positions

II. Public comment

The board will hear public testimony, including testimony from individuals who have signed up in advance.

III. Reports and updates

- A. Board vote on four consent orders for [cases proposed for resolution](#) as outlined in the enforcement board report (*Board action required*)
- B. Electrical program update
- C. Elevator program update

IV. Communications

- A. New program delegation rules took effect January 1, 2022, after filing permanent rules November 18, 2021; [Senate Bill 866](#)
- B. New [BCD Bulletin, January](#); Master Electrical Permits

V. Appeals

There are no appeals for this meeting.

VI. Unfinished business

There is no unfinished business for this meeting.

VII. New business

- A. Board review the [Coos County application](#) for electrical program delegation
- B. Review and approval of committee recommendations for [new continuing education](#) course and instructor applications
- C. Request received from e-Hazard for [retroactive approval](#) of licensees that have taken the Electrical Workplace Safety NFPA 70E course
- D. Request received from GP Georgia Pacific for [retroactive approval](#) of licensees that have taken the First Aid CPR class

VIII. Announcements

The division is posting information that should be seen by all jurisdictions. See the posting for October; [BCD Technical Bulletin - CONSTRUCTION MATERIAL DELAYS AND BUILDING OFFICIAL FLEXIBILITY \(oregon.gov\)](#)

IX. Adjournment

The January board meeting is normally adjourned by the Chair of the board. A new Chair will be appointed at this meeting.

State of Oregon
Electrical and Elevator Board
Virtual meeting minutes of Nov. 18, 2021

Members: Heather Miller, journeyman electrician, Chair
 Thomas Kyle, electrical contractor, Vice-chair
 Elizabeth Bunga, building official
 Amy Beyer, public member
 Randy Carmony, journeyman elevator installer
 Ryan Richards, electrical contractor
 Randy Smith, electrical inspector

Members absent: Jon Flegel, journeyman electrician
 Robert McNeill, elevator-manufacturing representative
 Vacant, power and light industry
 Vacant, electrical equipment supplier
 Vacant, owner/manager of a commercial office building
 Vacant, commercial underwriter
 Vacant, industrial plant employing electricians

Staff: Alana Cox, administrator, Building Codes Division (BCD)
 Keith Anderson, electrical program chief, Policy and Technical Services (PTS)
 Todd Smith, interim manager, Enforcement Services
 Warren Hartung, elevator program chief, Statewide Services
 Julia Hier, senior policy advisor, PTS
 Michael Mayorga-Hamilton, contested case representative, Enforcement Services
 Tyler Glaze, policy analyst, PTS
 Debi Barnes-Woods, boards administrator, PTS

Guests: Nathan Philips, technical advisor, National Electrical Contractors Association (NECA)
 Mike Elison, (CEJA)
 George Kafouros, journeyman electrician
 Dax Ramsey, journeyman electrician
 Nicki Halin, Central Electric
 Rod Belisle, training director, NECA-IBEW
 Sara Currie, self
 Jo Garcia, self

I. Board business

A. Call to order

The virtual Electrical and Elevator Board meeting of Nov. 18, 2021, was called to order at 9:30 a.m. by Chair Heather Miller. The division continues to take extra precautions for public meetings given concerns regarding Coronavirus/COVID-19. Virtual meetings will continue to be streamed live through the division website until further notice.

The division is currently looking into the way meetings are being streamed. All meeting participants will be notified by the division of any type of change.

B. Roll call

Jon Flegel, journeyman electrician; and Robert McNeill, elevator-manufacturing representative, were both absent excused. All other board members were connected.

This board continues to meet quorum requirements with having five vacant positions. If you are interested or know someone that would be a great fit in one of the open positions, please visit the Governor's [website](https://oregon.wd5.myworkdayjobs.com/Boards) to complete or pass on an on-line application: <https://oregon.wd5.myworkdayjobs.com/Boards>

If you are currently a board member that is interested in applying for a second four-year term, or a State of Oregon employee, please click here:

[https://wd5.myworkday.com/oregon/d/task/1422\\$387.html](https://wd5.myworkday.com/oregon/d/task/1422$387.html)

C. Approval of the agenda and order of business

Chair Miller ruled the agenda and order of business approved as published.

D. Approval of the board meeting draft minutes

Chair Miller ruled the draft meeting minutes of Sept. 23, 2021, final.

E. Date of the next regularly scheduled meeting

Jan. 27, 2022. Chair Miller proceeded to tell members and the audience that the January meeting will be her last. She will formally be saying good-bye at that meeting. But, she said the good news is that the board will also be welcoming two new members; one member to fill her position and the other to fill a vacant position.

F. Board review of 2022 board meeting calendar dates

Informational Agenda Item.

II. Public comment

First speaker signed up for public comment:

Dax Ramsey, journeyman electrician. Attached to the helpsheet was an image Mr. Ramsey would like to discuss concerning the supervisor's exam currently required by the division in order to obtain the license. Mr. Ramsey explained that if the flyer were to be corrected to add a line that says "The code portion of the test is on the 2020 National Electrical Code (NEC) and the calculations portion of the test is on the 2017 NEC, and the test requires two different code books". He says that the added language should prevent confusion for those taking the test. Mr. Ramsey asked that because of the confusion if his exam could be reviewed.

Keith Anderson, electrical program chief, said that Shon Cole, assistant electrical program chief, has been working on the review and updating the large bank of test questions (12 to 14-hundred questions) as he reported at the last meeting. The calculation questions have not required an update for several code cycles, but

because of the 2020 NEC code changes, the calculation portion of the test will change drastically. Chief Anderson said Assistant Chief Cole has already begun the review of the calculation questions, and the licensing section plans to adjust the notice once the code update is complete. The notice will say that all questions are on the 2021 Oregon Electrical Specialty Code (OESC). Chief Anderson said he planned to discuss this during his program update.

Second speaker signed up for public comment:

George Kafouros, journeyman electrician, explained that he has failed the supervisors' exam twice and is now studying to take it again for the third time. In between tests, he found out the calculation questions are still based on the 2017 code. At the September 23 board meeting, Mr. Kafouros said that the Chief did mention that the calculations in the test were based on the 2017 code, but Oregon Administrative Rule OAR 918-305-100 states that effective April 1, 2021, the 2021 Oregon Electrical Specialty Code consists of the 2020 addition of NFPA 70. Anyone registered to take the exam would assume that both parts of the test would be based on the 2020 code cycle and not the 2017. The electrical licensing exam guidelines posted on the division website and sent out to applicants that were approved to sit for the exam all receive incorrect information. He recommended that the electrical licensing exam guidelines clearly list the correct code year. And, he asked that those who took the supervisors' exam be offered some type of review if taken after April 1, 2021.

III. Reports

A. Board vote on two consent orders proposed for resolution as outlined in the enforcement board report (*Board action required*)

Michael Mayorga-Hamilton, contested case representative, reviewed each of the five consent orders previously resolved by the division on behalf of the Electrical and Elevator Board and said each of the consent agreements are consistent with the board's penalty matrix.

Motion by Vice-chair Thomas Kyle to approve the five consent orders as presented by Contested Case Representative Michael Mayorga-Hamilton and be issued final orders.

Roll call vote taken:

Yea: BJ Barlow; Amy Beyer; Elizabeth Bunga; Randy Carmony; Ryan Richards; Randy Smith; Vice-chair Thomas Kyle; and Chair Heather Miller.

Nay: None.

Motion carried unanimously.

B. Elevator program update

Warren Hartung, elevator program chief, Statewide Services, said the program has nothing new to report.

Chief Hartung offered his warm farewell to Chair Heather Miller because this will be her last meeting as Chair and board member as her membership has expired.

C. Electrical program update

Keith Anderson, electrical program chief, said that himself and Shon Cole, assistant program chief, have been working to align all test questions stored in the division's testing bank to the 2020 National Electrical Code (NEC). The project is complete after a four-month review with very few changes from the 2017 NEC to the 2020 NEC. The Chief said that the supervisor calculation questions are currently based on the 2017 NEC and will be updated by the end of this year to the 2020 NEC. These questions will be reviewed thoroughly because of the complexity of the calculations. The Chief suggested that the board support the division developing an industry committee to review the calculations. Members Ryan Richards, electrical contractor; and Randy Smith, electrical inspector, both agreed and said they would support the suggestion. The Chief added that the division is not reviewing tests at this time. He also wanted to make it clear that the division is not hiding what is in the tests, nor is the division trying to confuse anyone. If someone is feeling strongly about a test score involving the calculation portion of the test, the Chief said he would review, but the division will not make a habit of those reviews and the board will support the Chief's decision.

IV. Communications - None

V. Appeals - None

VI. Unfinished business - None

VII. New business

Review and approval of committee recommendations for new continuing education course and instructor applications

There was no discussion about this Agenda Item.

Motion by Ryan Richards to approve the committee recommendations for approval or denial of courses or instructors.

Roll call vote taken:

Yea: BJ Barlow; Amy Beyer; Elizabeth Bunga; Randy Carmony; Ryan Richards; Randy Smith; Vice-chair Kyle; and Chair Miller.

Nay: None.

Motion carried unanimously.

VIII. Announcements - None

IX. Adjournment

The meeting of the Electrical and Elevator Board adjourned at 9:59 a.m. by Chair Heather Miller and respectfully submitted by Debi Woods, division boards administrator/coordinator.

State of Oregon

Board memo

Building Codes Division

January 27, 2022

To: Electrical and Elevator Board

From: Michael Mayorga-Hamilton, contested case representative, Enforcement Services

Subject: Consent orders for cases resolved on behalf of the Electrical and Elevator Board

Action requested:

To consider the adoption of recent consent orders and issue final orders.

Background:

The board, through division staff, implemented a civil penalty matrix for electrical violations. The penalty matrix establishes civil penalties based upon the type and number of violations committed within five years of the date of the present violation. The penalty matrix further provides that a stay of some portion of a penalty is within the sole discretion of the board or the division acting on the board's behalf for purposes of settling cases prior to hearing.

The Enforcement Section, acting on behalf of the board, has entered into a consent agreement in four (4) cases since the board's November 18, 2021, meeting. A summary of the consent orders is included for your review.

Each consent order contains the following conditions, any additions or exceptions to these conditions is noted with the individual case information:

- Respondent agrees to fully cooperate with the division's enforcement efforts.
- Respondent understands that further enforcement action may be taken for any other violations.
- Respondent understands that failure to comply with the consent orders may be used as a basis for the denial, suspension, revocation, or conditioning of a license, certificate, or registration.

In these cases the penalty amounts assessed, amounts suspended, and amounts due and payable are consistent with the board's penalty matrix.

Electrical and Elevator Board Enforcement Report for January 20, 2022

Summary Report						
Case #	Name	Violation	Location	Date of Violation	Civil Penalty	Other Comments
C2021-0057	Trimble Commercial Contractors	Installation of service (conduit from the street to the meter enclosure), the meters and the associated meter enclosures. Rmored the conducors from holes, routed the conductors over the truss chords and terminated the conductors at the associated switch and/or receptacle boxes.●Allowing unlicensed individuals to perform electrical work ●No electrical contractor license ●No electrical permit	Sandy	December 2020 to March 2021	Assessed: \$6,000 Imposed: \$750 Suspended: \$5,250 This is a first time violator.	Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases that rely on the facts underlying this case.
C2021-0058	Trimble, William	Installation of service (conduit from the street to the meter enclosure), the meters and the associated meter enclosures. Rmored the conducors from holes, routed the conductors over the truss chords and terminated the conductors at the associated switch and/or receptacle boxes. ●No journeyman electrician license	Sandy	December 2020 to March 2021	Assessed: \$2,000 Imposed: \$250 Suspended: \$1,750 This is a first time violator.	Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases that rely on the facts underlying this case.
C2021-0064	Felipe, Reymundo Cumplido dba RF General Construction LLC	Extended a circuit to a new receptacle. ●No electrical contractors license ●No journeyman electrician license ●No electrical permit	Portland	October 2020	Assessed: \$6,000 Imposed: \$2,000 Suspended: \$4,000 This is a first time violator.	Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases that rely on the facts underlying this case.
C2021-0110	Hammon, Brad	Installation of conduit and pulling wire. ●No electrical contractors license ●Allowing unlicensed individuals to perform electrical work ●No electrical permit	Boardman	June 2020 through July 2020	Assessed: \$6,000 Imposed: \$750 Suspended: \$5,250 This is a first time violator.	Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases that rely on the facts underlying this case.

**Enrolled
Senate Bill 866**

Sponsored by Senator ANDERSON, Representatives GOMBERG, SMITH DB, SMITH G; Representatives BOSHART DAVIS, CATE, HAYDEN, LEIF, LEVY, MOORE-GREEN, OWENS, RESCHKE, WALLAN, WEBER, WITT, WRIGHT

CHAPTER

AN ACT

Relating to building code enforcement; creating new provisions; and amending ORS 455.148, 455.150, 455.715, 455.732 and 455.740.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2 to 5 of this 2021 Act are added to and made a part of ORS 455.100 to 455.450.

SECTION 2. (1) As used in sections 2 to 5 of this 2021 Act:

(a) “Building official” has the meaning given that term in ORS 455.715.

(b) “Contract building official” means an owner, manager or employee of a person that the Director of the Department of Consumer and Business Services has licensed to perform specialty code inspections and plan reviews under ORS 455.457 and that engages in the business of providing the services described in ORS 455.148 (3) and 455.150 (3) to one or more municipalities to which the director has delegated a building inspection program.

(c) “Discretionary decision” means:

(A) Waiving a plan review, an inspection or a provision of the state building code; or

(B) Allowing an alternative material, design or method of construction.

(d) “Qualified employee” means an individual that a municipality employs and has designated to ratify or disapprove a contract building official’s discretionary decisions and who:

(A) Before exercising oversight over a contract building official, completed, with any applicable certification or other evidence of completion, basic training that the director determines is necessary; and

(B) Within 180 days after a municipality’s designation of the individual as a qualified employee, completed, with any applicable certification or other evidence of completion, any advanced training that the director determines is necessary.

(2)(a) Notwithstanding ORS 455.148 (3) and 455.150 (3), a city that procured services from a contract building official on or after January 1, 2018, and before the effective date of this 2021 Act may continue to procure or may again procure services from a contract building official on and after the effective date of this 2021 Act only if the city complies with the provisions of sections 2 to 5 of this 2021 Act. A city that did not procure services from a contract building official before January 1, 2018, may not procure services from a contract building official unless:

(A) The city procures services from a contract building official for a period of not more than 180 days while recruiting for an individual to employ as a building official; or

(B) The city receives approval from the director to procure services from a contract building official for not more than 180 additional days after the period described in subparagraph (A) of this paragraph upon a showing that the city's recruitment to employ a building official remains active after the period described in subparagraph (A) of this paragraph.

(b) A county may procure services from a contract building official after the effective date of this 2021 Act only if the county complies with the provisions of sections 2 to 5 of this 2021 Act and only if the county's procurement occurs for the periods and under the circumstances described for cities in paragraph (a)(A) and (B) of this subsection.

(3)(a) A contract building official shall notify a qualified employee in writing of each of the contract building official's discretionary decisions. The contract building official shall notify a permit applicant of each discretionary decision that relates to the permit application. The notice must list and describe available opportunities for a hearing and appeal of the decision.

(b) A qualified employee must review and ratify or disapprove a contract building official's discretionary decision within 30 days after receiving notice of the decision.

(4)(a) Except as otherwise provided in paragraph (b) of this subsection, a municipality that procures services from a contract building official must establish a local board to which a permit applicant may appeal a contract building official's discretionary decisions.

(b)(A) A city need not establish a local board if the county within which the city is located, or an adjacent county, has a local board that hears, in accordance with this section, all appeals of the discretionary decisions of the city's contract building official. A county need not establish a local board if an adjacent county has a local board that hears, in accordance with this section, all appeals of the discretionary decisions of the county's contract building official or the discretionary decisions of all contract building officials for cities located within the county.

(B) A city may enter into an agreement with the county within which the city is located, or an adjacent county, to hear appeals in accordance with this section. A county may enter into an agreement with an adjacent county to hear appeals in accordance with this section.

(c) A local board that a city establishes under paragraph (a) of this subsection must include as a member the building official of the county within which the city is located or the building official of an adjacent county. A local board that a county establishes under paragraph (a) of this subsection must include as a member a building official from an adjacent county.

(d) A local board described in paragraph (a) of this subsection may not include as a member any contract building official or an owner, manager, director, officer or employee of a person, other than an employee of the municipality, that performs building inspections. An individual who engages in the business of building design or construction may be a member of the local board, but may not hear an appeal of a contract building official's discretionary decision concerning a project that involves a business, or a competitor of a business, that:

(A) The individual owns or manages or for which the individual provides services as an employee, agent or contractor; or

(B) A family member or a member of the individual's household owns or manages or for which the family member or member of the household provides services as an employee, agent or contractor.

(5)(a) The appeal rights to which a permit applicant is entitled before a local board described in subsection (4) of this section must be in addition to and not in lieu of any other rights of appeal the permit applicant may have. A municipality shall require a permit applicant to submit any appeal within 30 days after receiving a notice concerning the permit application under subsection (3) of this section and the local board must review and issue a determination of the appeal within 30 days after receiving notice of the appeal.

(b) In an appeal under subsection (4) of this section, a permit applicant must establish by a preponderance of the evidence that overturning the discretionary decision of the contract building official will not create a dangerous or unsafe condition or decrease the minimum fire and life safety standards set forth in the relevant code.

(6)(a) A city that procures services from a contract building official shall have an independent auditor examine the finances of the city's building inspection program at least once every two years. The city may have the audit performed in conjunction with an audit under ORS 297.425. A county that procures services from a contract building official shall have an audit performed that covers the period of time during which the contract building official performed services for the county.

(b) At a minimum, an audit under this subsection must examine all collections and usage of permit fees and all expenditures of moneys that have occurred from the proceeds of the fees since the last audit or since a municipality began procuring services from the contract building official, whichever period is shorter, and must verify that the municipality dedicates all fees the municipality collects for plan review, permit issuance or administering and enforcing specialty codes only to the purposes specified in ORS 455.210 and 479.845.

(c) A municipality shall make the results of each audit available to the public by easily accessible electronic means, including by posting the results on the municipality's website.

(7) A city that procured services from a contract building official within the period described in subsection (2) of this section may at any time choose to procure services from a different contract building official, may employ a building official or, in cooperation with another municipality, may appoint a building official employed by the other municipality to administer a building inspection program for both the city and the other municipality.

(8)(a) If the director has reason to believe that a violation of this section has occurred, the director may:

(A) Examine a municipality's building code inspection, administration and enforcement activities and the activities of the contract building official from which the municipality procured services;

(B) Perform an investigation and take sworn testimony; and

(C) Issue subpoenas, subject to the authorization of the Attorney General, to persons or for records for the purpose of obtaining testimony, documents and information about a municipality's official actions or omissions and the actions or omissions of a contract building official, including information that is subject to public inspection under ORS 192.311 to 192.478.

(b) Before taking an action under paragraph (a) of this subsection, the director shall notify the municipality and the contract building official that are the subjects of the director's intended action. In the notice, the director shall set forth the reasons the director believes a violation has occurred and cite any applicable statutes or rules. The director may immediately take an action described in paragraph (a) of this subsection if the director does not receive a satisfactory response within 30 days after the date of the director's notice.

(9)(a) If the director finds that a violation of this section has occurred, the director may issue and serve a written order upon a municipality, or upon a contract building official from which the municipality procured services, that specifies corrective action. The order must state the facts and identify applicable law that forms the basis for the director's finding that a violation has occurred and must give the municipality or the contract building official reasonable time, which may not be less than 10 business days, within which to perform the director's specified corrective action.

(b) In addition to the corrective action described in paragraph (a) of this subsection, the director may require the municipality to:

(A) Increase the frequency of the audit required under subsection (6) of this section to once per year.

(B) Submit a written plan that describes how the municipality will achieve compliance with this section. If the director accepts the plan, the director shall incorporate the provisions of the plan into an order that is binding upon the municipality.

(C) State and document the actions that the municipality has undertaken independently to correct the violation.

(c) If the director finds that a pattern of violations of this section has occurred:

(A) The municipality that is the subject of the director's finding may not procure services from a contract building official and shall, within 180 days after the date of the director's finding:

(i) Employ a building official;

(ii) Appoint a building official in cooperation with another municipality and agree with the other municipality that the building official shall perform services for both municipalities; or

(iii) Abandon the municipality's building inspection program in accordance with ORS 455.148 and 455.150; and

(B) The director may suspend, revoke, deny or refuse to renew the certification of the contract building official that is the subject of the director's finding. An action of the director under this subparagraph does not affect a municipality's ability to procure services from a different contract building official with a valid certification.

(d) In any proceeding under paragraph (c)(B) of this subsection, the municipality that appoints or employs the contract building official may appear as a party in interest, either for or against the director's proposed action.

SECTION 3. (1) A municipality may enact or adopt an ordinance or resolution or take another legislative action to ratify the discretionary decisions that a contract building official made before the effective date of this 2021 Act.

(2) If a municipality ratifies a discretionary decision that a contract building official made on behalf of the city as part of the administration and enforcement of a building inspection program before the effective date of this 2021 Act, the contract building official's discretionary decision is lawful to the same extent that the discretionary decision would be lawful if the municipality had made the discretionary decision.

(3) A permit or certificate of occupancy that a municipality ratifies under this section is presumed valid.

SECTION 4. (1) A building official, a contract building official, an inspector, a plan reviewer or another person that provides building inspection services under contract with a municipality is a public official for the purposes of ORS chapter 244.

(2) In addition to and not in lieu of the authority of the Oregon Government Ethics Commission, the Director of the Department of Consumer and Business Services has the authority to suspend, revoke, deny, condition or refuse to renew a license, certification or registration of a building official, contract building official, inspector, plan reviewer or other person that provides building inspection services under contract with a municipality if the director determines that the building official, contract building official, inspector, plan reviewer or other person or an owner, director, officer, manager, member or majority shareholder of the building official, contract building official, inspector, plan reviewer or other person has violated ORS 244.025, 244.040, 244.047, 244.175, 244.177 and 244.179 or has engaged in an actual conflict of interest as defined in ORS 244.020.

(3) A determination of the director under subsection (2) of this section does not bind the Oregon Government Ethics Commission.

SECTION 5. (1) A city that intends to continue to procure services from a contract building official shall, on or after the effective date of this 2021 Act:

(a) Comply with section 2 of this 2021 Act; and

(b) Submit an updated operating plan to the Director of the Department of Consumer and Business Services that outlines the city's plan for compliance with section 2 of this 2021 Act.

(2) A city that does not comply with section 2 of this 2021 Act or does not submit an updated operating plan as provided in subsection (1)(b) of this section may not procure services from a contract building official unless the city's procurement occurs for the periods and under the circumstances described in section 2 (2)(a)(A) and (B) of this 2021 Act.

SECTION 6. Section 7 of this 2021 Act is added to and made a part of ORS chapter 12.

SECTION 7. An action to challenge the validity of a building permit that a contract building official, as defined in section 2 of this 2021 Act, issued before the effective date of this 2021 Act on the basis that the contract building official lacked the authority to issue the building permit or to make a discretionary decision, as defined in section 2 of this 2021 Act, must be commenced on or before December 31, 2024.

SECTION 8. ORS 455.148 is amended to read:

455.148. (1)(a) A municipality that assumes the administration and enforcement of a building inspection program shall administer and enforce the program for all of the following:

(A) The state building code, as defined in ORS 455.010, except as set forth in paragraph (b) of this subsection.

(B) Manufactured dwelling installation requirements under ORS 446.155, 446.185 (1) and 446.230.

(C) Manufactured dwelling parks and mobile home parks under ORS chapter 446.

(D) Park and camp programs regulated under ORS 455.680.

(E) Tourist facilities regulated under ORS 446.310 to 446.350.

(F) Manufactured dwelling alterations regulated under ORS 446.155.

(G) Accessory buildings or structures under ORS 446.253.

(H) Boilers and pressure vessels described in rules adopted under ORS 480.525 (5).

(b) A building inspection program of a municipality may not include:

(A) Boiler and pressure vessel programs under ORS 480.510 to 480.670 except those described in rules adopted under ORS 480.525 (5);

(B) Elevator programs under ORS 460.005 to 460.175;

(C) Amusement ride regulation under ORS 460.310 to 460.370;

(D) Prefabricated structure regulation under ORS chapter 455;

(E) Manufacture of manufactured dwelling programs under ORS 446.155 to 446.285, including the administration and enforcement of federal manufactured dwelling construction and safety standards adopted under ORS 446.155 or the National Manufactured Housing Construction and Safety Standards Act of 1974;

(F) Licensing and certification, or the adoption of statewide codes and standards, under ORS chapter 446, 447, 455, 479 or 693; or

(G) Review of plans and specifications as provided in ORS 455.685.

(2) A municipality that administers a building inspection program as allowed under this section shall do so for periods of four years. The Department of Consumer and Business Services shall adopt rules to adjust time periods for administration of a building inspection program to allow for variations in the needs of the department and participants.

[3] (3)(a) [When] **If** a municipality administers a building inspection program, the governing body of the municipality shall, unless other means are already provided, appoint **or employ** a person to **serve as a building official, who will** administer and enforce the building inspection program[, *who shall be known as the building official*]. **Under the circumstances described in section 2 (2) of this 2021 Act, a municipality may for the same purpose enter into a contract with a contract building official, as defined in section 2 of this 2021 Act. A building official or contract building official shall, in the municipality [for which] that appointed or employed the building official or that contracted with the contract building official, attend to all aspects of code enforcement, including the issuance of all building permits. Two or more municipalities may combine in the appointment of a single building official or in a contract for a single contract building official for the purpose of administering a building inspection program within [their communities] each municipality.**

(b) A contract between a municipality and a contract building official is subject to applicable provisions of ORS chapters 279A, 279B and 279C.

(4)(a) By January 1 of the year preceding the expiration of the four-year period described in subsection (2) of this section, the governing body of the municipality shall notify the Director of the Department of Consumer and Business Services and, if the municipality is not a county, notify the county whether the municipality will continue to administer and enforce the building inspection program after expiration of the four-year period.

(b) Notwithstanding the January 1 date set forth in paragraph (a) of this subsection, the director and the municipality and, if the municipality is not a county, the county may by agreement extend that date to no later than March 1.

(5) If a city does not notify the director, or notifies the director that *[it]* **the city** will not administer the building inspection program, the county or counties *[in]* **within** which the city is located shall administer and enforce the county program within the city in the same manner as the program is administered and enforced outside the city, except as provided by subsection (6) of this section.

(6) If a county does not notify the director, or notifies the director that *[it]* **the county** will not administer and enforce a building inspection program, the director shall contract with a municipality or other person or use such state employees or state agencies as are necessary to administer and enforce a building inspection program, and permit or other fees arising *[therefrom shall]* **from the building inspection program must** be paid into the Consumer and Business Services Fund created by ORS 705.145 and credited to the account responsible for paying the expenses *[thereof]* **of the department related to administering and enforcing the building inspection program.** A state employee may not be displaced as a result of using contract personnel.

(7) The governing body of a municipality may commence responsibility for the administration and enforcement of a building inspection program beginning July 1 of any year by notifying the director no later than January 1 of the same year and obtaining the director's approval of an assumption plan as described in subsection (11)(c) of this section.

(8) The department shall adopt rules to require the governing body of each municipality assuming or continuing a building inspection program under this section to submit a written plan with the notice required under subsection (4) or (7) of this section. If the department is the governing body, the department shall have a plan on file. The plan must specify how cooperation with the State Fire Marshal or a designee of the State Fire Marshal will be achieved and how a uniform fire code will be considered in the review process of the design and construction phases of buildings or structures.

(9) A municipality that administers and enforces a building inspection program pursuant to this section shall recognize and accept the performances of state building code activities by businesses and persons authorized under ORS 455.457 to perform the activities as if the activities were performed by the municipality. A municipality is not required to accept an inspection, a plan or a plan review that does not meet the requirements of the state building code.

(10) The department or a municipality that accepts an inspection or plan review as required by this section by a person licensed under ORS 455.457 has no responsibility or liability for the activities of the licensee.

(11) In addition to the requirements of ORS 455.100 and 455.110, the director shall regulate building inspection programs that municipalities assume on or after January 1, 2002. Regulation under this subsection *[shall]* **must** include but not be limited to:

(a) Creating building inspection program application and amendment requirements and procedures;

(b) Granting or denying applications for building inspection program authority and amendments;

(c) Requiring a municipality assuming a building inspection program to submit with the notice given under subsection (7) of this section an assumption plan that includes, at a minimum:

(A) A description of the intended availability of program services, including proposed service agreements for carrying out the program during at least the first two years;

(B) Demonstration of the ability and intent to provide building inspection program services for at least two years;

(C) An estimate of proposed permit revenue and program operating expenses;

(D) Proposed staffing levels; and

(E) Proposed service levels;

(d) Reviewing procedures and program operations of municipalities;

(e) Creating standards for efficient, effective, timely and acceptable building inspection programs;

(f) Creating standards for justifying increases in building inspection program fees adopted by a municipality;

(g) Creating standards for determining whether a county or department building inspection program is economically impaired [*in its ability*] **because of the county's or the department's inability** to reasonably continue providing the program throughout a county, if another municipality is allowed to provide a building inspection program within the same county; and

(h) Enforcing the requirements of this section.

(12) The department may assume administration and enforcement of a building inspection program:

(a) During the pendency of activities under ORS 455.770;

(b) If a municipality abandons or is no longer able to administer the building inspection program; [and] **or**

(c) If a municipality fails to substantially comply with any provision of this section or of ORS 455.465, 455.467 and 455.469.

(13) If the department assumes the administration and enforcement of a building inspection program under this section, in addition to any other power granted to the director, the director may:

(a) Enter into agreements with local governments under ORS 455.185 regarding the administration and enforcement of the assumed building inspection program;

(b) Take action as described in ORS 455.192 to ensure that sufficient staff and other resources are available for the administration and enforcement of the assumed building inspection program; [and]

(c) Charge fees described in ORS 455.195 for department services provided in administering and enforcing the assumed building inspection program[.]; **and**

(d) Ratify or disapprove the discretionary decisions of a contract building official, as both terms are defined in section 2 of this 2021 Act, to the extent that a municipality could ratify or disapprove the discretionary decisions of the municipality's contract building official.

(14) A municipality that abandons or otherwise ceases to administer and enforce a building inspection program that the municipality assumed under this section may not resume the administration or enforcement of the program for at least two years. The municipality may resume the administration and enforcement of the abandoned program only on July 1 of an odd-numbered year. Prior to resuming the administration and enforcement of the program, the municipality must follow the notification procedure set forth in subsection (7) of this section.

SECTION 9. ORS 455.150 is amended to read:

455.150. (1) Except as provided in subsection (15) of this section, a municipality that assumes the administration and enforcement of a building inspection program prior to January 1, 2002, may administer and enforce all or part of a building inspection program. A building inspection program:

(a) Is a program that includes the following:

(A) The state building code, as defined in ORS 455.010, except as set forth in paragraph (b) of this subsection.

(B) Manufactured dwelling installation requirements under ORS 446.155, 446.185 (1) and 446.230.

(C) Manufactured dwelling parks and mobile home parks under ORS chapter 446.

(D) Park and camp programs regulated under ORS 455.680.

(E) Tourist facilities regulated under ORS 446.310 to 446.350.

(F) Manufactured dwelling alterations regulated under ORS 446.155.

- (G) Accessory buildings or structures under ORS 446.253.
- (H) Boilers and pressure vessels described in rules adopted under ORS 480.525 (5).
- (b) Is not a program that includes:
 - (A) Boiler and pressure vessel programs under ORS 480.510 to 480.670 except those described in rules adopted under ORS 480.525 (5);
 - (B) Elevator programs under ORS 460.005 to 460.175;
 - (C) Amusement ride regulation under ORS 460.310 to 460.370;
 - (D) Prefabricated structure regulation under ORS chapter 455;
 - (E) Manufacture of manufactured dwelling programs under ORS 446.155 to 446.285, including the administration and enforcement of federal manufactured dwelling construction and safety standards adopted under ORS 446.155 or the National Manufactured Housing Construction and Safety Standards Act of 1974;
 - (F) Licensing and certification, or the adoption of statewide codes and standards, under ORS chapter 446, 447, 455, 479 or 693; and
 - (G) Review of plans and specifications as provided in ORS 455.685.

(2) A municipality that administers a building inspection program as allowed under this section shall do so for periods of four years. The Department of Consumer and Business Services shall adopt rules to adjust time periods for administration of a building inspection program to allow for variations in the needs of the department and participants.

[(3)] **(3)(a)** *[When]* **If** a municipality administers a building inspection program, the governing body of the municipality shall, unless other means are already provided, appoint **or employ** a person to **serve as a building official, who will** administer and enforce **all or parts of** the building inspection program *[or parts thereof, who shall be known as the building official]*. **Under the circumstances described in section 2 (2) of this 2021 Act, a municipality may for the same purpose enter into a contract with a contract building official, as defined in section 2 of this 2021 Act.** A building official **or contract building official** shall, in the municipality *[for which]* **that** appointed **or employed the building official or contracted with the contract building official**, attend to all aspects of code enforcement, including the issuance of all building permits. Two or more municipalities may combine in the appointment of a single building official **or in a contract with a single contract building official** for the purpose of administering a building inspection program within *[their communities]* **each municipality**.

(b) A contract between a municipality and a contract building official is subject to applicable provisions of ORS chapters 279A, 279B and 279C.

(4)(a) By January 1 of the year preceding the expiration of the four-year period described in subsection (2) of this section, the governing body of the municipality shall notify the Director of the Department of Consumer and Business Services and, if not a county, notify the county whether the municipality will continue to administer **all or part of** the building inspection program~~], or parts thereof,~~ after *[expiration of]* the four-year period **expires**. If parts of a building inspection program are to be administered and enforced by a municipality, the parts shall correspond to a classification designated by the director as reasonable divisions of work.

(b) Notwithstanding the January 1 date set forth in paragraph (a) of this subsection, the director and the municipality and, if the municipality is not a county, the county may by agreement extend that date to no later than March 1.

(5) If a city does not notify the director, or notifies the director that *[it]* **the city** will not administer **all or parts of** certain specialty codes *[or parts thereof]* under the building inspection program, the county or counties *[in]* **within** which the city is located shall administer and enforce those codes or parts *[thereof]* **of the codes** within the city in the same manner as *[it administers and enforces them]* **the county or counties administer and enforce the codes or parts of the codes** outside the city, except as provided by subsection (6) of this section.

(6) If a county does not notify the director, or notifies the director that *[it]* **the county** will not administer and enforce **all or parts of** certain specialty codes *[or parts thereof]* under the building inspection program, the director shall contract with a municipality or other person or use such state

employees or state agencies as are necessary to administer and enforce those codes or parts [thereof] **of the codes**, and permit or other fees arising [therefrom shall] **from the administration and enforcement must** be paid into the Consumer and Business Services Fund created by ORS 705.145 and credited to the account responsible for paying such expenses. A state employee may not be displaced as a result of using contract personnel.

(7) If a municipality administering a building inspection program under this section seeks to administer additional parts of a program, the municipality must comply with ORS 455.148, including the requirement that the municipality administer and enforce all aspects of the building inspection program. Thereafter, the municipality is subject to ORS 455.148 and ceases to be subject to this section.

(8) The department shall adopt rules to require the governing body of each municipality to submit a written plan with the notice required under subsection (4) of this section. If the department is the governing body, the department shall have a plan on file. The plan shall specify how cooperation with the State Fire Marshal or a designee of the State Fire Marshal will be achieved and how a uniform fire code will be considered in the review process of the design and construction phases of buildings or structures.

(9) A municipality that administers a code for which persons or businesses are authorized under ORS 455.457 to perform activities shall recognize and accept those activities as if performed by the municipality. A municipality is not required to accept an inspection, a plan or a plan review that does not meet the requirements of the state building code.

(10) The department or a municipality that accepts an inspection or plan review as required by this section by a person licensed under ORS 455.457 has no responsibility or liability for the activities of the licensee.

(11) In addition to the requirements of ORS 455.100 and 455.110, the director shall regulate building inspection programs of municipalities assumed prior to January 1, 2002. Regulation under this subsection [shall] **must** include but not be limited to:

- (a) Creating building inspection program application and amendment requirements and procedures;
- (b) Granting or denying applications for building inspection program authority and amendments;
- (c) Reviewing procedures and program operations of municipalities;
- (d) Creating standards for efficient, effective, timely and acceptable building inspection programs;
- (e) Creating standards for justifying increases in building inspection program fees adopted by a municipality;
- (f) Creating standards for determining whether a county or department building inspection program is economically impaired [in its ability] **because of the county's or the department's inability** to reasonably continue providing the program or part of the program throughout a county, if another municipality is allowed to provide a building inspection program or part of a program within the same county; and
- (g) Enforcing the requirements of this section.

(12) The department may assume administration and enforcement of a building inspection program:

- (a) During the pendency of activities under ORS 455.770;
- (b) If a municipality abandons any part of the building inspection program or is no longer able to administer the building inspection program; [and] **or**
- (c) If a municipality fails to substantially comply with any provision of this section or of ORS 455.465, 455.467 and 455.469.

(13) If the department assumes the administration and enforcement of a building inspection program under this section, in addition to any other power granted to the director, the director may:

- (a) Enter into agreements with local governments under ORS 455.185 regarding the administration and enforcement of the assumed building inspection program;

(b) Take action as described in ORS 455.192 to ensure that sufficient staff and other resources are available for the administration and enforcement of the assumed building inspection program; [and]

(c) Charge fees described in ORS 455.195 for department services provided in administering and enforcing the assumed building inspection program[.]; and

(d) Ratify or disapprove the discretionary decisions of a contract building official, as both terms are defined in section 2 of this 2021 Act, to the extent that a municipality could ratify or disapprove the discretionary decisions of the municipality's contract building official.

(14) If a municipality abandons or otherwise ceases to administer all or part of a building inspection program described in this section, the municipality may not resume the administration and enforcement of the abandoned program or part of a program for at least two years. The municipality may resume the administration and enforcement of the abandoned program or part of a program only on July 1 of an odd-numbered year. To resume the administration and enforcement of the abandoned program or part of a program, the municipality must comply with ORS 455.148, including the requirement that the municipality administer and enforce all aspects of the building inspection program. Thereafter, the municipality is subject to ORS 455.148 and ceases to be subject to this section.

(15) A municipality that administers and enforces a building inspection program under this section shall include in the program the inspection of boilers and pressure vessels described in subsection (1)(a)(H) of this section.

SECTION 10. ORS 455.715 is amended to read:

455.715. As used in ORS 455.715 to 455.740, unless the context otherwise requires:

(1) "Building official" means a person charged by a municipality with responsibility for administration and enforcement of the state building code in the municipality.

(2) "Business of providing prefabricated structure plan approvals and inspections" means an independent contractor providing prefabricated structure plan approval or inspection services, or both, under the following specialty codes, as provided in **this section and** ORS 455.020[,] **and** 455.705 [and 455.715]:

- (a) Structural;
- (b) Mechanical;
- (c) Plumbing;
- (d) Electrical; and
- (e) Low-rise residential dwelling.

(3) "Inspector" means:

(a) A person, including a plans examiner, acting under the authority and direction of a building official and charged with the responsibility of routine enforcement of one or more specialty codes or parts of specialty codes;

(b) A person, including a plans examiner, who provides enforcement of one or more specialty codes or parts of specialty codes and who is personally in the business of providing prefabricated structure plan approvals or inspections or is employed by such a business;

(c) A specialized building inspector certified under ORS 455.723 who is employed **or otherwise authorized** by a municipality or by the Department of Consumer and Business Services;

(d) A person employed **or otherwise authorized** by a municipality or the department who is certified under ORS 455.732 to perform inspections under one or more specialty codes throughout a building code administrative region; or

(e) A person designated by the Director of the Department of Consumer and Business Services to ensure compliance with a specialty code or with any requirement for a license, registration, certification, endorsement or other authorization to perform work related to the administration and enforcement of the state building code.

SECTION 11. ORS 455.732 is amended to read:

455.732. (1) As used in this section, “building code administrative region” means a region established by the Director of the Department of Consumer and Business Services under ORS 455.042 for the uniform administration of the state building code.

(2) The authority of the director under ORS 455.720 and 455.723 to specify terms, conditions and classifications for the certification of inspectors includes the authority to certify an inspector to perform inspections under multiple specialty codes or parts of a specialty code.

(3) The director may provide for an inspector who is likely to be employed **or otherwise authorized** within a specific building code administrative region to be certified to perform inspections throughout a building code administrative region, whether within or outside of a municipality. The director may recognize any training program certified by the director under ORS 455.723 or 455.725 for purposes of certifying an inspector to perform inspections throughout a building code administrative region. This subsection does not require a municipality administering and enforcing a building inspection program under ORS 455.148 or 455.150 to allow an inspector certified under this subsection who is not employed **or otherwise authorized** by the municipality to perform building inspections on behalf of the municipality.

(4) In determining the appropriate experience, training or other qualifications for an inspector under ORS 455.720 or 455.723, the director shall consult with the appropriate advisory boards. The factors to be considered by the director may include, but need not be limited to:

(a) Any factors specific to, or of particular relevance to, a specialty code or to the types of buildings, structures, systems or equipment in a geographic area that are inspected under the specialty code;

(b) Staffing levels or other specific criteria for building inspection programs established by a municipality *[where]* **within which** the inspector is likely to be employed **or otherwise authorized to perform inspections**, or for building inspection programs established by the director; and

(c) Any factors specific to, or of particular relevance to, the building code administrative region within which the inspector is likely to be employed **or otherwise authorized to perform inspections**.

(5) In determining the scope of certifications and qualifications for an inspector, the director may utilize field training equivalency, independent evaluations or other methods the director deems appropriate.

SECTION 12. ORS 455.740 is amended to read:

455.740. (1) Subject to ORS chapter 183, the Director of the Department of Consumer and Business Services may deny, condition, suspend, revoke or refuse to renew a certificate of a building official or inspector if the director finds that the building official or inspector has:

(a) Consistently failed to act in the public interest in the performance of duties;

(b) Failed to complete the continuing education requirements as required under ORS 455.720 (4);

(c) Provided false information to the department; or

(d) Committed an act described in ORS 455.125 or 455.129.

(2) In any revocation proceeding under this section, the municipality that **appoints or** employs the building official or inspector *[shall be entitled to]* **may** appear as a party in interest, either for or against the revocation.

(3) When a certification is suspended or revoked under this section, the director may also suspend, deny or place conditions on that person’s right to reapply for certification under ORS 455.735 for a period not to exceed 12 months.

(4) This section does not limit or otherwise affect the authority of a municipality to dismiss or suspend a building official or inspector at the discretion of the municipality.

(5) Notwithstanding the requirements of subsections (1) to (4) of this section, the director may adopt rules that:

(a) Allow certifications to be placed on inactive status; and

(b) Extend continuing education compliance requirements in case of illness or hardship.

Passed by Senate June 16, 2021

.....
Lori L. Brocker, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House June 25, 2021

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

.....
Shemia Fagan, Secretary of State

MASTER ELECTRICAL PERMITS

About master electrical permits

Oregon Revised Statute (ORS) 479.560(3) allows the Building Codes Division, or jurisdiction operating an electrical inspection program, to issue master electrical permits for their respective programs. The holder of a master electrical permit is not required to obtain individual permits for certain installations, or the repair, alteration, or replacement of existing electrical products in certain qualified facilities. Electrical installations within qualified facilities may be done by employees holding the appropriate electrical licenses, or by State of Oregon licensed electrical contractors.

Any electrical installation not covered by the program requires a separate electrical permit. An owner, electrical contractor or operating manager of a covered facility can obtain a master permit only if appropriately licensed electricians are to do the work. If the applicant is an owner or operating manager, a roster of workers under the permit must be filed with the issuing jurisdiction.

Issuance, inspections, and responsibility

Jurisdictions operating delegated electrical inspection programs are responsible for issuing master electrical permits for their jurisdiction.

Inspections of permit holding facilities will be done periodically by the jurisdiction issuing the master permit for electrical installations. The jurisdiction may also undertake a cover inspection, which shall be made before electrical installations are covered. The periodic inspection under the permit shall be done at least once a year or more frequently based on the needs of the particular plant, building or facility.

When a jurisdiction is delegated a building inspection program, Oregon Administrative Rule (OAR) 918-020-0090(2)(e) requires the jurisdiction to establish policies and procedure for issuing permits not requiring plan review, including master permits. Therefore, any jurisdiction operating an electrical inspection program would also be responsible for the receipt of applications for master permits, issuance of master permits, and the periodic inspection of permit-holding facilities.

Contact

Keith Anderson
Electrical Program Chief
503-378-4459

William.K.Anderson@dcbs.oregon.gov

State of Oregon

Board memo

Building Codes Division

January 27, 2022

To: Electrical and Elevator Board

From: Tyler Glaze, policy analyst, Policy and Technical Services

Subject: Coos County application for electrical program delegation

Action requested:

Provide comments and recommendations from the board regarding Coos County's application to administer a comprehensive building inspection program, including whether or not the division should approve the application.

Background:

The division currently operates a building inspection program which includes service to Coos County. On October 1, 2021, the division received notice from Coos County of its intent to assume a comprehensive building inspection program. On October 11, 2021, the division provided notice to all persons on the division's interested parties list for program assumptions as required by OAR 918-020-0095(3). All materials submitted by Coos County are located at <https://www.oregon.gov/bcd/jurisdictions/Pages/program-assumptions.aspx>.

The division asked for public comments on Coos County's application until November 10, 2021, and received none. Coos County confirmed its intent to proceed with the assumption process on December 30, 2021. The division sent a list of questions regarding aspects of Coos County's application. Coos County responded to the division's questions on December 30, 2021.

The division is now requesting comments and recommendations from the board regarding Coos County's application to administer a comprehensive building inspection program, including whether or not the division should approve the application.

A municipality seeking to administer and enforce a building inspection program under Oregon Revised Statutes (ORS) [455.148](#) and [479.855](#) must submit an application to the division. This application must meet the requirements of Oregon Administrative Rules (OAR) Chapter 918 Divisions [20](#) and [308](#). OAR 918 Division 308 explains the requirements for administration of an electrical program.

An approved application must demonstrate that the municipality can meet the following requirements:

- The municipality can create and maintain services at least reasonably the same level as the electrical administrative, enforcement, and inspection services presently provided to the area, and the application must note any differences in services or inspections from present services, OAR 918-308-0010(2) and OAR 918-308-0020(2)(e)
- Operation of the program is financially feasible without unduly increasing short- or long-term costs of electrical inspection services to the public, both in the areas delegated and, if applicable, the remaining program in the surrounding area, OAR 918-308-0010(3)
- The municipality has demonstrated the ability to carry out the proposed electrical program, OAR 918-308-0010(4)
- The municipality has an operating plan which meets the requirements of OAR 918-308-0040, OAR 918-308-0020(2)(d)
- The municipality's application is based on a municipal resolution which states that the municipality will be bound by the Electrical Delegation Rules if the assumption is granted, OAR 918-308-0020(2)(b)
- The municipality has a proposed ordinance for administration and enforcement of the electrical program, OAR 918-308-0020(2)(c)

Options:

- Approve Coos County's proposed assumption of a building inspection program and forward to the administrator for division approval.
- Deny Coos County's proposed assumption of a building inspection program.
- Table approval or denial of Coos County's proposed assumption of a building inspection program pending clarification of issues of concern.



COOS COUNTY PLAN FOR BUILDING CODES PROGRAM

Jill Rolfe, Coos County Planning Director on behalf of
COOS COUNTY BOARD OF COMMISSIONERS
225 N Adams Street Coquille OR 97423



Program Administration Request

☒ New

☐ Renewal

Department of Consumer & Business Services

Building Codes Division

1535 Edgewater St. NW, Salem, OR

Mailing address: P.O. Box 14470, Salem, OR 97309-0404

Phone: (503) 373-4133 • Fax: (503) 378-2322

Web: bcd.oregon.gov

Municipality: Coos County

Building official: Jill Rolfe, Director (Director of Program)

Address: 225 N. Adams Street

City: Coquille

State: Oregon

ZIP: 97423

Office location: 60 E. Second Street, Coquille OR 97423

Phone: (541) 396-7770 Fax: (541) 396-1010 E-mail: jrolfe@co.coos.or.us

Mark program choice by indicating level:

X – Performed by municipality

C – Performed by county

S – Performed by state

Plans				Structural				Mechanical				Electrical			Plumbing				Manufactured Structures (MSI)	Park Camp (PCI)	Master Builder Program (optional)
A	B	C	F	A	B	C	M	A	B	C	M	A	B	M	A	C	S	M			
C	c	c	S	C	c	c		C	c	c		C	c		C	C	C		c	c	c

Note: Assumption of a structural A-level program includes the requirements for disabled access [ORS 447.233(5)]. MSI includes manufactured dwelling installations; alterations, accessory structures, buildings, and cabana installations; plan review; and inspections. Park/camp includes mobile home and manufactured dwelling parks, recreation parks, organizational camps, and picnic parks plan review and inspection.

Attach the following:

- ☒ Completed copy of municipality's operating plan (OAR 918-020-0090)
- ☒ Electrical program requests (See requirements in OAR Chapter 918, Div. 308.)
- ☒ Changes of service areas (Include map or description.)
- ☒ Current fee schedules for all programs
- ☒ Name of a contact person for surcharge report of assumed programs

Name: Megan Simms

Phone: 541-396-7730

Address: 250 N. Baxter

City: Coquille

State: OR

ZIP: 97423

List inspectors and others, as requested, on the back of this sheet. Attach additional pages as necessary.

Official delegation or assumption of the program(s) above is requested for the period beginning July 1, 20 22.

Authorized signature: Jill Rolfe

Title: Planning Director

Date: 10/1/21

Request will not be accepted without signature.



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Coos County

Plan for Assumption of Building Codes Program

II. ASSUMING THE PROGRAM

a. Statement of Interest

Coos County's interest is to build a better user-friendly program for the community.

Coos County has the desire to make a unified program for development. The County and the State have worked hard to build relationships to allowing information to be shared. There are challenges that come with having individual Planning, Building and Sanitation Programs. Coos County is a rural area and over the years staffing and communication have not always been the priority. With less and less staff available in our area for these specialized programs it seems logical to combine them into one unit.

b. Statement of Need

Imagine trying to develop a property when you have to obtain permits from at least three different agencies in three different locations. Then if you're a business there are even more agencies that you have to navigate. This is not only frustrating for the developer but can be frustrating for staff trying to make sure you have all the necessary information from the other agencies. Enforcement is another issue as the public has a very difficult time understanding the jurisdictional distinctions between the agencies.

III. OPERATION PLAN AND PROGRAM STANDARDS

This operation plan was developed to comply with administrative rule to allow Coos County to move forward with assuming the Building Codes Program. The program will be housed as part of the newly created Community Development Program. Current State employees will be transferred over through this program

OAR 918-020-0094

Program Assumption for State-Administered Jurisdictions

A municipality that requests responsibility for the administration and enforcement of a building inspection program administered by the division must meet the requirements for assumption in ORS 455.148 (Comprehensive municipal building inspection programs)(7) and (11)(c).

OAR 918-020-0080 Delegation of Building Inspection Programs

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

standards described in ORS 455.153 (Municipal authority to administer specialty code or building requirements) and OAR 918-020-0090 (Program Standards).

This plan reflects the standards, policies, procedures and services administered that will be offered through the Coos County. The intent is for Coos County to offer plan review, structural, electrical, plumbing, manufactured structures and park camping. The county has been in discussion with the City of Coos Bay to enter into an IGA to assist with coverage during times when there is a vacancy or a period that an inspector will need to be out of the office. Other IGA's will happen with the City of Coos Bay and North Bend to cover the portions of the program handled by the current Coos Bay Field Office. Plans and IGA's will be in place to meet the requirements of OAR 918 Division 20.

a. Administrative Standards

i. Funds and Fund Accounting:

Coos County has obtained current revenues and expenses generated by the Coos Bay Field Office from the State. The funding shows that each section of the program carries a positive balance.

The County has set aside funding for startup cost for equipment and salaries. All revenues collected and expenditures made in connection with administration and enforcement of the building program will be handled through the program using current county accounting procedures.

A contingency fund with a starting balance will be created for carry over funds to cover unexpected expenditures and in times when permits are not able to cover current expense. The starting balance will be determined through this process to ensure all expenses are understood in detail.

All revenues collected will be deposited in a Dedicated Fund and used as allowed by law. Revenue line items will be set up to cover each portion of the program (building, electrical, plumbing and mechanical). Line items for payroll expense, supplies, computer and electronic equipment, capitol outlay and large expenses will be created as part of the budget. The budgeting process is based on a fiscal year July 1 through June 30. All funding will be housed under Community Development.

Fees will be calculated through the state methodology. The fees will be authorized under OAR 918-050-130 through 918-050-0180. They will also be adopted as part of the County Fee Schedule through an order and posted on the website.

Refunds will be calculated by the Building Official or Administrative staff with the Building Official's approval and paid by the County Finance Officer/Treasurer.

ii. Equipment

All staff members will be provided with equipment and resources need to complete their work in an efficient and service-oriented manner. The program will be housed with the Planning Department and space is available to accommodate additional staff. The County would like to know if there may be some negotiation between the State and County for vehicles. Other items such as but not limited to communication devices, personal protections equipment, code and cod-related publication, business cards and computers will be provided.

iii. Staff Authority and Responsibilities

The Community Development Department will consist of planning and building staff. Currently the Planning Staff consists of four staff members that included a Director, Administrative Staff and two Planners. The Administrative Staff member will be crossed trained to help with phones calls, accounting, counter and procedural questions.

The Coos Bay Field Office has two Permit Techs, One Structural/Mechanical Multi-Discipline Inspector, Plumbing Multi-Discipline Inspector, one Electrical Multi-Discipline Inspector (the inspectors do all of the full local building inspection program). The plan is that the current employees would move with the program to the County. Coos County has been in conversations with the City of Coos Bay to enter into a intergovernmental agreement for coverage in the event an inspector resigns or unable to work. The county will need to enter into agreements with both the City of Coos Bay and City of North Bend regarding partial services.

The County will cross train at least one permit tech to help with to cover the administrative duties of the department. The County will either add a Building Official or the Director will train to receive certifications necessary to fulfill this role of a Building Official. It may be that one of the current Building Staff would be interested in serving in this role once certified and that is an open option.

iv. Plans Examiners

Plans Examiners will review plans for compliance with the State Building Codes at the level for which the plans examiner is certified by the State of Oregon. This area will need to be discussed more as it could be the County will have to rely on the state to assist.

v. Inspectors

The plan is for the inspectors that are currently serving Coos County will move to the county during this merge but if not, we will hire and utilize building staffing from Coos Bay to bridge the gap.

vi. Local Appeals Process

A local appeal process will be developed as part of the County Code that will be developed to incorporate all building related regulations. This will include process

for appeals, fees (if any), time lines, powers and duties of Board of Appeals, and any other relevant information. Coos County will establish a Contractor's Review Board to hear local appeals. The Board will consist of two area contractors, a local citizen, and one elected public official.

Appeals directly to the Building Codes Division, IAW OAR 918-251-0040 and 918-001-0139 are also authorized and County staff will be trained to provide information about building/electrical code appeal rights

vii. Records Retention and Retrieval

All records will be retained in accordance with the Oregon State Archive Division laws that apply. The building program will utilize the E-permitting systems (Accela). This will help with a seamless transition. There may be modifications made under the credit card policy to meet the County Accounting Policies and Retention Process. The County Planning Department is set up on the system although they have not started using they will. This will also help users of the program. A webpage dedicated to building, notices, contacts, records and other helpful information will be developed. In addition staff are available 8:30 – 12:00 and 1:00 to 5:00 to assist with any records request.

viii. Availability of Operation Plan

Once the plan is fully developed it will be available on the webpage and upon request. There will be an area set up for anyone that would like to view documents.

ix. Public Comment/Complaint Process

Public comments or complaints may be submitted by email, phone, in person, form, mail or fax. If this is an enforcement complaint regarding illegal building there is a form will be a form to complete and a process set up.

Complaints about employee behavior or performance will be forwarded to the employee's supervisor. The complaint will be investigated, and action taken, as governed by the employing the County Personnel Policies.

x. Public Inquiry Process

Coos County offices are open from 8 am to 12 pm and 1 pm to 5 pm weekdays excluding holidays. Phones and emails are answered by staff and message returned no later than the next business day. Inspection appointments may be made at the office or through the e-permitting system.

Phone: 541-396-7770, email will be set up building@co.coos.or.us for general inquires. Other details to be worked out.

IV. PERMITTING STANDARDS - OAR 918-020-0090

a. Purchase of Permits:

Permits may be purchased at the Community Development Office 60 E. Second Street during regular business hours or special appointment. Permits may be done through the e-permitting site or electronically through the website (payment can be made and permit emailed).

b. Permit Purchasing Procedure/Policy:

All permit applications are through the state on-line electronic system – ‘e-Permitting’. A computer terminal and monitor will be available to the public at the Community Development Office for those who might not have their own access. In addition, ‘e-Permitting’ written instructions will be available and staff is able to assist an applicant through the process. The permits may be accepted in alternative via over-the-counter paper submittals or emails with payments made through a credit card system (Point and Pay).

Permit applications that do not require plan or land use review may be issued over-the-counter, by mail or emailed the same day or the next day if all information is complete and the fee paid. If there a land use reviews requires any length of time the scheduled will be amended to allow for that time. There may be times in which planning reviews have to be fully completed prior to acceptance of a building, plumbing, electrical or mechanical review. The applicant will be notified and permits put on hold or returned to permittee if there is an extended time period.

If additional information is needed with the permitting processes the applicant will be notified as soon as possible and the permit will be placed on hold until the information is received or the timer period lapses and the permit is voided. A refund request may be made if the person is unable to provide the information necessary. The refund will be reduced by anytime it took staff to process the permit.

c. Licensing Verification:

Persons other than homeowners applying for permits will need to demonstrate proof of valid licensing registration prior to issuance of a permit or user on the e-permitting system.

d. Permit Issuance Time Frames, Plan Review Standards, Inspection Standards, Compliance Program and Electrical Program

The procedures for permit issuance time frames, plan review standards, inspection standards, compliance program and electrical program standards will be developed consistent with OAR 918 for all types of building permits. The County will follow the

same timelines that the Coos Bay Field Office has utilizing. There may be some modifications due to IGA's with the City of Coos Bay.

The county understands that the Elevator and Boiler programs are not part of the local plan.

V. SUMMARY:

Coos County has some details to work through with the cities, draft codes, draft budget, and confirmation of timelines. Coos County is very interested in assuming the building codes program and hope that you will accept this application.

Jill Rolfe, Coos County Planning Director
jrolfe@co.coos.or.us
541-396-7770



Coos County
Boundaries and
location of cities. The
City of Lakeside will
not be covered by any
portion of this program
at this time.



Coos County Planning Department

Mailing Address: 225 N. Adams, Coquille, Oregon 97423

Physical Address: 60 E Second Street, Coquille, Oregon

(541) 396-7770/ TDD (800) 735-2900

planning@co.coos.or.us

DATE: December 30, 2021
TO: Tyler Glaze, Policy Analyst
FROM: Jill Rolfe, Coos County
RE: Proposal to Assume the Building Codes Program

Thank you for the opportunity and your consideration for the county to assume the building codes program. Assuming this program will allow intergrading services to be provided to the community. Often times property owners and contractors get lost in the process due to the segregated method for planning, onsite septic and planning. It is the community and states obligation to work to resolve these issues. The current staff in all three programs due communicate well but it is still difficult for the users of the program.

Below are the questions received and the county's response. The letter was received by the Planning Department on November 10, 2021 and since that time I have consulted with Warren Jackson, Statewide Service Manager for Building Codes, current Building Codes Staff in the Coos Bay office, Human Resources, County Counsel, County Planning Staff, County Treasure, Board of Commissioners, Planning Commission, Real-estate Agents, Development Consultants, Contractors and other County's that have an integrated programs to understand the program and to meet the needs of all parties. There have been conversations with city administrators as well but there are no formal agreements put together yet. If the state finds that the County can move forward the next steps will be to work through the final details of intergovernmental agreements, passage of the final ordinances and procedural plans, reorganizing office space, ordering necessary equipment, monthly meetings with current building and planning staff together to build relationships and start setting up cross training for office procedures.

Below are answers to the questions that have been asked of the County:

1. Does the County plan to include a fire and life safety plan review program?
2. Does the County plan to rely on the State for plan review assistance?

RESPONSE: Coos County plans to have a Fire and Life Plans Examiner on Staff but would like the option to contract with the State through the transitional period to ensure coverage is seamless. The county will start advertising for the position in no later than May of 2022, providing the State finds the County has meet the requirements to assume the program.

The County would like to have an agreement in place with the State of Oregon for the first two years in case they are unable to fill this position or if one of the current employees would like the opportunity to obtain the certifications to fulfill this role. This will help with some cost as well. The county is also exploring if a current staff member may want to be certified to fulfill this need (this will be offered to both the building and planning staff). Recruitment will follow current county process as well as posted at all colleges to help increase the odds of a filling the position.

The current building codes staff did indicate a need for an additional position for plan reviews and inspector to cover the high-volume times, so the county has calculated this need in the budget to handle overflows or high-volume times but would like the option to contract with the State for the overflow if needed. The County is also considering a cross-trained position that can handle certain inspections and plan reviews as a backup position to ensure the program is successful and is responding timely to the needs of the community.

3. The County's application does not include revenue and expenditure estimates and assumptions used in the estimations and how any losses will be funded. OAR 916-020-0095(1)(c). The state is willing to help with transition.

(1) Assumption of building inspection programs shall be approved only under ORS Chapters 455 and 479 and these rules, for municipalities meeting the following minimum standards. Municipalities requesting to assume new programs or additional parts of a program must provide a full-service program as described in ORS Chapter 455. The municipality shall prepare an assumption plan demonstrating its ability to:

- (a) Administer the program for at least four years;*
- (b) Maintain or improve upon service levels presently provided to the area, including identifying proposed staffing, service contracts and intergovernmental agreements for at least the first two years;*
- (c) Operate a program that is financially feasible for at least two years without unduly increasing short-term and long-term costs of services to the public, in the areas administered by the municipality. Information showing how the program will be financially feasible shall include an estimate of anticipated revenues and expenditures, the assumptions on which the estimates are based, and an explanation of how losses, if any, will be funded; and*
- (d) Transition the program from the previous service provider including developing a method for:*
 - (A) Transferring responsibility for existing buildings, open plan reviews, permits and inspections and corresponding revenues for completion of outstanding work;*
 - (B) Transferring any pending enforcement actions;*
 - (C) Informing contractors and others of the change of inspecting jurisdictions, jurisdictional boundaries and requirements for plan review, permits and inspections; and*
 - (D) Transferring any affected employees consistent with ORS 236.605.*

(2) A municipality requesting to administer and enforce a new full-service building inspection program under ORS 455.148, or part of a building inspection program to become full-service under ORS 455.148 and 455.150 shall, by October 1:

- (a) Submit a completed division program request form describing the specialty codes the municipality intends to administer effective July 1 of the following year, and provide the following:*
 - (A) An assumption plan as required in ORS 455.148 and Section (1) of this rule;*

- (B) An operating plan as described in OAR 918-020-0090;*
- (C) A schedule, including the date, time, place and subject matter, of any proposed meetings of public or advisory bodies, where public comments will be received concerning their proposal to assume a full-service program or part of a program;*
- (D) Evidence of compliance with the notice and consultation requirements of this section; and*
- (E) When a municipality reapplies to assume administration of a program that was previously revoked, the application shall include an explanation of how past deficiencies were corrected and how they will be prevented in the future, and it shall meet the requirements of ORS 455.148 and 455.150 including timelines and full-service coverage.*
- (b) Consult with the jurisdiction from whom the program will be assumed, to:*
 - (A) Notify them of the intent to assume the program;*
 - (B) Discuss with them any impacts on their existing program;*
 - (C) Attempt to resolve any negative impacts; and*
 - (D) Attempt to reach agreement on the method of providing services in the area.*
- (3) Upon receipt of an application for program assumption from a municipality, the division shall, by October 15, notify in writing all persons on the division maintained interested party mailing list.*
- (4) Objections to proposed program assumptions, including or related to, claims of economic impairment by the division or the municipality potentially losing the program, shall be received within 30 days of notice and shall include:*
 - (a) An explanation of the objection to the proposed program assumption;*
 - (b) Identification of the required program standard that is believed not to be met; and*
 - (c) When related to economic impairment, the information provided shall include projected impact on the existing building inspection program revenues, expenses, and staffing levels and the ability to continue carrying out remaining portions of the affected program.*
- (5) When reviewing the objections, the division shall consider the criteria established in ORS 455.152 and whether the objections relate to the ability of the municipality to effectively carry out the program and meet the required standards of applicable statutes and rules.*
- (6) The municipality requesting administration of a program shall confirm its intent to proceed with its application and submit final information to the division by January 1.*
- (7) By April 1 the division shall approve or deny the request. A request may be denied when the municipality failed to meet any of the standards and timelines for assumption set forth in ORS Chapters 455 and 479 and the rules adopted thereunder, or when a claim of economic impairment is not resolved to the satisfaction of the director.*
- (8) Municipalities approved to assume programs may do so effective July 1.*
- (9) By September 1, the municipality shall submit a final approved copy of all applicable ordinances and fee schedules.*

RESPONSE: The county is required to plan for a four-year period to ensure the transition is successful. Improving the service levels, including identifying proposed staffing, service contracts and intergovernmental agreements for at least a two-year time frame. Operate a program that is financially feasible to maintain. The plan for fees is to phase in increases to be comparable with the City of Coos Bay and North Bend as well as Curry and Douglas County to ensure the cost is consistent on a regional level.

Information showing how the program will be financially feasible shall include an estimate of anticipated revenues and expenditures, the assumptions on which the estimates are based, and an explanation of how losses, if any, will be funded

The estimated cost to for employees (wages and all benefits), training and travel, equipment (contingency for equipment replacement)

Intergovernmental agreements will be made with the Cities (electrical for Coos Bay and North Bend) and Curry County for electrical. These will be maintained for at least a two-year period with opportunity for amendments as needed. The County is asking the State of Oregon to enter into an agreement with the County from July 1, 2022 to June 30, 2024 to assist with transitional needs and back up for plans review and inspectors. The County understands that one of the inspectors is currently on medical leave and has an unknown status at this time. The County would request the State not fill this position if it becomes open before assuming the program. If the State approves the program the County would like to hire the new position or work with the State to hire the new position.

Please see accounting section for budgeting detail on projected revenue and departmental cost. The Board of Commissioners has set up a contingency fund to help ensure funding is available. This entire Community Development Fund will remain in the general fund to help offset any reductions to revenue until the program can show a positive balance for two budget years and then the Board of Commissioners will make the determination if it will be placed in a restricted or non-general fund status.

The county will work to bring all pending applications including enforcement issues forward but utilizing the Accela program and working with administrate staff.

After the State has agreed to move to the next step in this process the County will host two open houses (may be virtual and in person depending on COVID restrictions) to talk to contactors, property owners, developers and other interested parties about the transition process. Feedback from these meetings will be used in the transition process and help adjust any procedures. There will also be open public work secessions with the Board of Commissioners to discus the progress of the program. All meeting notices will be reported to the State. See section 5 for meeting schedules.

4. The County's plan does not address transition of the program from the division, as required under OAR 918-020-0095(1)(d). The division can assist with a transition, but the County is required to prepare an assumption plan demonstrating its ability to make this transition,

which includes the development of methods for items described in OAR 918-020-0095(1)(d)(A) through (D).

(d) Transition the program from the previous service provider including developing a method for:

- (A) Transferring responsibility for existing buildings, open plan reviews, permits and inspections and corresponding revenues for completion of outstanding work;*
- (B) Transferring any pending enforcement actions;*
- (C) Informing contractors and others of the change of inspecting jurisdictions, jurisdictional boundaries and requirements for plan review, permits and inspections; and*
- (D) Transferring any affected employees consistent with ORS 236.605.*

The County is requesting the following to help with a seamless transition:

- a. Transfer of current cell phone numbers to the county
 - b. Transfer of current equipment (payment or lease terms to be worked out). This could be on a short-term basis to allow purchase of new items except for vehicles. Given shortages on supplies and shipping delays the County is requesting the following:
 - i. Vehicles (this may not be possible given leasing of vehicles and if not please notify as soon as possible so the county can start purchase of vehicles).
 - ii. Computers, if possible, given the time frame to order new computers
 - iii. iPads, if possible, at least for until August 30, 2022
 - iv. Any software license maintained by the state until August 30, 2022.
 - c. The records are setup in Accella so transferring of pending permits, inspections and enforcement issues will be accessed electronically. Any paper files will be scanned in to ensure they are not lost.
 - d. Office space will be set up in Coquille with the Planning Department. County Staff has met with current building staff in the field office to talk through processes and office needs. The current staff will be requested to visit the office in Coquille through office changes to ensure the setup will work for both the building and planning side. A satellite office may be setup with other county offices in Coos Bay or within the City of Coos Bay or North Bend to reduce travel times.
 - e. A notification will be provided to all contractors as it comes closer to the date the employees will move to the county as well as two public open house meetings.
 - f. The county is hoping that all employees will be willing to move with the program. County Staff is working on comparable wages, benefits, and job classifications. Current building staff has AFSCME and so is Planning Staff which will help with the transition. The transition will be completed by the deadline described in the OAR. This will coincide with the County Budget cycle to ensure a budget with accurate numbers can be constructed to accommodate the move. The department will be part of the general fund to accommodate any deficit in revenue but may be moved to a dedicated fund once the fees can support the expenses.
5. The County's assumption plan does not include a schedule, including the date, time, place, and subject matter of any proposed meetings of the public or advisory bodies where public comments will be received concerning the proposed program assumption, or evidence of compliance with notice as required under OAR 918-020-0095(2)(a).

- (a) Submit a completed division program request form describing the specialty codes the municipality intends to administer effective July 1 of the following year, and provide the following:*
- (A) An assumption plan as required in ORS 455.148 and Section (1) of this rule;*
 - (B) An operating plan as described in OAR 918-020-0090;*
 - (C) A schedule, including the date, time, place and subject matter, of any proposed meetings of public or advisory bodies, where public comments will be received concerning their proposal to assume a full-service program or part of a program;*
 - (D) Evidence of compliance with the notice and consultation requirements of this section; and*
 - (E) When a municipality reapplies to assume administration of a program that was previously revoked, the application shall include an explanation of how past deficiencies were corrected and how they will be prevented in the future, and it shall meet the requirements of ORS 455.148 and 455.150 including timelines and full-service coverage.*
- (b) Consult with the jurisdiction from whom the program will be assumed, to:*
- (A) Notify them of the intent to assume the program;*
 - (B) Discuss with them any impacts on their existing program;*
 - (C) Attempt to resolve any negative impacts; and*
 - (D) Attempt to reach agreement on the method of providing services in the area.*

An operating plan is located as part of this document under number #8. A work session was set up to discuss this plan, changes, budgets and comments were allowed by the public on December 9, 2021 at 9:00 am in the Board of Commissioners Conference Room.

- The County will have three public meetings to discuss the program and process in February, April and June of 2022. These will be open to the public and notices will be provided.
- The County will have two public meeting to adopt the County Code in May of 2022.
- The County will hold a public hearing to officially adopt fees in June (effective date of July 1, 2022).
- The County will have at least two budget meetings to build a budget in March and April of 2022 and possibly additional meetings (adoption will be before June 30, 2022 and effective July 1, 2022).
- There will need to be public meetings set up with each one of the jurisdictions in which the current building program services and intergovernmental agreements. This anticipated to take place between March and May. The agreements will be subject to public comment upon adoption.
- County Planning Director is meeting with the current building staff the week of December 13 to discuss any issues. There will be meetings at least once a month to discuss progress.
- Adoption of the operational plan that will be placed in draft form on the County website for comments from the first of March to end of April. A public meeting will be held and possibly more depending on the level of interest in May with anticipated adoption by the Board of Commissioners by June 1, 2020.

- Final adoption of the agreements with the State of Oregon to assume the program will be held in a public meeting as well.
6. The County indicated on Page 6, Item D that they plan to meet the same timelines the Division does, however there are no details regarding this plan. For example, will inspections occur Monday - Friday for all areas of the county, and will all disciplines have inspections? What is the County's expected plan review timeline for plans, such as so residential plans, commercial plans, and electrical plan reviews? If the programs are delegated to the County, are there any differences in services or inspections from present services and inspections? See also OAR 918-020-0094, OAR 918-308-0020(l)(e), and ORS 455.148(l)(c).

RESPONSE: After meeting with the current Building Staff the county does not see any changes to the schedules that are used currently. Inspections are Monday through Friday during business hours. Some days the inspectors work longer hours due to travel but then work a reduced day to make up the paid time. Flexibility is an important part of the program as well as overtime funding. However, with the addition and backup through contracts with the State and local government as well as hiring a Building Official that can assist will give additional staffing currently not happening which should reduce overtime. At this time the schedule is planned for Monday through Friday. The electrical inspector does travel to Curry County twice a week leaving only three days for Coos County (including cities). The current inspectors are licensed to be able to cover some of the overage but the hope is to by having a Building Official he may be able to fill in Coos County if needed. If this does not work Coos County will work with Curry County to find another solution or hire another position.

7. The County's application does not include a procedure for communication and cooperation with the State Fire Marshal or the Fire Marshal's designee pursuant to OAR 918-020-0020.

RESPONSE: The county will communicate with the Fire Marshal in the same way the current field office staff does. Verbal, email communication. The County will work with the Fire Marshal to develop procedures. Currently the County does with the Fire Marshal on enforcement matters that concern commercial occupancy or conversion of structures that require commercial occupancy.

8. The County's operating plan lacks many necessary details. (I have redrafted this plan based on the examples that were provided and the OAR that is required to be addressed).

RESPONSE: This is the draft plan that will be moved to adoption once the State finds the County qualifies to move forward with assuming the building code program.

DRAFT

Coos County Building Operating Plan

https://www.co.marion.or.us/PW/BuildingInspection/Documents/operating_plan.pdf

918-020-0070

Purpose and Scope

(1) OAR 918, division 020 interprets and applies ORS 455.148 to 455.210. ORS 455.148 and 455.150 provide that municipalities that administer and enforce building inspection programs may do so for a period of four years. A building inspection program is limited to the administration and enforcement of those specialty code programs assumed by a municipality under 455.148, 455.150 and 479.855. ORS 455.148 and 455.150 authorize the department to adopt rules to adjust time periods for administration of building inspection programs to allow for variations in the needs of the department and participants. ORS 455.148 and 455.150 authorize the department to adopt rules regulating municipal administration and enforcement of building inspection programs including, but not limited to:

- (a) Creating building inspection program application and amendment requirements and procedures;*
- (b) Granting or denying applications for building inspection program authority and amendments;*
- (c) Reviewing procedures and program operations of municipalities;*
- (d) Creating standards for efficient, effective, timely and acceptable building inspection programs;*
- (e) Creating standards for justifying building inspection program fees adopted by a municipality;*
and
- (f) Creating standards to determine whether a county or department building inspection program is economically impaired in its ability to reasonably continue providing the program or part of the program throughout the county, if another municipality is allowed to provide a building inspection program or part of a building inspection program within the same county.*

(2) The purpose of these rules is to encourage municipalities to assume responsibility for the administration and enforcement of building inspection programs to the fullest possible extent. Each municipality is responsible for developing an independent operating plan that describes the manner in which the municipality will administer and enforce its building inspection program. Municipalities are encouraged to develop operating plans that meet the identified needs of their individual communities. The intent of the division is to cooperate with municipalities to obtain and maintain authority to administer and enforce efficient, effective, timely and acceptable building inspection programs.

(3) For the purpose of these rules, "reporting period" means a four-year period during which a municipality administers and enforces a building inspection program pursuant to an approved operating plan.

This operating plan was developed to comply with the above administrative rule. The plan is on file with the State of Oregon Building Codes Division and is available to the public upon request. This plan reflects the standards, policies, procedures, and services administered through the Coos County Community Development, Building Program. The plan will be updated as necessary to reflect

changes in service, service areas, and administrative responsibilities. Any questions related to this plan should be directed to:

Jill Rolfe, Coos County [Community Development Director]

Mailing Address: 225 N. Adams
Coquille OR 97423

Email: jrolfe@co.coos.or.us

Phone: 541-396-7770

[Future Building Official]

OAR 918-020-0080 Delegation of the Building Inspection Program the State Building Codes Division and every municipality that administers and enforces a building inspection program or desires to assume responsibility to administer and enforce a building inspection program shall prepare an operating plan that describes the manner in which the municipality or the division will do so. The operating plan shall establish specific goals, consistent with the program standards described in OAR 918-020-0090 Program Standards.

Every municipality that administers and enforces an approved building inspection program must establish and maintain the minimum standards, policies, and procedures set forth in this section.

ADMINISTRATON

(1) Administrative Standards. A building inspection program must:

The Coos County Building Program will be located under the Coos County Community Development Department. The Community Development Department will be a coordinated service program with land use, building and construction, and code enforcement. The department administration services will be handled through the Community Development Director, Building Official and/or administrative support staff.

FUNDS AND EQUIPMENT

(a) Provide adequate funds, equipment, and other resources necessary to administer and enforce the building inspection program in conformance with an approved operating plan;

The Community Development Department is a general fund department with lines items setup to tract fees from planning services, building services and other services and income related to this department. Fees are deposited into the County General Fund system to allow adequate cash flow and combined accounting services for efficiencies purposes.

Line items will be set up for all revenues from the building program and expense line items will include (personnel services and material services).

Administrative staff also tracks all revenue and expenses (expenses consist of equipment replacement, training, supplies, and other services necessary for the department to run efficiently and make sure employees have access to proper tools). This tracking allows for fee analysis and

contingency to be built around the actual need for times when permitting is slow and revenue declines. The contingent is a reserve is for the purpose of maintaining acceptable staffing levels to complete projects underway during times of temporary reductions in revenue. Fee increases will be proposed as necessary to maintain this reserve account at least once a year to coincide with budgeting processes.

Detailed accounting processes are explained under Accounting Section.

Staff Authority and the Responsibilities of the Building Official

(b) Document in writing the authority and responsibilities of the building official, plan reviewers, and inspectors based on an ordinance or resolution that authorizes the building official on behalf of the municipality to administer and enforce a building inspection program;

Building Official:

Coos County Code:

SECTION 13.03.040 GENERAL POWERS & DUTIES OF THE BUILDING OFFICIAL.

- A. The building official is authorized and directed to enforce all the provisions of the building codes. For such purposes, the building official shall have the powers of a law enforcement officer.
- B. The building official shall have the power to render written and verbal interpretations of the building code and to adopt and enforce administrative procedures in order to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformance with the intent and purpose of the building code.
- C. The building official shall oversee compliance with building code program including the employees (inspectors, plans examiner, code enforcement and administrative staff). The building official will work directly under the Community Development Director and will share some supervisory duties.
- D. Cost for administrative services of the building official may be billed to the Planning program.

Plans Examiners:

As per Oregon Administrative Rule, Chapter 918, plan examiners review plans for compliance with the Coos County Building Code Ordinance at the level for which the plan examiner is certified by the State of Oregon.

Inspectors:

As per Oregon Administrative Rule, Chapter 918, inspectors conduct plan reviews and inspections of work covered by the specialty code and to the level they are certified by the State of Oregon.

Detailed job descriptions for all staff members are available upon request.

LOCAL APPEALS PROCESS

(c) Establish a local process to review appeals of technical and scientific 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 notify the aggrieved persons of the provisions of ORS 455.475;

The building official reviews any appeal of a plans examiners' or inspectors' decision. The appeal shall be provided in writing. There is no cost for this initial appeal. A decision is generally rendered within 24 hours of the request.

The appeals section is found in Coos County Code Chapter 13 as set forth below:

SECTION 13.03.075 **APPEALS.**

- A. Appeals relating to the administrative provisions of the Coos County Building Code shall be to the building official.
- B. An appeal shall be in writing, shall describe the basis for the appeal and shall first be filed with the building official. If the appeal does not provide the basis for the appeal it will result in an automatic denial.
- C. Appeal of a plans examiner or inspector's interpretation is to the building official. After input from technical staff, the building official will render a decision.
- D. Any person aggrieved by a decision of the building official made pursuant to the following specialty codes may appeal that decision to the following:
 - a. Electrical Specialty Code – appeals may be made to the State of Oregon, Building Codes Division, Chief Electrical Inspector and then to the State Electrical and Elevator Board.
 - b. Structural Specialty Code – appeals may be made to the State of Oregon, Building Codes Division, Chief Structural Inspector, then to the Building Codes Structures Board.
 - c. Mechanical Specialty Code – appeals may be made to the State of Oregon, Building Codes Division Chief Mechanical Inspector, then to the State Mechanical Board.
 - d. Plumbing Specialty Code – appeals may be made to the State of Oregon, Building Codes Division, Chief Plumbing Inspector and then to the State Plumbing Board.
 - e. Residential Specialty Code – appeals may be made to the State of Oregon, Structural Chief and then to the Residential and Manufactured Structures Board.
 - f. Manufactured Dwellings and Park Standards Specialty Code – appeals may be made to the State of Oregon, Manufactured Dwelling Chief Inspector and then to the Residential and Manufactured Structures Board as per ORS 455.690.

SECTION 13.03.080 **APPEALS ALTERNATE CONSTRUCTION DENIALS**

- A. The following provisions shall apply to the building official's denial of an application for alternate approval of construction related to conversions of single-family dwellings into no more than four residential dwelling units built to the Oregon Residential Specialty Code and the Oregon Structural Specialty Code that received occupancy approval prior to January 1, 2020:
- B. An applicant who receives a notice of denial of an application for alternate approval of construction related to conversions of single-family dwellings into no more than four residential dwelling units built to the Oregon Residential Specialty Code and the Oregon

Structural Specialty Code that received occupancy approval prior to January 1, 2020, may request a hearing before the Coos County hearings officer. Hearing requests must be filed in writing with the Coos County hearings officer within five days from the date of the notice of denial.

C. Hearings Procedure.

1. Upon receiving a written request for a hearing, the hearings officer shall send a copy of the request for a hearing to the building official and set a time and place for a hearing that shall be no more than seven days from the date of filing of the hearing request, or as soon as practicable. The hearings officer shall notify the person requesting a hearing of the time and date of the hearing. The building official shall appear and present evidence pertinent to the building official's denial of the application. The owner of the property may also present evidence before the hearings officer pertinent to the application. The building official shall have the burden of proving by a preponderance of the evidence that the application for alternate approval fails to satisfy the applicable criteria. Failure of the person requesting the hearing to appear shall constitute a waiver of the right to present evidence at the hearing or thereafter.
2. After the hearing, the hearings officer shall issue an order containing findings as to whether the application was properly denied. The hearings officer's order shall be issued within 30 business days after the building official receives notice of the appeal from the hearings officer.
3. The decision of the hearings officer is final. Appeal shall only be by writ of review under ORS Chapter 34

ACCOUNTING:

(d) Account for all revenues collected and expenditures made relating to administration and enforcement of the building inspection program, and account for the electrical program revenues and expenditures separately when administered by the municipality.

(A) Prepare income and expense projections for each code program it will administer and enforce during the reporting period; and

(B) Describe how general administrative overhead costs and losses or surpluses, if any, will be allocated.

A separate accounting is made for revenues from each of the program areas. The tracking system used internally tracks each permit type, payment received, application number, type of payment (structural, electrical, mechanical etc.), date received, date deposited in line item. Administrative staff tracks time associated with each permit to track average time to process and cost to the County and the Applicant.

The cost is calculated by the hourly rate times by the average time it takes to perform the service. A list of applications is kept in a data base and all staff members register the time and activity associated with the application. At the end of each quarter and year an average is taken from each type of permit. This gives an average base in which to calculate cost. The Administrative Staff is divided by program needs of that persons time and duties and calculated into the hourly rate.

Example of calculation: (this does not reflect an actual permit)

Staff member	Activity	Hourly Rate	Time	Cost
Smith	Review	\$35.00	.25	\$8.75

Doe	Travel	\$45.00	.50	\$22.50
Total cost				\$31.25

Hourly rate is calculated based on employee cost (base salary, benefits, holiday pay, vacation and sick leave, overhead including administration services dedicated to that program, and any materials and services divided out by average work hours in a year). This calculation allows the county to determine if the fees generated cover the actual cost of the program as well as determine an accurate hourly rate. Overhead is calculated by average program cost. The materials and supplies along with any administrative services divided out by the average amount it takes for the individual programs.

Materials and services will be divided out based on what each program needs.

Below is a sample budget that is put together annually (fiscal year is July 1 through June 30). The numbers from the last year's budget along with projections for any cost of living increase, insurance adjustments, worker's compensation, Pers and other union calculated benefits are included in calculating the personnel services. Material and Services are calculated by need. Training is calculated based on the needs of individual employees and continuing education needed to keep certifications.

PERSONNEL SERVICES		
415.10-01 REGULAR		763,783
415.15-01 FICA		58,429
415.15-02 PERS		225,967
415.15-03 INSURANCE BENEFITS		269,385
415.15-04 WORKERS' COMPENSATION		8,168

* PERSONNEL SERVICES		1,325,732
MATERIALS & SERVICES		
415.20-01 SUPPLIES		10,000
415.22-02 TELE, POSTAGE, COPIES&ETC		10,000
415.22-15 PERMITS/RENT		3,452
415.22-23 <\$5000 INFO TECHNOLOGY		5,000
415.22-27 <\$5000 EQUIPMENT		1,000
415.23-08 INSURANCE PREMIUMS		12,234
415.30-05 TRAINING & TRAVEL		9,000
415.32-13 VEHICLE EXPENSE		5,500
415.35-06 SOFTWARE LICENSE/MAINT		16,148
415.36-01 CONTRACTED SERVICES		62,225

* MATERIALS & SERVICES		134,559
	=====	

Current Staffing

Permit Tech (Administrative Assistant 1) Link to [AS 1Classification](#)

Permit Tech (Administrative Assistant 1)

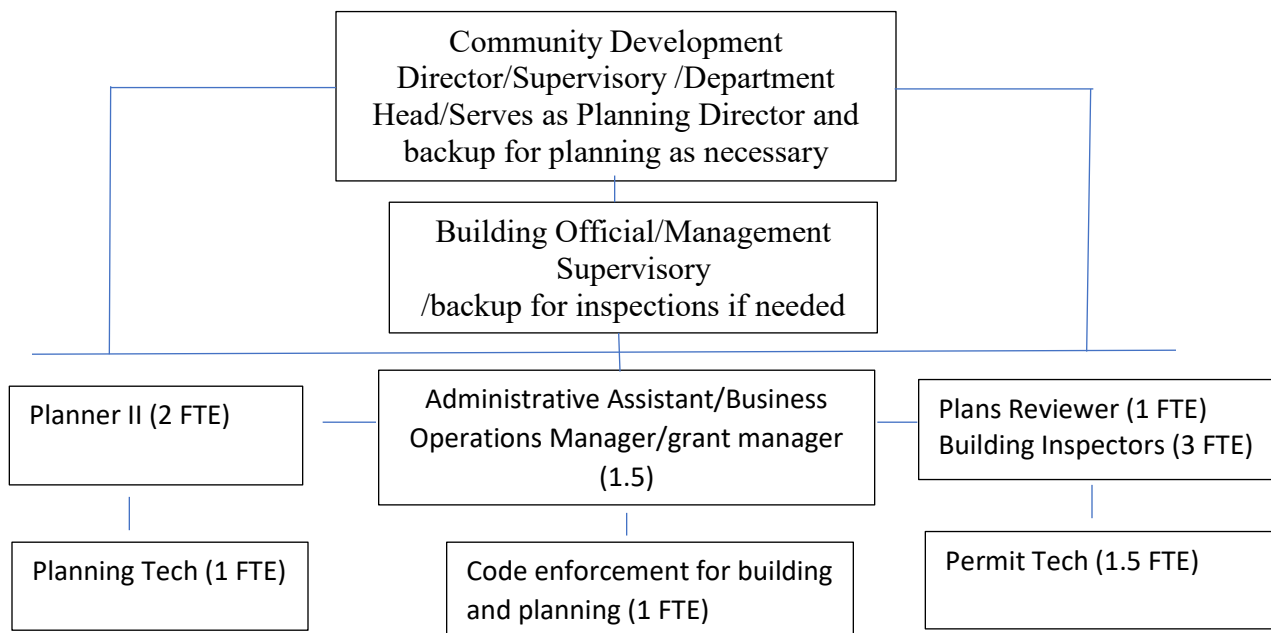
Structural/Mechanical Multi-Discipline Inspector [Classification 5382](#)

Plumbing Multi-Discipline Inspector [Classification 5362](#)

Electrical Multi-Discipline Inspector [Classification 5372](#)

Current Planning Program Staff and Titles

Planning Director
 Planner II
 Planner I
 Planning Aide
Proposed Staffing Change



The wages of the Building Staff wages are more than the Planning Staff and the numbers reflect changes to make them more consistent between among office staffing. For the Building Staff I took their wages and matched it with Coos County's wage scales to make it comparable (they are just a little higher to make the adjustment but not by much). There may be additional adjustments as the process moves forward but after talking with the current staffing in both planning and building and understating the needs the needs this makes the most sense. The county will need to hire a Building Official (although one of the current inspectors has expressed interest) and Administrative Assistant/Business Operations Manager/grant manger. Staff will like to cross-train the Planning Tech and Permit techs as the counter staff to ensure there is back up. Then have one of the Permit Techs be able to help out with administrative duties.

An hourly wage that would be used to calculate fee would include a split of administrative staff cost, and overhead. This would reduce the cost to planning which will help offset increases to the building portion.

Example:

Average hourly wage for Planning is \$59.90 plus overhead 58.41= \$ 118.31

Average hourly wage for Building is \$82.94 plus overhead136.30 = \$219.24

Overhead includes the portion of all expenses that would apply to an individual employee plus administration cost of staff that would not be in the billing pool. Example: Administrative Staff completes accounting functions and payroll and these items would become administrative cost as they would not be directly billable to a client/applicant.

DETAILED PROPOSED BUDGET:

Detailed Budget and project cost based on the re-arrangement of Staff - This is the project amount of it will cost for just employees (Personnel Services) which includes code enforcement (13 employees).

PERSONAL SERVICES

Position	Total	FICA	PERs	Health INS	LTD/SWC/ Life	WC Code	Workers Comp	WBF	Grand Total
Planning Tech	44,040.00	3,369.00	12,772.00	17,700.00	195.00	8810	77	23	78,176.00
Planner II	51,972.00	3,976.00	15,072.00	17,700.00	223.00	8810	90	23	89,056.00
Planner II	50,810.00	3,887.00	14,735.00	17,700.00	219.00	8810	88	23	87,462.00
	146,822.00	11,232.00	42,579.00	53,100.00	637.00		255	69	254,694.00
Inspector - Plumbing	98,472.00	7,533.00	28,557.00	17,700.00	385.00	8835	2972	48	155,667.00
Inspector - Electrical	98,472.00	7,533.00	28,557.00	17,700.00	385.00	8835	2972	48	155,667.00
Inspector - Structural/Mechanica	98,472.00	7,533.00	28,557.00	17,700.00	385.00	8835	2972	48	155,667.00
Building Permit Tech	55,644.00	4,257.00	16,137.00	17,700.00	235.00	8810	97	23	94,093.00
Building Permit Tech	55,644.00	4,257.00	16,137.00	17,700.00	235.00	8810	97	23	94,093.00
Plans Examiner	82,380.00	6,302.00	23,890.00	17,700.00	329.00	8835	2486	48	133,135.00
	489,084.00	37,415.00	141,835.00	106,200.00	1,954.00		11596	238	788,322.00
Code Enforcement	91,140.00	6,972.00	26,431.00	17,700.00	360.00	8835	2751	48	145,402.00
Building Official	101,286.00	7,748.00	33,424.00	18,000.00	395.00	8810	176	48	161,077.00
Development Director	97,506.00	7,459.00	32,177.00	18,000.00	382.00	8810	169	23	155,716.00
Bussiness Operations Manager	59,112.00	4,522.00	17,142.00	18,000.00	248.00	8810	103	23	99,150.00
	349,044.00	26,701.00	109,174.00	71,700.00	1,385.00	35,265.00	3,199.00	142.00	561,345.00
									1,604,361.00

Project Materials and Services to be \$250,000 to cover – Vehicles, Equipment, Training, Certifications, Fees, Fuel and miscellaneous (Building portion \$200,000)

Total Budget estimation is \$1,854,361. A contingency will be help to cover loss of revenue. The County will place \$500,000 in reserve.

The anticipated revenues due include fines and fees from enforcement although the project for recovery is small.

Anticipated Revenue as follows:

Planning Fund: \$ 459,637
 Building Fund: \$1,155,375
 Code Enforcement: \$ 50,000

TOTAL REVENUE: \$1,665,012

GENERAL FUND \$ 500,000

FUND TOTAL: \$2,1645,012

RECORDS RETENTION AND RETRIEVAL

(e) Establish policies and procedures for the retention and retrieval of records relating to the administration and enforcement of the specialty codes it administers and enforces;

All county records are retained at least for the minimum time outlined by the Oregon State Archivist and available at request.

AVAILABILITY OF OPERATING PLAN

(f) Make its operating plan available to the public;

This operating plan is available to any interested party upon request for viewing. Copies may be purchased for cost. A copy can also be supplied in electronic format if desired. The plan can also be downloaded from the website.

PUBLIC COMMENT/COMPLAINT PROCESS

(g) Establish a process to receive public inquiries, comments, and complaints;

Public comments or complaints may be submitted in a written form and submitted by mail, in person to the department or emailed to the Community Development Director and/or Building Official. Comments or complaints related to code provisions will be processed by the most appropriate staff member. If the comment or complaint becomes an appeal, procedures outlined above will be followed.

Comments or complaints related to employee behavior will be processed by their supervisor as in accordance with Coos County Personnel Rules, Union Contract, and/or Department Policies and Procedures.

PUBLIC INQUIRY PROCESS

(h) Adopt a process to receive and respond to customers' questions regarding permitting, plan review, and inspections;

(i) Set reasonable time periods between 7 a.m. and 6 p.m. on days its permit office is open, weekends and holidays excluded, when it will receive and respond to customers' questions;

(j) Post its jurisdictional boundary, types of permits sold and hours of operation at each permit office it operates;

The office will be open from 8am to 12 pm and 1pm to 5pm unless otherwise posted or special appointments are arranged. Appointments are encouraged but not required at this time. Any applicant or interested party may call or come in for support in answering questions or picking up application materials. The telephones are answered during business hours and calls are returned within 48 hours if research is required. Emails will be answered in the same timeframe as phone calls. A dedicated email is setup specifically for building program questions separate from land use and enforcement. There will be a general email if someone has questions about more than one program.

Inspection requests are accepted via an automated inspection request line or online 24/7. Automated information may be received during those same hours to verify inspection results or the status of

permit applications. Inspections can also be scheduled, and results obtained through the Oregon E-permits website at: www.BuildingPermits.Oregon.gov.

The main department phone number is 541-396-7770. Other numbers will be setup and dedicated to building inspections. [this section will be completed in the future]. The website will include all contact information as well.

The jurisdiction covers all areas within Coos County, with the following exceptions:

City limits of: Coos Bay, North Bend and Lakeside. [This will be updated with agreements in place]

Sanitation Services - The onsite Septic Program is managed by Oregon Department of Environmental Quality. If you are located within a Sanitation District the permitting will be coordinated to with the district to ensure compliance.

Water Service - If you are located within a water district or service area coordination will be made with the district or service to ensure compliance.

Maps of service areas will be available on the website.

NOTIFICATIONS

(k) Identify all persons in addition to the building official to whom notices issued pursuant to these rules should be sent;

(l) Return a completed data request form to and as provided by the division annually; and

(m) Execute a memorandum of agreement with and as approved by the division for initial building inspection program approval and assumption, for building program expansion approval and assumption, and thereafter when seeking approval to renew a program under OAR 918-020-0105.

All notices issued pursuant to OAR 918-020-0070 through -0220 shall be sent to [Building Official Name will be inserted here].

This operation plan will be audited every November and updates made as needed including names of staff and titles. The plan will be reviewed with the County Board of Commissioners and County Counsel. An agreement will be renewed with the Department of Consumer and Business Services as required by OAR 918-020-0105 prior to December 21 of each calendar year. This will include any required reporting that will be completed by Administrative Staff.

FEE SCHEDULES

The fees charged for plan review and inspection services are available on the website. Hard copies are available upon request. Fees processes are described in Coos County Code Chapter 13 Division One Administration.

PERMITTING STANDARDS

(2) Permitting Standards. A building inspection program must:

- (a) Provide at least one office within its jurisdictional boundary where permits may be purchased;

- (b) Set reasonable time periods between 7 a.m. and 6 p.m. on days its permit office is open, weekends and holidays excluded, when it will make permits available for purchase;
 - (c) Establish policies and procedures for receiving permit applications, determining whether permit applications are complete and notifying applicants what information, if any, is required to complete an application;
 - (d) Set reasonable time periods within which the municipality will:
 - (A) Advise permit applicants whether an application is complete or requires additional information; and
 - (B) Generally issue a permit after an application has been submitted and approved.
 - (e) Establish policies and procedure for issuing permits not requiring plan review, emergency permits, temporary permits, master permits, and minor labels;
 - (f) Provide a means to receive permit applications via facsimile; and
 - (g) Require proof of licensing, registration, and certification of any person who proposes to engage in any activity regulated by ORS chapters 446, 447, 455, 479, 693, and 701 prior to issuing any permit.
- (3) *Plan Review Standards. A building inspection program must:*
- (a) *Establish policies and procedures for its plan review process to:*
 - (A) *Assure compliance with the specialty codes it is responsible for administering and enforcing, including any current interpretive rulings adopted pursuant to ORS 455.060 or 455.475;*
 - (B) *Make available checklists or other materials at each permitting office it operates that reasonably apprises persons of the information required to constitute a complete permit application or set of plans;*
 - (C) *Inform applicants within three working days of receiving an application, whether or not the application is complete and if it is for a simple residential plan. For the purposes of this rule and ORS 455.467, a "complete application" is defined by the division, taking into consideration the regional procedures in OAR chapter 918, division 50. If deemed a simple residential plan, the jurisdiction must also inform the applicant of the time period in which the plan review will generally be completed;*
 - (D) *Establish a process that includes phased permitting and deferred submittals for plan review of commercial projects for all assumed specialty codes, taking into consideration the regional procedures in OAR chapter 918, division 50. The process may not allow a project to proceed beyond the level of approval authorized by the building official. The process must:*
 - (i) *Require the building official to issue permits in accordance with the state building code as defined in ORS 455.010 provided that adequate information and detailed statements have been submitted and approved with pertinent requirements of the appropriate code. Permits may include, but not be limited to: excavation, shoring, grading and site utilities, construction of foundations, structural frame, shell, or any other part of a building or structure.*
 - (ii) *Allow deferred submittals to be permitted within each phase with the approval of the building official; and*
 - (iii) *Require the applicant to be notified of the estimated timelines for phased plan reviews and that the applicant is proceeding without assurance that a permit for the entire structure will be granted when a phased permit is issued.*
 - (E) *Verify that all plans have been stamped by a registered design professional and licensed plan reviewer where required;*

- (F) *Verify for those architects and engineers requesting the use of alternative one and two family dwelling plan review program that all plans have been stamped by a registered professional who is also a residential plans examiner. This process must require the building official to:*
 - (i) *Establish policies and procedures in their operating plan for this process;*
 - (ii) *Waive building inspection program plan review requirements for conventional light frame construction for detached one and two family dwellings; and*
 - (iii) *Establish an appropriate fee for processing plans submitted under this rule.*
- (G) *Establish a process for plan review if non-certified individuals review permit applications under OAR 918-098-1010.*
- (b) *Employ or contract with a person licensed, registered, or certified to provide consultation and advice on plan reviews as deemed necessary by the building official based on the complexity and scope of its customers' needs;*
- (c) *Maintain a list of all persons it employs or contracts with to provide plan review services including licenses, registrations, and certifications held by each plan reviewer and evidence of compliance with all applicable statutory or professional continuing education requirements;*
- (d) *Designate at least three licensed plan reviewers from whom the municipality will accept plan reviews when the time periods in subsection (e) of this section cannot be met; and*
- (e) *Allow an applicant to use a plan reviewer licensed under OAR 918-090-0210 and approved by the building official when the time period for review of "simple one- or two-family dwelling plans" exceeds 10 days where the population served is less than 300,000, or 15 days where the population served is 300,000 or greater.*
- (4) *For the purposes of these rules, "simple one- or two-family dwelling plans" must:*
 - (a) *Comply with the requirements for prescriptive construction under the Oregon Residential Specialty Code; or*
 - (b) *Comply with the Oregon Manufactured Dwelling Installation Specialty Code and the requirements in OAR chapter 918, division 500; and*
 - (c) *Be a structure of three stories or less with an enclosed total floor space of 4,500 square feet or less, inclusive of multiple stories and garage(s).*
- (5) *"Simple one- or two-family dwelling plans" may:*
 - (a) *Include pre-engineered systems listed and approved by nationally accredited agencies in accordance with the appropriate specialty code, or by state interpretive rulings approved by the appropriate specialty board, that require no additional analysis; and*
 - (b) *Be designed by an architect or engineer and be considered a simple one- and two-family dwelling if all other criteria in this rule are met.*
- (6) *The following are considered "simple one- or two-family dwelling plans":*
 - (a) *Master plans approved by the division or municipality or under ORS 455.685, which require no additional analysis; and*
 - (b) *Plans that include an engineering soil report if the report allows prescriptive building construction and requires no special systems or additional analysis.*
- (7) *A plan that does not meet the definition of "simple" in this rule is deemed "complex". In order to provide timely customer service, a building official may accept a plan review performed by a licensed plan reviewer for a complex one- or two-family dwelling.*
- (8) *Inspection Standards. A building inspection program must:*
 - (a) *Set reasonable time periods between 7 a.m. and 6 p.m. on days its permit office is open, weekends and holidays excluded, when it will provide inspection services or alternative inspection schedules agreed to by the municipality and permittee;*

- (b) Unless otherwise specified by statute or specialty code, establish reasonable time periods when inspection services will be provided following requests for inspections;*
- (c) Establish policies and procedures for inspection services;*
- (d) Leave a written copy of the inspection report on site;*
- (e) Make available any inspection checklists;*
- (f) Maintain a list of all persons it employs or contracts with to provide inspection services including licenses, registrations, and certifications held by persons performing inspection services and evidence of compliance with all applicable statutory or professional continuing education requirements;*
- (g) Vest the building official with authority to issue stop work orders for failure to comply with the specialty codes the municipality is responsible for administering and enforcing; and*
- (h) Require inspectors to perform license enforcement inspections as part of routine installation inspections.*
- (i) Where a municipality investigates and enforces violations under ORS 455.156 or in accordance with the municipality's local compliance program, the municipality's inspectors must require proof of compliance with the licensing, permitting, registration, and certification requirements of persons engaged in any activity regulated by ORS Chapters 446, 447, 455, 479, 693, and 701. Inspectors must report any violation of a licensing, permitting, registration, or certification requirement to the appropriate enforcement agency.*
- (9) Compliance Programs. A municipality administering a building inspection program may enact local regulations to create its own enforcement program with local procedures and penalties; utilize the division's compliance program by submitting compliance reports to the division; elect to act as an agent of a division board pursuant to ORS 455.156; or develop a program that may include, but not be limited to, a combination thereof. A building inspection program must establish in its operating plan:*
 - (a) Procedures to respond to public complaints regarding work performed without a license or permit or in violation of the specialty codes the municipality is responsible for administering and enforcing;*
 - (b) Procedures requiring proof of licensure for work being performed under the state building code utilizing the approved citation process and procedures in OAR 918-020-0091.*
 - (c) Policies and procedures to implement their compliance program;*
 - (d) Policies and procedures regarding investigation of complaints, where the municipality chooses to investigate and enforce violations pursuant to ORS 455.156; and*
 - (e) Policies and procedures regarding issuance of notices of proposed assessments of civil penalties, where the municipality chooses to act as an agent of a board pursuant to ORS 455.156. Penalties under such a program are subject to the limitations set in 455.156 and 455.895.*
- (10) Electrical Programs. Municipalities that administer and enforce an electrical program must demonstrate compliance with all applicable electrical rules adopted pursuant to ORS 479.855.*

OFFICE LOCATIONS

The office will be open from 8am to 12 pm and 1pm to 5pm unless otherwise posted or special appointments are arranged. Appointments are encouraged but not required at this time. Any applicant or interested party may call or come in for support in answering questions or picking up application materials. The telephones are answered during business hours and calls are returned within 48 hours if research is required. Emails will be answered in the same timeframe as phone

calls. A dedicated email is setup specifically for building program questions separate from land use and enforcement. There will be a general email if someone has questions about more than one program. The office is located at 60 E. Second Street, Coquille OR 97423. A virtual appointment may be setup at request and material can be provided electronically.

Permit technicians will be available to assist with any questions regarding applications, requirements and fees. If a permit tech is unable to answer the question at the time they will consult with an inspector, building official or Community Development Director for assistance. In the event a permit technician is not available another staff member will try to assist until one is available. Appointments may be necessary in the event a permit technician is unavailable.

Once a permit is submitted the permit the permit technician will review the application to ensure the basic application requirements have been submitted. The permit application will be entered into the tracking system. If planning review is required first, then a planning review will happen prior to any building review and the applicant will be notified at the time of submittal. A notification will be provided with the status of the application within three business days.

Applicants for permits are required to provide proof of licensing, registration and certification of any person who proposes to engage in any activity regulated by ORS Chapters 446, 447, 455, 479, 693, and 701.

Certified plans examiner will be available during normal working hours to provide pre-plan review. Persons making application in person may have their plans checked for completeness prior to submittal. A checklist of information required for plans to be considered as complete is reviewed with the applicant. Incomplete plans reviewed with staff may be rejected pending additional information. Applications that are received by mail or electronically are reviewed for completeness within three business days. Applicants are notified by email, phone, and mail if possible, of any deficiencies in the plans. Plans are reviewed in the order that they were received

PHASED PERMITS

Phased permitting is allowed for large projects with the prior approval of the building official. Generally, phased permits would be issued for the foundation, structural shell, interior tenant improvements, and sprinkler and fire alarm systems. Fees are based on the value of the work being performed at each phase.

DEFERRED SUBMITTALS

Deferral of any submittal items must have prior approval of the building official. Deferred submittals are those portions of the design that are not submitted at the time of application, but are included in the valuation of the project. The fee for processing deferred submittals will be based on an hourly rate. If the valuation of the construction being considered was not included in the original submittal, it will be treated as a phased project.

ALTERNATE ONE AND TWO FAMILY DWELLING PLAN REVIEW PROGRAM

Marion County will accept construction documents for conventional light frame construction, as defined by OAR 918-480-0130 that have been designed, prepared and sealed by an Oregon licensed architect or engineer, who is also certified in the state of Oregon as a one and two family plans examiner without requiring an additional plan review by Marion County. The

administrative charge for processing these construction documents is the same fee charged for all pre-reviewed plans received by Marion County.

PLAN REVIEW STANDARDS

COMPLIANCE WITH SPECIALTY CODES

Plan review staff is certified by the State of Oregon in all codes administered by MCBI. The plans examiners review and approve structural, mechanical, fire and life safety, energy, disabled access, and manufactured dwelling plans. Plumbing plans are reviewed and approved by a certified plumbing inspector. Electrical plans are reviewed and approved by a certified electrical inspector. All inspectors and plans examiners have internet access to current interpretive rulings adopted pursuant to ORS 455.060 or ORS 455.475 (2) and review them when making decisions.

AVAILABILITY OF CHECKLISTS/BROCHURES

A variety of informational brochures to assist the public in the permit application process. Residential and commercial building permit application checklists are available at the plan check counter. In addition, procedures and forms are available on the Internet at: www.co.marion.or.us.

MCBI also offers optional pre-development and pre-construction meetings, the first hour at no cost to the applicant. Pre-development meetings generally occur prior to completion of the design work and provide an opportunity for the applicant to discuss any requested alternate methods or materials, request interpretations, and hear a preliminary assessment of the project. Pre-construction meetings generally occur in conjunction with the issuance of the permit. The meeting provides an opportunity for the applicant and his/her associates to meet the inspectors and plans examiners who will be involved in the project, discuss any unique aspects of the project, clarify special inspection requirements, and reach consensus on remaining issues identified during the review process.

COMPLETE PLANS/ NOTICE TO APPLICANTS

Plans are reviewed at the counter for completeness if delivered in person, and within 3 days after receiving them by other means. Whenever possible, plans are approved and permits issued at the time of application. Applicants are informed at the time of application whether we consider their plans as a simple residential plan as defined in OAR 918-020-0090 (4), (5), and (6). If determined to be a simple residential plan, the plan review will be completed in 10 business days or less. If it appears that we will be unable to meet that time period, we will inform the applicant that he has a right to seek a plan review from certain individuals licensed by the State of Oregon, and acceptable by MCBI to provide the service.

VERIFICATION OF STAMP BY DESIGN PROFESSIONALS

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

INSPECTION STANDARDS

INSPECTION SCHEDULE

Inspection staff provides inspection services between 9:00 a.m. and 4:00 p.m. each working day.

Inspections outside of these hours may be arranged by contacting the staff. Appointments will help to ensure inspections can be accomplished in a timely manner.

INSPECTION POLICIES AND PROCEDURES

Inspections may be requested through the E-permitting system, email, phone or verbally. There will be a dedicated email address and phone number just to request inspections made available.

Inspection results are posted by the inspector from the field at the time of the inspection, and are available to the customer immediately through the Oregon E-permitting system.

Approved plans and the inspection record card are required to be available on the jobsite unless other arrangements have been made with the inspector. The inspector will sign the permit card to indicate inspection approval.

The inspector issues a written report for each inspection. The report will reflect approval, conditional approval, or failure. A conditional approval allows the work to proceed while documented corrections are made and a reinspection is requested. In the case of a failed inspection, a list of needed corrections is provided in the report. A copy of the written report is left on the jobsite and results are entered into the State E-permitting System.

If assistance is needed in understanding the inspection results a meeting may be setup at the office, by phone or virtually.

ASSESSMENT OF A REINSPECTION FEE

In certain circumstances the inspector assesses a reinspection fee. Building Codes policy outlines these circumstances:

- Inspection was requested before the work was ready for inspection;
- Failure to provide access on the date and time the inspection was requested;
- Permit card not posted;
- Approved plans not readily available on the job site;
- Deviating from the approved plans that require approval by the Building Inspection Office;
- Manufactured Dwelling blocking, installation of temporary or permanent stairs, plumbing, electrical and mechanical connections not completed prior to request for inspection; or
- Other specific reason is printed on the reinspection fee notice and posted on the job site.

LISTING OF INSPECTION STAFF

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

STOP WORK ORDERS

Coos County Code SECTION 13.03.055 Stop Work Orders states as follows:

Whenever any work is being done contrary to the provisions of this code or other pertinent laws or ordinances implemented through the enforcement of this code, the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work

to be done, and any such persons shall forth with stop such work until authorized by the building official to proceed with the work.

The authority to issue stop work orders is delegated to the inspection staff; however, MCBI policy requires that the inspector contact the building official to discuss the decision prior to issuance of the stop work order.

INVESTIGATION OF ELECTRICAL AND PLUMBING VIOLATIONS

Inspectors require proof of compliance with the licensing, permitting, registration and certification requirements of persons engaged in any activity regulated by ORS Chapters 447, 455, 479, 693, and 701. Inspectors shall note any violation of a licensing, permitting, registration or certification requirement and file a report with the appropriate enforcement agency. All inspectors conduct random spot checks to verify compliance with plumbing and electrical licensing and registration requirements. In cases of a suspected violation, the inspector is provided the discretion to stop the work and (a) issue a warning, (b) issue a "Citation, Notice of Proposed Assessment of Civil Penalty, and First Order of Corrective Action" (on forms supplied by the Building Codes Division) (c) complete a "Preliminary Compliance Report", or (d) discuss alternative options as may be available with the building official. Complaints received by the building department related to alleged violations of plumbing or electrical licensing laws are investigated by the appropriately certified inspector.

SUSPENSION / REVOCATION

The building official may, in writing, suspend or revoke a permit issued under the provisions of the Coos County Code Section 13.03.115, whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation of the jurisdiction.

ELECTRICAL INSPECTION STANDARDS

Coos County will comply with the minimum standards established by the adopted electrical specialty code rules set forth in OAR chapter 918, division 271. Coos County will require at a minimum the following inspections:

- 1) Electrical inspectors shall inspect appropriateness of the size, placement, protection and termination of the following electrical installations, note discrepancies and require correction of code violations:
 - a. Service entrance conductors;
 - b. Service equipment;
 - c. Grounding electrode and grounding electrode conductor;
 - d. Bonding;
 - e. Over current protection;
 - f. Branch circuits;
 - g. Feeders;
 - h. Ground-fault circuit interrupter devices (GFCI) and ground-fault protection systems (GFP); and
 - i. Underground installations.
- 2) A final inspection must be requested and provided to verify all mandatory items in subsections (1)(a) to (h) are in compliance. All electrical systems and equipment for which a permit is required by the Oregon Electrical Specialty Code (OESC) shall be subject to

inspection by the building official. No portion of any electrical system, intended to be concealed, shall be concealed, until inspected and approved. Coos County Building Staff is not liable for expense entailed in the removal or replacement of any material required to allow inspection. With the exception of emergency repairs, electrical systems and equipment regulated by the OESC shall not be connected to the energy source until authorized by the building official. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of the OESC or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel provisions of the OESC or of other ordinances of the jurisdiction shall not be valid.

Coos County Building Staff maintains a list of all employees who perform plan reviews and inspections. Training records are maintained to show compliance with all certification and continuing education requirements. The records are available for inspection upon request.

COMPLIANCE PROGRAM

PROCESS FOR RESPONSE TO REPORTED CODE VIOLATIONS

Reports of work being performed without permit, in violation of the Coos County Building Code, and/or in violation of ORS 479.550, 479.620, 447.040, 693.030, and 693.040 are accepted in person or via email or mail. All reports are investigated by the inspection staff.

INVESTIGATION OF REPORTED VIOLATIONS

Reports as described above are investigated to determine whether or not a violation exists. If no violation exists, the case is closed. If a violation exists, there are several possible actions that may be taken by the division, including but not limited to stop work orders, assessments of investigation fees, and/or assessment of a civil penalty.

9. The County's application does not include a proposed ordinance that will document the authority and responsibilities of the building official, plan reviewers, and inspectors as required by OAR 918-020-0090(1)(b).

DRAFT CODES:

ARTICLE THIRTEEN - COMMUNITY DEVELOPMENT

LAND USE, BUILDINGS AND CONSTRUCTION

DIVISION ONE – ESTABLISH COMMUNITY DEVELOPMENT PROGRAM AND RESPONSIBILITIES

SECTION 13.01.010 ADMINISTRATION

Coos County Community Development shall administer the Land Use Program, Building Program, Code Enforcement Portion of the Program that relates to land use and building, and other programs as assigned by the Coos County Board of Commissioners.

The Community Development Director shall be appointed by the Board of Commissioners and shall act as the Planning Director to serve the role defined in ORS 215.042. The Community

Development Director shall also oversee all administrative duties related to the Community Development Program.

SECTION 13.01.010

FEES.

A. Building Codes Fees:

1. Fees for permits, inspections, plan checks, site plan review, copy costs, and such other fees that the Coos County Board of Commissioners deems reasonable to cover the cost of administering the building code program shall be set and adopted from time to time by order of the Coos County Board of Commissioners. Review of fees shall be done at the minimum of once a year by the Community Development Director in consultation with administrative staff and/or the Building Official. The County may set any permit fee at any amount approved by the state or set a fee for a permit for which the state has failed to set a fee by proper resolution.
2. The Building Official in consultation with the Community Development Director and/or administrative staff may authorize the refunding of fees paid in accordance with the refund policy in effect.
3. The determination of value or valuation under any provisions of the building code shall be made by the building official. The value to be used in computing the building permit and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, and any other permanent equipment.

B. Land Use Fees

1. The governing body shall establish fees charged for processing land use permits at an amount no more than the actual or average cost of providing that service as consistent with ORS 215.416.
2. Land Use Application Appeal on Noticeable Decisions. If a local government provides only a notice of the opportunity to request a hearing, the local government may charge a fee for the initial hearing. The maximum fee for an initial hearing shall be the cost to the local government of preparing for and conducting the appeal, or \$250, whichever is less. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded as consistent with ORS 215.416(11).
3. Refunds. A refund may be issued at the written request made by an applicant, but the applicant shall only be intitled to refunds of unspent portion of the application fees.
 - i. Staff will calculate the time spent on an application and times that by the adopted hourly rate.
 - ii. No refund will be issued if the application that is void under ORS 215.427(4) or has received a final decision as described in Article 5 of the Coos County Zoning and Land Development Ordinance.
4. If an application requires a hearings office the applicant is responsible for all cost associated with hiring the hearings office.
5. Waiver of fees may be approved pursuant to the adopted waiver policy.

- C. Other Fees. Coos County Community Development may collect other department fees to allow fees to be paid in one transaction. However, if a refund is requested the department that received the fee is responsible for any refunds. Community Development processes certain non-land use applications that are not subject to this section. Those fees will be adopted by the Coos County Board of Commissioners.

DIVISION TWO - COOS COUNTY PLANNING AND ZONING PROGRAM

SECTION 13.02.010 ADMINISTRATION

Coos County incorporates in the Coos County Comprehensive Plan and Coos County Zoning and Land Development Ordinance by reference. These documents shall be administered through the Planning Program and will be recognized as separate standalone document unless otherwise directed in the County Code, Comprehensive Plan or Zoning or the Land Development Ordinance.

SECTION 13.02.015 COMPREHENSIVE PLAN

The Coos County Comprehensive Plan (CCCP) was prepared in accordance with Oregon Planning Law including ORS Chapters 92, 195, 197, 203 and 215. The effective date of the Coos County Comprehensive Plan is January 1, 1986. Volume I Part 1 of the plan provides the history of all planning efforts. Periodic review was last completed for the Coos County Comprehensive Plan in 2001. There have been updates since that time to the plan to ensure that it compliance with legislative changes and needed community updates.

The Coos County Comprehensive Plan is presented in three volumes. Each volume is coordinated with the other two.

- A. Volume I Coos County Comprehensive Plan (excludes estuarine coastal shorelands)
- B. Volume II Coos Bay Estuary Management Plan
- C. Volume III Coquille River Estuary Management Plan

The Coos County Comprehensive Plan's three volumes are coordinated with the plans of cities and special districts in Coos County (unless otherwise noted).

SECTION 13.02.020 COOS COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE (CCZLDO)

County Zoning and Land Development Ordinance of 1985 and is enacted pursuant to the provisions of ORS 92.044, 92.046, 203.035, 203.065, 215.050 and 215.110 and the Coos County Comprehensive Plan. All provisions of this Ordinance shall remain in compliance with the Comprehensive Plan and State law.

- A. Purpose – Ordinance to implement the Coos County Comprehensive Plan by:
 - 1. Promoting the orderly growth of Coos County,
 - 2. Protecting and enhancing the environment,
 - 3. Conserving and stabilizing the value of property,
 - 4. Reducing excessive traffic congestion,

5. Preventing overcrowding of land by establishing standards for proper density,
6. Providing adequate open space for light and air,
7. Conserving natural resources,
8. Encouraging the most appropriate use of land,
9. Preventing water and air pollution,
10. Facilitating fire and police protection,
11. Providing for community facilities,
12. Promoting and protecting the public health, safety, convenience and general welfare.

B. COMPLIANCE WITH COMPREHENSIVE PLAN AND ORDINANCE PROVISIONS:

The Comprehensive Plan of Coos County is the basis for all land use development within Coos County. Should any conflicts arise between the Plan and this Ordinance, the provisions of the Plan will prevail.

It shall be unlawful for any person, firm, or corporation to cause, develop, permit, erect, construct, alter or use any building, structure or parcel of land contrary to the provisions of the district in which it is located.

No permit for construction or alteration of any structure shall be issued unless the plans, specifications, and intended use of any structure or land conform in all respects with the provisions of this Ordinance, unless approval has been granted by the Hearings Body. Any use permitted within a primary zone but specifically not permitted by an overlaying floating zone restriction (required by the Comprehensive Plan) shall not be permitted.

DIVISION THREE – BUILDING AND CONSTRUCTION PROGRAM AND CODES

SECTION 13.03.010 TITLE.

This Chapter shall be referred to as the “Coos County Building Code,” may be cited as such and will be referred to herein as “the building code.”

SECTION 13.03.015 AUTHORITY; AREA OF APPLICATION; POLICY

- A. The building code is adopted pursuant to and under the authority of ORS 203.035, 455.150, and 479.855 and OAR Chapter 918, Division 308, and constitutes the exercise of authority over a matter of county concern.
- B. The building code applies to all unincorporated areas within the county and to all areas within the corporate limits of any city that has entered into an intergovernmental agreement with the county that so provides.
- C. Adoption of the building code is necessary for the protection of public health, safety, and welfare.
- D. No building permit shall be issued for the construction, reconstruction, remodeling, enlargement, alteration, repair or conversion of any residential, commercial or industrial structure, or public use structure until plans therefor, including plot plan, are submitted to the Planning Department and approved by it as conforming to the zoning ordinances of the County.

SECTION 13.03.020

ADOPTION.

The following Oregon Specialty Codes, Oregon Administrative Rules, and standards, are adopted and incorporated, except as modified in these codes, is enforced as part of the Coos County Building Code, herein set forth as follows:

- A. The Oregon Structural Specialty Code, as adopted by and together with OAR Chapter 918, Division 460.
- B. The Oregon Mechanical Specialty Code, as adopted by and together with OAR Chapter 918, Division 440.
- C. The Oregon Plumbing Specialty Code, as adopted by and together with OAR Chapter 918, Division 750 thru Division 780.
- D. The Oregon One and Two Family Dwelling Specialty Code, as adopted by and together with OAR Chapter 918, Division 480.
- E. The manufactured dwelling parks and mobile home parks rules, as adopted by and together with OAR Chapter 918, Division 600.
- F. The manufactured dwelling installation rules, as adopted by and together with OAR Chapter 918, Division 500 thru Division 520, including the Oregon Manufactured Dwelling Standard.
- G. The recreational park and organizational camp rules, as adopted by and together with OAR Chapter 918, Division 650.
- H. The Oregon Electrical Specialty Code, as adopted by and together with OAR Chapter 918, Division 305.

SECTION 13.03.030

DEFINITIONS.

The following definitions apply to the building codes:

- A. Appeals board means the Coos County Building Code Board of Appeals.
- B. Board means the Coos County Board of County Commissioners.
- C. Building official means the person appointed by the board to administer the provisions of the building code.
- D. Director means Community Development Director

SECTION 13.03.035

CREATION OF ENFORCEMENT AGENCY.

There is established in Coos County a code enforcement agency which shall be under the administrative and operational control of the building official.

SECTION 13.03.040

GENERAL POWERS & DUTIES OF THE BUILDING OFFICIAL.

- A. The building official is authorized and directed to enforce all the provisions of the building codes. For such purposes, the building official shall have the powers of a law enforcement officer.
- B. The building official shall have the power to render written and verbal interpretations of the building code and to adopt and enforce administrative procedures in order to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformance with the intent and purpose of the building code.

SECTION 13.03.045

DEPUTIES.

The building official may appoint deputies and other employees to carry out the functions of the code enforcement agency. References to the “building official” shall include the building official's appointed deputies and other employees.

SECTION 13.03.050 RIGHT OF ENTRY.

When it is necessary to make an inspection to enforce the provisions of these codes, or when the building official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of these codes which makes the building or premises unsafe, dangerous or hazardous, the building official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by these codes; provided, that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

SECTION 13.03.055 STOP WORK ORDERS.

Whenever any work is being done contrary to the provisions of the building code, or other pertinent laws or ordinances implemented through the enforcement of the building code, the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the building official to proceed with the work.

SECTION 13.03.060 AUTHORITY TO DISCONNECT UTILITIES IN EMERGENCIES.

The building official shall have the authority to disconnect fuel-gas utility service, or energy supplies to a building, structure, premises or equipment regulated by the building code in case of emergency when necessary to eliminate an immediate hazard to life or property. The building official shall, whenever possible, notify the serving utility, the owner and occupant of the building, structure or premises of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or premises in writing of such disconnection immediately thereafter.

SECTION 13.03.065 CONNECTION AFTER ORDER TO DISCONNECT.

Persons shall not make connections from an energy, fuel or power supply nor supply energy or fuel to any equipment regulated by the building code which has been disconnected or ordered to be disconnected by the building official, or the use of which has been ordered to be discontinued by the building official, until the building official authorizes the reconnection and use of such equipment.

SECTION 13.03.070 OCCUPANCY VIOLATIONS.

Whenever any building or structure or equipment therein regulated by the building code is being used contrary to the provision of the building code, the building official may order such use

discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be discontinued. Such person shall discontinue the use within the time prescribed by the building official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of the building code.

SECTION 13.03.075 APPEALS.

- E. Appeals relating to the administrative provisions of the Coos County Building Code shall be to the building official.
- F. An appeal shall be in writing, shall describe the basis for the appeal and shall first be filed with the building official. If the appeal does not provide the basis for the appeal it will result in an automatic denial.
- G. Appeal of a plans examiner or inspector's interpretation is to the building official. After input from technical staff, the building official will render a decision.
- H. Any person aggrieved by a decision of the building official made pursuant to the following specialty codes may appeal that decision to the following:
 - a. Electrical Specialty Code – appeals may be made to the State of Oregon, Building Codes Division, Chief Electrical Inspector and then to the State Electrical and Elevator Board.
 - b. Structural Specialty Code – appeals may be made to the State of Oregon, Building Codes Division, Chief Structural Inspector, then to the Building Codes Structures Board.
 - c. Mechanical Specialty Code – appeals may be made to the State of Oregon, Building Codes Division Chief Mechanical Inspector, then to the State Mechanical Board.
 - d. Plumbing Specialty Code – appeals may be made to the State of Oregon, Building Codes Division, Chief Plumbing Inspector and then to the State Plumbing Board.
 - e. Residential Specialty Code – appeals may be made to the State of Oregon, Structural Chief and then to the Residential and Manufactured Structures Board.
 - f. Manufactured Dwellings and Park Standards Specialty Code – appeals may be made to the State of Oregon, Manufactured Dwelling Chief Inspector and then to the Residential and Manufactured Structures Board as per ORS 455.690.

SECTION 13.03.080 APPEALS ALTERNATE CONSTRUCTION DENIALS

- D. The following provisions shall apply to the building official's denial of an application for alternate approval of construction related to conversions of single-family dwellings into no more than four residential dwelling units built to the Oregon Residential Specialty Code and the Oregon Structural Specialty Code that received occupancy approval prior to January 1, 2020:
- E. An applicant who receives a notice of denial of an application for alternate approval of construction related to conversions of single-family dwellings into no more than four residential dwelling units built to the Oregon Residential Specialty Code and the Oregon Structural Specialty Code that received occupancy approval prior to January 1, 2020, may request a hearing before the Coos County hearings officer. Hearing requests must be filed in writing with the Coos County hearings officer within five days from the date of the notice of denial.
- F. Hearings Procedure.

4. Upon receiving a written request for a hearing, the hearings officer shall send a copy of the request for a hearing to the building official and set a time and place for a hearing that shall be no more than seven days from the date of filing of the hearing request, or as soon as practicable. The hearings officer shall notify the person requesting a hearing of the time and date of the hearing. The building official shall appear and present evidence pertinent to the building official's denial of the application. The owner of the property may also present evidence before the hearings officer pertinent to the application. The building official shall have the burden of proving by a preponderance of the evidence that the application for alternate approval fails to satisfy the applicable criteria. Failure of the person requesting the hearing to appear shall constitute a waiver of the right to present evidence at the hearing or thereafter.
5. After the hearing, the hearings officer shall issue an order containing findings as to whether the application was properly denied. The hearings officer's order shall be issued within 30 business days after the building official receives notice of the appeal from the hearings officer.
6. The decision of the hearings officer is final. Appeal shall only be by writ of review under ORS Chapter 34

SECTION 13.03.085 PLANS AND PERMITS.

- A. Except as otherwise provided by law, no building or structure regulated by the building code shall be erected, constructed, enlarged, altered, repaired, moved, improved or converted unless a separate permit for each building or structure has first been obtained from the building official.
- B. The application, plans, specifications, computations and other data filed by an applicant for a permit shall be reviewed by the building official. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in application for a permit and the plans, specifications and other data filed therewith conform to the requirements of the building code and other pertinent laws and ordinances, and that the fees have been paid, the building official shall issue a permit therefore to the applicant.
- C. When the building official issues the permit where plans are required, the building official shall endorse in writing or stamp the plans and specifications. Such approved plans and specifications shall not be changed, modified and altered without authorizations from the building official, and all work regulated by the building code shall be done in accordance with the approved plans.
- D. The building official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the building code. The holder of a partial permit shall proceed without assurance that the permit for the entire building or structure will be granted.

SECTION 13.03.090 RETENTION OF PLANS.

One set of approved plans, specifications and computations shall be retained by the building official for a period of not less than 90 days from the date of completion of the work covered therein and one set of approved plans and specifications shall be returned to the applicant, and the returned set shall

be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

SECTION 13.03.095 VALIDITY OF PERMIT.

- A. No permit shall be issued if the parcel of land or the use of the land on which the building, structure, or equipment is to be placed, erected, altered, equipped or used is in violation of any Coos County ordinance or code.
- B. The issuance or granting of a permit or approval of plans, specification and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the building code or of any other Coos County ordinance or code. Permits presuming to give authority to violate or cancel the provisions of the building code or other Coos County ordinance or code shall not be valid.
- C. The issuance of a permit based on plans, specifications and other data shall not prevent the building official from thereafter requiring the correction of errors in the plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of the building code or of any other Coos County ordinance or code.

SECTION 13.03.100 EXPIRATION OF APPLICATIONS, PLANS AND PERMITS.

- A. Applications for which no permit is issued within 180 days following the date of the application shall expire by limitation and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.
- B. Every permit issued by the building official under the provisions of the building code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work and provided further that such suspension or abandonment has not exceeded one year. To renew action on a permit after expiration, the permittee shall pay a new full permit fee.
- C. Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.
- D. Whenever a property is the subject of enforcement for violation of this chapter, the Coos County Comprehensive Plan or any other county ordinances or codes, the building official may, in writing, suspend a permit or deny a request for an extension of a permit on that basis.

SECTION 13.03.105 WORK WITHOUT PERMIT; INVESTIGATION FEES.

- A. Whenever any work for which a permit is required by the building code had been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.
- B. An investigation fee, in addition to the permit fee, may be collected whether, or not, a permit is then or subsequently issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the building code nor from any penalty prescribed by law.

SECTION 13.03.110 PERMITS NOT TRANSFERABLE.

A permit issued to one person or firm is not transferable and shall not permit any other person or firm to perform any work thereunder.

SECTION 13.03.115 SUSPENSION; REVOCATION.

The building official may, in writing, suspend or revoke a permit issued under the provisions of the building code whenever the permit is issued in error on the basis of incorrect information supplied, or in violation of any provision of the building code.

SECTION 13.03.120 INSPECTIONS.

- A. It shall be the duty of the permit holder or the permit holder's agent to request all necessary inspections in a timely manner, provide access to the site, and provide all necessary equipment as determined by the building official. The permit holder shall not proceed with the building construction until authorized by the building official. It shall be the duty of the permit holder to cause the work to remain accessible and exposed for inspection purposes. Any expense incurred by the permit holder to remove or replace any material required for proper installation shall be the responsibility of the permit holder or the permit holder's agent.
- B. Work requiring a permit shall not be commenced until the permit holder or the permit holder's agent has posted or otherwise made available a location record card such as to allow the building official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the building official.

SECTION 13.03.125 PUBLIC NUISANCE.

The erection, construction, reconstruction, alteration, maintenance, installation or use of any building, structure, manufactured dwelling, or mobile home in violation of the building code shall be deemed a nuisance and may be enjoined, abated or removed.

The following section may be moved to the enforcement section pending County Counsel Review:

SECTION 13.03.130 ABATEMENT OF DANGEROUS BUILDINGS. (Note to Reader, this will need to be consistent with the enforcement section of the code and will contain correct definitions and procedures. This was copied from another county)

Coos County hereby adopts the Uniform Code for the Abatement of Dangerous Buildings, International Conference of Building Officials, 1997 Edition in its entirety, except Chapters 7, 8, and 9, which by this reference is made a part hereof just as though it were fully set forth herein and shall

be known as the Coos County Dangerous Building Code. The Coos County Dangerous Building Code shall apply to structures in all unincorporated areas of Coos County, Oregon.

- A. The following definitions shall apply to the Coos County Dangerous Building Code:
 - 1. Board of Appeals. In lieu of the composition established in Section 205 of the Dangerous Building Code, the Coos County hearings officer or Board of Commissioners shall be deemed to be the board of appeals and shall assume all rights and responsibilities granted in the code to the board of appeals.
 - 2. Building Code. In lieu of the definition established in Section 301 of the Dangerous Building Code, the term "building code" shall be deemed to be a reference to these codes.
 - 3. Health Official. The health official shall be the environmental health supervisor or the health officer with Coos County Health Department.
- B. The following section is amended as follows:
 - 1. Section 302 Item 15. The term "health officer" is replaced with health official.
 - 2. Section 302 Item 16. The term "fire marshal" is replaced with building official.

The Uniform Code for the Abatement of Dangerous Buildings is adopted as amended below:

- 1. The words "or premises" are inserted after the word "building" under sections 401, 402, 403, 404, 701, 703, 802 and 901;
- 2. Chapter 9 is amended as follows:

Section 901. Account of Expense, Filing of Report: Contents. The Director of the Community Development Department shall keep an itemized account of the expense incurred by the County in the repair or demolition of any building done pursuant to the provisions of section 701(C)3 of this code. Upon the completion of the work of repair or demolition, said director shall prepare and file with the Board a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to subsection (c) of section 401.

Section 902. Report Transmitted to Board-Set for Hearing. Upon receipt of said report, the Board shall fix a time, date and place for hearing said report and any protests or objections thereto. The Board shall cause notice of said hearing to be posted upon the property involved, published once in a newspaper of general circulation in this jurisdiction, and served by certified mail, postage prepaid, addressed to the owner of the property as the owner's name and address appear on the last assessment roll of the County. Such notice shall be given at least ten days prior to the date set for hearing and shall specify the day, hour and place when the Board will hear and pass upon the director's report, together with any objections or protests which may be filed as hereinafter provided by any person interested in or affected by the proposed charge.

Section 903. Protests and Objections-How Made. Any person interested in or affected by the proposed charge may file written protests or objections with the Board at any time prior to the time set for the hearing on the report of the director. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection.

Section 904. Hearing of Protests. Upon the day and hour fixed for the hearing, the Board shall hear and pass upon the report of the director, together with any objections or protests. The Board may make such revision, correction, or modification in the report or the charge as it may deem just; and when the Board is satisfied with the correctness of the charge, the report (as submitted or as revised, corrected or modified) together with the charge, shall be confirmed or rejected. The decision of the Board on the report and the charge, and on all protests or objections, shall be final and conclusive.

Section 905. Personal Obligation and Lien Against Property.

1. General. The Board may thereupon order that said charge may be made a personal obligation of the property owner and/or assess said charge as a lien against the property involved.
2. Personal Obligation. If the Board orders that the charge shall be a personal obligation of the property owner, it shall direct County Legal Counsel to collect the same on behalf of the County by use of all appropriate legal remedies.
3. Lien. If the Board orders that the charge shall be assessed as a lien against the property, it shall direct County Legal Counsel to take all necessary action to perfect the lien under the provisions of ORS 87.

Section 906. Lien.

4. Priority. Any lien filed pursuant to this chapter shall have the priority established in ORS 87 for construction liens. The lien shall continue until the principle and all interest due and payable thereon are paid.
5. Interest. Any such lien filed shall bear interest at the then legal rate.

Section 907. Foreclosure of Lien. The lien filed pursuant to section 905 of this chapter shall be foreclosed as provided in ORS 87.

Section 912. Disbursement of Lien. All money recovered from the sale of the property through lien foreclosure proceedings under ORS 87 shall be paid to the County Treasurer, who shall credit the same to the County general fund.

SECTION 13.03.135 JURISDICTION.

The Circuit Court for the State of Oregon for the County of Coos has jurisdiction over any and all violations of the building code unless otherwise described in Section 12 of the County Code.

SECTION 13.03.140 VIOLATION PROCEEDINGS.

- A. The building official is delegated the authority to designate, from time to time, specific employees of the Building Department that are authorized to issue citations for the commission of violations of the building code. The building official and the employees so designated shall be deemed to be “enforcement officers,” within the meaning of ORS 153.005 to 153.145.
- B. Violations of the building code shall be deemed to be “violations,” within the meaning of ORS 153.008. Violations of this ordinance shall be considered Class A violations.
- C. Violation proceedings shall follow the processes set forth for the prosecution of violation of Coos County Ordinances set forth in Coos County Code Article 12, Division One and Division Two.

SECTION 13.03.145 REMEDIES NOT EXCLUSIVE.

None of the remedies available to the County as set forth in the building code are exclusive. Nothing in the building code shall preclude any remedy otherwise available to the County, either in law or equity.

Nuisance Language to consider: <https://douglascounty-oregon.us/DocumentCenter/View/5261/Nuisance-Abatement-PDF>

ICC Abatement Code <https://codes.iccsafe.org/content/UADB1997P1/copyright>

10. Will the County be providing a fee schedule as part of its assumption application?

A draft fee schedule has been included with this report but any final fee schedule will need to be adopted by the Board of Commissioners prior to July 1, 2022.

11. Will minimum electrical service be available each weekday excluding holidays pursuant to OAR 918-308-0010(2)?

(2) The municipality shall create and maintain minimum services at least each weekday, excluding holidays as defined in ORS 187.010, to include electrical administrative, enforcement, and inspection services. Minimum administrative, enforcement, and inspection services include the "Ongoing Requirements" in the Electrical Delegation Rules.

The County will have the electrical service available during business hours as described in the operation plan.

Staff is working through items 12 through 13 to make sure they are included in the operation plan. A resolution from the Board is needed to verify that we are interested in pursuing the program.

12. The County's application does not include the first two years of projected electrical program expenses pursuant to OAR 918-308-0010(3)(a)(A) through (C).
13. The County's application does not agree, as a condition of electrical program delegation, to indemnify the State pursuant to OAR 918-308-0010(3)(b).
14. The County's application does not agree, as a condition of electrical program delegation, that the County will not adopt or implement any electrical program fee increases for the first two years of its initial operation OAR 918-308-0010(d).
15. The County's application does agree, as a condition of electrical program delegation, to carry a minimum of \$1,500,000 per occurrence of insurance against tort liability and property damage arising out of acts, errors, and omissions pursuant to OAR 918-308- 0010(e). This money will be held in under legal fees.

16. The County's application does indicate compliance with OAR 918-308-0020(2)(b), which requires the application to be based on a resolution of the municipality formally authorizing the application, and representing if the application is granted, that the County and all persons under it will comply with and be bound by the Electrical Delegation Rules. Resolution is attached.
17. The County's application does include an appropriate proposed ordinance for administration an enforcement of the electrical program as required under OAR 918-308-0020(2)(c). See also OAR 918-308-0030.
18. The County's application does not include names of designated individuals, in addition to the building official, to whom notices issued under the Oregon Administrative Rules should be sent. See OAR 918-020-0090(1)(k). The Building Official at this time has not been hired but likely will be a current employee that has expressed interest in fulfilling this role. If this does not turn out to be an internal position then either the Community Development Director or another candidate will fill this position. In mean time please send any correspondence to Jill Rolfe at 225 N. Adams, Coquille OR 97423 or by email jrolfe@co.coos.or.us .



Oregon

Kate Brown, Governor

**Department of Consumer and Business Services
Building Codes Division**

1535 Edgewater Street NW

P.O. Box 14470

Salem, OR 97309-0404

503-378-4133

Fax: 503-378-2322

oregon.gov/bcd

October 29, 2021

Jill Rolfe
Coos County Planning Director
225 N. Adams Street

Ms. Rolfe,

Thank you for submitting the application materials for Coos County's (the County) requested assumption of a building inspection program from the Building Codes Division. We appreciate the information the County was able to provide. The Division has several clarifying questions and other requests:

1. Does the County plan to include a fire and life safety plan review program? The County's application does not include information regarding such a program. If the county would like to have a fire and life safety plan review program, they will need to include it in their application materials.
2. Does the County plan to rely on the State for plan review assistance?
3. The County's application does not include revenue and expenditure estimates and assumptions used in the estimations and how any losses will be funded. *See* OAR 918-020-0095(1)(c). As the current program operator, the Division is happy to share any additional financial information the County may need in order to meet this requirement.
4. The County's plan does not address transition of the program from the division, as required under OAR 918-020-0095(1)(d). The division can assist with a transition, but the County is required to prepare an assumption plan demonstrating its ability to make this transition, which includes the development of methods for items described in OAR 918-020-0095(1)(d)(A) through (D).
5. The County's assumption plan does not include a schedule, including the date, time, place, and subject matter of any proposed meetings of the public or advisory bodies where public comments will be received concerning the proposed program assumption, or evidence of compliance with notice as required under OAR 918-020-0095(2)(a).
6. The County indicated on Page 6, Item D that they plan to meet the same timelines the Division does, however there are no details regarding this plan. For example, will

inspections occur Monday – Friday for all areas of the county, and will all disciplines have inspections? What is the County’s expected plan review timeline for plans, such as residential plans, commercial plans, and electrical plan reviews? If the programs are delegated to the County, are there any differences in services or inspections from present services and inspections? *See also* OAR 918-020-0094, OAR 918-308-0020(1)(e), and ORS 455.148(11)(c).

7. The County’s application does not include a procedure for communication and cooperation with the State Fire Marshal or the Fire Marshal’s designee pursuant to OAR 918-020-0020.
8. The County’s operating plan lacks many necessary details. Below are some links to examples of operating plans for reference:
 - a. [Marion County](https://www.co.marion.or.us/PW/BuildingInspection/Documents/operating_plan.pdf)
(https://www.co.marion.or.us/PW/BuildingInspection/Documents/operating_plan.pdf)
 - b. [City of Corvallis](https://archives.corvallisoregon.gov/public/ElectronicFile.aspx?dbid=0&docid=1036623)
(<https://archives.corvallisoregon.gov/public/ElectronicFile.aspx?dbid=0&docid=1036623>)
 - c. [City of Beaverton](https://www.beavertonoregon.gov/DocumentCenter/View/242/Building-Operating-Plan?bidId=)
(<https://www.beavertonoregon.gov/DocumentCenter/View/242/Building-Operating-Plan?bidId=>)
9. The County’s application does not include a proposed ordinance that will document the authority and responsibilities of the building official, plan reviewers, and inspectors as required by OAR 918-020-0090(1)(b). Below are some examples for reference:
 - a. [Marion County](https://www.codepublishing.com/OR/MarionCounty/#!/MarionCounty15/MarionCounty1505.html)
(<https://www.codepublishing.com/OR/MarionCounty/#!/MarionCounty15/MarionCounty1505.html>)
 - b. [Douglas County](https://douglascounty-oregon.us/DocumentCenter/View/3520/Buildings-and-Construction-PDF) (<https://douglascounty-oregon.us/DocumentCenter/View/3520/Buildings-and-Construction-PDF>)
 - c. [Clackamas County](https://dochub.clackamas.us/documents/drupal/8a3c0ef9-b4c4-40e9-acaf-4e5d9a68c3bf) (<https://dochub.clackamas.us/documents/drupal/8a3c0ef9-b4c4-40e9-acaf-4e5d9a68c3bf>)
10. Will the County be providing a fee schedule as part of its assumption application?
11. Will minimum electrical service be available each weekday excluding holidays pursuant to OAR 918-308-0010(2)?
12. The County’s application does not include the first two years of projected electrical program expenses pursuant to OAR 918-308-0010(3)(a)(A) through (C).
13. The County’s application does not agree, as a condition of electrical program delegation, to indemnify the State pursuant to OAR 918-308-0010(3)(b).

14. The County's application does not agree, as a condition of electrical program delegation, that the County will not adopt or implement any electrical program fee increases for the first two years of its initial operation OAR 918-308-0010(d).
15. The County's application does not agree, as a condition of electrical program delegation, to carry a minimum of \$1,500,000 per occurrence of insurance against tort liability and property damage arising out of acts, errors, and omissions pursuant to OAR 918-308-0010(e).
16. The County's application does not indicate compliance with OAR 918-308-0020(2)(b), which requires the application to be based on a resolution of the municipality formally authorizing the application, and representing if the application is granted, that the County and all persons under it will comply with and be bound by the Electrical Delegation Rules.
17. The County's application does not include an appropriate proposed ordinance for administration and enforcement of the electrical program as required under OAR 918-308-0020(2)(c). *See also* OAR 918-308-0030.
18. The County's application does not include names of designated individuals, in addition to the building official, to whom notices issued under the Oregon Administrative Rules should be sent. *See* OAR 918-020-0090(1)(k).

Please take note that under OAR 918-020-0095(6) the municipality requesting administration of a program shall confirm its intent to proceed with its application and submit final information to the division by January 1. Please feel free to contact us with any questions or concerns.

Regards,

Tyler Glaze, Policy Analyst
Oregon Building Codes Division
Tyler.Glaze@dcbs.oregon.gov
971-375-7336

State of Oregon

Board memo

Building Codes Division

January 27, 2021

To: The Electrical and Elevator Board

From: Tyler Glaze, policy analyst, Policy and Technical Services

Subject: Continuing Education Applications

Action requested:

Electrical and Elevator Board consideration of the Continuing Education Committee's recommendations regarding continuing education courses and instructors.

Background:

The Electrical and Elevator Board establishes continuing education requirements for all electrical licensees in order to ensure licensees possess up-to-date knowledge of the code and administrative requirements. They set standards for approval of courses and instructors in order to have a sufficient number and variety of continuing education courses available to licensees. The board's continuing education committee has been meeting to evaluate courses and instructors on the board's behalf. The committee reviewed the applications electronically on October 27, 2021. The committee reviewed 12 applications from 7 organizations:

- 3 courses were recommended for approval.
- 4 courses were recommended for denial.
- 2 instructors were recommended for approval.
- 3 instructors were recommended for denial.

See attached summary for more information.

In addition to the Oregon Rule and Law criteria, the committee is using the following when reviewing applications:

- NFPA 70E courses are eligible for a maximum of eight hours code-related credits.
- OSHA 10 courses are eligible for a maximum of four hours code-related credits.
- OSHA 30 courses are eligible for a maximum of sixteen hours code-related credits.
- First Aid/CPR courses are eligible for a maximum of four hours code-related credits (two hours for each course).
- For correspondence courses – Provider must submit complete course.
- For online courses – Provider must submit a log-on or screen shots of course content.

Options:

- Approve the committee's recommendations for approval or denial of courses or instructors.
- Amend and approve the committee's recommendation for approval or denial of courses or instructors.
- Disapprove the committee's recommendation for approval or denial of courses or instructors.

Electrical and Elevator Board
Committee on Continuing Education Course and Instructor Review
January 27, 2022

Courses

	Applicant	Course Name	Committee Recommendation	Board Action
1	Anytime CE	2020 NEC Update 12 hours CC:MC Only	Approve for 8 hours CC: MC Only for 2021 Code Cycle	
2	BlueVolt	NFPA 70E 2021 – 4 hr 4 hours CR	Approve for 2021 Code Cycle	
3	Current Electrical Training	Oregon Rule & Law Online (Renewal) 4 hours ORL	Deny	
4	Georgia-Pacific (GAPAC)	First Aid CPR 4 hours CR	Approve for 2021 Code Cycle	
5	Vector Solutions	Oregon Electrician Transmission and Distribution: 2 Hour Program #1 (RV-PGM226) 2 hours CR	Deny	
6	Vector Solutions	Oregon Electrician Transmission and Distribution: 2 Hour Program #2 (RV-PGM227)	Deny	
7	Vector Solutions	Oregon Electrician Transmission and Distribution: 2 Hour Program #3 (RV-PGM228)	Deny	

Instructors

	Applicant	Committee Recommendation	Board Action
1	Bradley Kastner (CPR/First Aid/AED)	Approve for 2021 Code Cycle	
2	Brady Hansen Vector Solutions	Deny	
3	Christopher Pesina Vector Solutions	Deny	
4	Joseph Neville Vector Solutions	Deny	

5	Jordan Potter NIETC	Approve for 2021 Code Cycle	
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December 29, 2021

Ms. Debra J. Woods
Oregon Electrical Board
Building Codes Division
Department of Consumer & Business Services
P.O. Box 14470
Salem, OR 97309-0404

Dear Ms. Woods:

We recently renewed our courses after accidentally allowing them to expire on 4-1-21. During that time there were some students who attended our Electrical Workplace Safety NFPA 70E – Low Voltage Qualified course and are requesting CEU credit.

The course and student information is as follows:

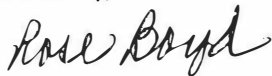
Course: Electrical Workplace Safety NFPA 70E (8201580)
Date: May 27, 2021
Location: Louisville, KY (Webex)
Instructor: Gus Gantzer

Student: Matthew A. Murray, 26237J

Student: Justin Seibel, 25589J

We would like to ask that the electrical board please review this request and consider granting CEU credit to the students. If you have questions or would like any additional information, please contact me or Elisa Sellars (elisa@e-hazard.com) at the office listed below. Thank you very much for your consideration.

Sincerely,



Rosemarie L. Boyd
CEU Coordinator
e-Hazard

Date 5/27/21 Instructor Gus Gantzer Company Amazon Webex
Class LV Qualified City/State Louisville, KY

LEGIBLY PRINT NAME – Document used for Certificates

Printed Name	Signature	Email Address	Newsletter	Quiz
1. Leuri Bedolla			Yes or No	<input checked="" type="checkbox"/> Pass or Fail
2. Cecil Alwerdt			Yes or No	<input checked="" type="checkbox"/> Pass or Fail
3. Raul Ceja			Yes or No	<input checked="" type="checkbox"/> Pass or Fail
4. Brandon Daves			Yes or No	<input checked="" type="checkbox"/> Pass or Fail
5. Chase Dockstader			Yes or No	<input checked="" type="checkbox"/> Pass or Fail
6. Benjamin Griffin			Yes or No	<input checked="" type="checkbox"/> Pass or Fail
7. Alexander Krinitsyn			Yes or No	<input checked="" type="checkbox"/> Pass or Fail
8. Matthew Murray			Yes or No	<input checked="" type="checkbox"/> Pass or Fail
9. Stephen Nunes			Yes or No	<input checked="" type="checkbox"/> Pass or Fail
10. Sam Meara			Yes or No	<input checked="" type="checkbox"/> Pass or Fail
11. Brian Rader			Yes or No	<input checked="" type="checkbox"/> Pass or Fail
12. Rey Rivera			Yes or No	<input checked="" type="checkbox"/> Pass or Fail
13. Justin Seibel			Yes or No	<input checked="" type="checkbox"/> Pass or Fail
14. Gustave Thiel			Yes or No	<input checked="" type="checkbox"/> Pass or Fail
15. Jaime Ramos			Yes or No	<input checked="" type="checkbox"/> Pass or Fail

WAUNA MILL
92326 Taylorville Road
Clatskanie, Oregon 97016
(503) 455-2221



December 1, 2021

Building Codes Division Board, State of Oregon

Becky,

Thank you for processing our request for continued education for our First Aid CPR class. Since I attached all my request forms in one document our teams missed getting the course approved.

Thank you for following up and assisting me so I can request retroactive credit for the First Aid courses we teach before the next board approval.

We have only taught one class so far. We have two more scheduled before the end of the year. I will follow up with you after those classes with the names and license numbers of those attendees.

Here are the licensees with their license numbers for the class we taught on November 30, 2021. If you would grant credit retroactively to this group. The class information that was taught is exactly what is being requested for approval.

Date of Course	Licensee Name	License #
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11/30/2021	Leroy Crabb	5073PJ
11/30/2021	Trinity Steele	19447J
11/30/2021	Jeremy Didier	22323J
11/30/2021	Rick Liasjo	R12026J

Thank you again for your assistance through this process. I will send you an additional request for retroactive credit after the other two classes are complete.

Sincerely,

Amber Krause, Maintenance Reliability Coordinator
Georgia-Pacific, Wauna Mill
92326 Taylorville Road
Clatskanie, OR 97016