

OREGON BUILDING CODES AGENCY
STATE AGENCY COORDINATION PROGRAM



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EXECUTIVE SUMMARY

The Building Codes Agency prepared this state agency coordination program to meet the requirements of ORS 197.180 and OAR Chapter 660, Divisions 30 and 31 by the Land Conservation and Developments Commission.

The Agency identified six permit programs as having the potential of affecting land use under OAR Chapter 660, Division 30:

Electrical Safety Program

- Permits for new buildings, additions and changes in building use including temporary electrical permits
- Manufactured Dwelling electrical hook-up permit except in a park that previously received land use clearance under a permit for construction of a mobile home park

Manufactured Dwelling Park Program

- Permits for construction of manufactured dwelling parks

Plumbing Permits

- Permits for sewer or water service related to new construction, additions and changes to building use.
- Permits for manufactured dwelling utilities hook-up except in a park that received land use clearance under a permit for construction of a manufactured dwelling park

Recreation/Organization Parks Program

- Permits for construction or alteration

Structural Program

- Structural permits for new buildings, additions and changes of building use

Manufactured Dwelling Set-up Program

- Permits for set-up of manufactured dwellings except in a park that previously received land use clearance under the manufactured dwelling park program

The Agency's program implements permit and inspection procedures requiring verification of compatibility with acknowledged plans and compliance with land use goals, and the State Agency Coordination Program as a condition precedent to approval of the construction proposed.

INTRODUCTION

ORS 197.180 requires each state agency to prepare a coordination program for review and certification by the state Land Conservation and Development Commission (LCDC). The purpose of State Agency Coordination (SAC) programs is to ensure that state agency rules and programs which affect land use comply with statewide planning goals and are compatible with acknowledged city and county comprehensive plans and land use regulations.

The Oregon Building Codes Agency (hereafter referred to as the "Agency") has developed this coordination program to fulfill its land use responsibilities. The Agency will assure its compliance by following the administrative rules and procedures in its coordination program. Applicants for permits in affected programs shall be required to comply with the requirements and procedures contained in the Agency's coordination program.

The Agency's original SAC program was approved by LCDC in September, 1978. At that time, the Building Codes Division, then a division within the Department of Commerce, listed 12 programs it determined affected land use which it operated or administered. Those programs were:

- Amusement Ride program,
- Boiler and Pressure Vessel program,
- Electrical Safety program,
- Elevator Safety program,
- Mechanical Installation Inspection program,
- Mobile Home Construction Inspection program,
- Mobile Home Installation Inspection program,
- Recreational Vehicle Construction Inspection program,
- Recreational Vehicle Park Construction Inspection program,
- Mobile Home Park Construction program,
- Plumbing Installation Inspection program, and
- Structural Installation Inspection program.

Although amendments have been made to the Agency's statutes and administrative rules, the Agency has not modified its SAC program since receiving initial approval in 1978. As a result of legislative changes and policy actions by LCDC, the coordination rules (OAR 660, Division 30) have been updated twice. The Agency must bring its revised coordination program into compliance with all current SAC requirements. The Agency's existing SAC program will be considered rescinded upon certification of the revised program by LCDC.

The Building Codes Agency is responsible for adopting and enforcing Oregon's statewide uniform building code. The Administrator is appointed by the Governor and reports directly to the Governor. The Agency issues occupational licenses for electricians, plumbers, steam-fitters and boilermakers. The Agency issues business licenses in the fields of electricity, boilers, pressure vessels, elevators, plumbing, and manufactured homes. The building code is adopted to cover all building and construction activities in Oregon except where statutory exemptions have been granted. The most prominent exemption is for agricultural buildings (e.g., barns, sheds, etc.).

The state building code is defined by statute as the collected Agency adopted construction-related specialty codes. Model specialty codes are written by various national building standards organizations and are adopted by the Agency for use in Oregon. While some amendments are made in recognition of conditions unique to Oregon, the Agency's objective is to adopt unamended model codes whenever possible.

Each specialty code concerns a certain area or specialty of construction. The Agency has adopted codes for structural, mechanical, electrical and plumbing installations. The Agency has also adopted codes regulating the construction, installation and operation of boilers, pressure vessels and elevators. There is also a code adopted specifically governing the construction of one and two-family dwellings as well as codes regulating the construction and installation of manufactured dwelling and other prefabricated structures.

No local government entity may adopt an ordinance or law requiring standards which vary from those adopted by the Agency, unless authorized by the administrator. ORS 455.040. The building code is enforced on lands controlled by the state and federal governments although determinations regarding the applicability of the building code to federally funded projects are evaluated on a case-by-case basis. The building code, however, is not applicable on any land ceded by the state to the federal government nor is it enforced on Native American lands.

Under current law, a city has the first option to administer the building code or any portion of the program in its jurisdiction. If a city elects not to administer the code, the county may do so. Where neither the city nor county elects to operate the building code program, the responsibility falls to the state. The Agency is responsible for issuing permits and performing inspections in only those jurisdictions where the state administers a particular specialty code unless preempted by other state laws.

It is possible, for example, for a city to issue permits and perform inspections for structural and mechanical installations; the county to issue permits and perform inspections for plumbing installations; and the Agency to issue electrical permits and perform electrical inspections. It would also be possible for a local jurisdiction to issue the permits and perform the inspections necessary for all systems in a residential structure but not for commercial or industrial buildings. A directory describing the various jurisdictions with their respective building code responsibilities is attached to this program as Appendix A. This directory is updated annually as local jurisdictions may revise their programs annually.

The following summarizes the principal statutory duties of the Agency under ORS chapters 446, 447, 455, 456, 460, 479, 480, and 693:

- a. With the approval, advice or assistance of the appropriate policy or advisory board, adopt and publish the various specialty codes which together comprise the state building code including standards regulating construction, installation, and alteration of prefabricated structures.
- b. Adopt and enforce administrative rules regarding compliance in Oregon with the requirements of the National Mobile Home Construction Safety Standards Act of 1974 (Public Law 93-383).
- c. With the assistance of the Oregon Disabilities Commission, establish standards and specifications in the structural code necessary to eliminate architectural barriers to entry to and use of government buildings, public buildings, and the related facilities by persons who are elderly or have physical disabilities.
- d. Administer tests to certify the competency of building code inspectors in Oregon.

- e. Issue permits for construction of manufactured dwelling parks, recreational vehicle parks and organizational camps.
- f. Adopt and enforce rules regarding the construction, alteration or maintenance of recreational vehicles.
- g. Issue construction and miscellaneous inspection permits and perform inspections.

The Agency Administrator is assisted by two Assistant Administrators who are charged with responsibility for the Development and Safety Division and the Administrative Services Division, respectively.

Within the Development and Safety Division, there are the following sections:

- a. Boiler and Pressure Vessel section;
- b. Certification, Training and Licensing section;
- c. Electrical section;
- d. Elevator section;
- e. Energy section;
- f. Plumbing section;
- g. Structural and Mechanical section; and
- h. Field office operations.

Within the Administrative Services Division, there are the following sections:

- a. Business Services section;
- b. Communications section;
- c. Compliance section;
- d. Rulemaking section;
- e. Information Systems section;
- f. Manufactured Structures and Parks section;
- g. Personnel and Payroll section; and
- h. Agency Message Center.

A copy of the Agency organization chart is attached to this program as Appendix B.

The Agency is a part of the Building, Housing & Real Estate Council. The Building, Housing and Real Estate Council is a three-member body consisting of the administrators of the Building Codes Agency, the Housing Agency and the Real Estate Agency. The Chair of the Council is appointed by the Governor from one of the agency heads and the incumbent is the Building Codes Agency Administrator. The purpose of the Council, as set out in ORS 456.732, is to further cooperation in purchasing, research, development and delivery of services, to act as a coordinating body, to foster communication between the three agencies and act as a means for those three agencies to report to the Governor. The Council Chair appoints the members of the following boards: Landscape Architect Board, Landscape Contractors Board, Board of Geologist Examiners, Certification and Training Advisory Board, Elevator Safety Board, Manufactured Home Construction and Safety Standards Advisory Board, and the Structural Code Advisory Board.

Reporting to the Governor through the Council are: the Construction Contractors Board, the Board of Architect Examiners, the Board of Engineering Examiners, Landscape Architect Board, Landscape Contractors Board and the Board of Geologist Examiners. The Council has no independent policy-making authority and has no budget or spending authorization from the Legislature.

In the operation of its programs, the Agency is assisted by eight policy or advisory boards. The degree of legal authority vested in a board varies from one board to another.

The State Electrical Board is a 13-member citizen body appointed by the Governor with appointments subject to confirmation by the Senate. Board member terms are four years. The board receives administrative and staff support from the Agency and the Electrical Section. The specific duties of the Electrical Board as provided by ORS 479.510 to 479.860 are as follows:

- a. Prepare written examinations for the various different classes of electrician licenses issued by the Agency.
- b. Establish a program of continuing education necessary for the renewal of electrician licenses and approve rules developed by the Agency establishing, altering or revoking minimum standards for electrical training programs.
- c. Approve rules developed by the Agency establishing, altering or revoking minimum safety standards for the design and construction of electrical products sold and disposed of in Oregon.
- d. Approve rules developed by the Agency establishing, altering or revoking minimum safety standards for workmanship and materials in various classifications of electrical installations.
- e. Approve rules developed by the Agency establishing standards and procedures for the approval of testing laboratories to test electrical products under the certification process outlined in ORS 479.760.

The State Structural Code Advisory Board is an 11-member citizen body appointed by the Chairman of the Building, Housing and Real Estate Council. Each board member is appointed to serve a four-year term commencing July 1 of the year of appointment and until a successor is appointed and qualified. The membership of the board is intended to be broadly representative of the industries and professions involved in the development of construction of buildings. One member of the board is selected from among nominees submitted by the Oregon Disabilities Commission. The board includes representation from: local building code enforcement agencies; architectural and engineering associations; the building construction trades; the contracting manufacturing industries, governing bodies of local government; fire protection agencies; and the general public.

The board receives administrative and staff support from the Agency through the Structural/Mechanical Section and the specific duties of the board as provided by ORS chapter 455 are as follows:

- a. Approve rules developed by the Agency providing standards for the construction and reconstruction alteration or repair of buildings and other structures and the installation of mechanical devices and equipment therein.
- b. Review and approve technical and scientific facts relative to requests to use or furnish any material, design, equipment, or method of construction or installation in the state.
- c. Approve rules developed by the Agency establishing the One and Two Family Dwelling Code for Oregon.

- d. Review appeals from decisions of municipal appeals boards and subordinate officers of the agency.

The Energy Conservation Board is a seven-member citizen body appointed by the Governor with nominations subject to confirmation by the Senate. The term of office for each member is four years. The membership of the board is comprised of one builder, one mechanical engineer, one building official, one energy supplier, one representative of a recognized environmental protection group, one architect, and one public member. The board receives administrative and staff support from the Agency. The specific duties of the Energy Conservation Board as provided by ORS chapter 455 are to establish basic and uniform performance standards to provide maximum energy conservation and use of passive solar energy in the design, construction, reconstruction, alteration and repair of building and other structures. Those standards are submitted to the Administrator of the Agency for proposed inclusion in the state building code.

The Manufactured Structures and Parks Advisory Board is a nine-member citizen body appointed by the Chair of the Building, Housing and Real Estate Council. Members of the board represent the following industries or professions:

- a. Selling, leasing, and distributing of new manufactured dwelling;
- b. The manufacturing, selling, leasing, or distributing of recreational vehicles;
- c. The manufacturing or assembling of new manufactured dwelling;
- d. The manufacturing, assembling, or selling of manufactured dwelling accessory buildings or structures;
- e. Consumer organizations;
- f. Users of low and moderate income housing;
- g. Structural engineering firms; and
- h. Local governments who are selected from a list of no less than three nominees submitted by the League of Oregon Cities and the Association of Oregon Counties and deputies or assistants to the state Fire Marshal.

Board appointments are for a term of three years and no member may serve more than two consecutive terms of office. The board receives administrative and staff support from the Agency and the Manufactured Structures and Parks Section and its specific duty as provided in ORS chapter 446 is to serve in an advisory capacity to the Agency Administrator in promulgating, administering and enforcing the plan for administration and enforcement of the National Mobile Home Construction and Safety Standards Act of 1974 and Oregon administrative rules adopted thereunder.

The State Plumbing Board is a seven-member citizen body appointed by the Governor with appointments subject to confirmation by the Senate. The board is comprised of one journeyman plumber with ten or more years of experience in the trade; one local plumbing inspector; one person registered to conduct a plumbing business; one registered professional mechanical engineer; one officer or employee of the Health Division of the Department of Human Resources; one plumbing equipment supplier otherwise qualified by experience in the industry or one building official; and one public member. Term of office for each member is four years. The board receives administrative and staff support from the Agency and the Plumbing Section. The specific duties of the State Plumbing Board are as follows:

- a. Approve rules developed by the Agency for the purpose of setting standards for plumbing and defining compliance with laws and rules regarding plumbing particularly pertaining to the installation of piping, protection and adequacy of the water supply, workmanship and materials, traps and cleanouts, domestic hot water storage tanks and devices, drinking fountains, house drains and sewers, stormwater drains, light and ventilation of water closets in bathrooms, and excavation and grading.
- b. Registration of persons engaged in the business of furnishing labor and material, or labor only, to alter, renovate, and install plumbing in this state.
- c. Licensing of journeyman plumbers, limited journeyman plumbers, and apprentices.

The Elevator Safety Board is a nine-member citizen body appointed by the Chair of the Building, Housing and Real Estate Council. Members are appointed to three-year terms. The board receives administrative and staff support from the Agency and the Elevator Section. The specific duties of the Elevator Safety Board as provided by ORS chapter 460 include assisting the Agency in reviewing determinations made by elevator inspectors, consulting with the Agency before the Agency formulates administrative rules adopting and establishing safety standards applicable to the installation, alteration and maintenance of elevators, escalators and moving walks.

The State Board of Boiler Rules is a 10-member citizen body with members appointed by the Governor with appointment subject to confirmation by the Senate. Members are appointed to terms of four years. The board must be composed of members drawn from the specific statutorily defined constituencies. The board receives administrative and staff support from the Agency and the Boiler Section.

The specific duties of the board are:

- a. Subject to disapproval by the Administrator, make, amend, promulgate and enforce rules and minimum safety standards for boilers and pressure vessels.
- b. Subject to approval by the state executive department, prescribe permit fees for the installation and operation of boilers and pressure vessels.
- c. Cause to be prepared licensing examinations for persons engaged in the business of installing, repairing or altering boilers or pressure vessels and persons installing, repairing or altering boilers or pressure vessels.
- d. Hear appeals of persons who have received notice that a restraining order injunction will be sought against them or have received notice that a permit will be suspended or revoked or are affected by such notices.

The Certification and Training Advisory Board (CTAB) is an 11-member citizen body with members appointed by the Chair of the Building, Housing and Real Estate Council. Members are appointed to terms of three years. Specific duties of CTAB include assisting the Agency in reviewing determinations made by the staff with regard to the training and certification of building inspectors.

SECTION II

Oregon Building Codes Agency Rules and Programs

This section addresses the requirements of LCDC's Oregon Administrative Rules, specifically OAR 660-30-060(3). This section describes the Agency's statutory purposes, administrative rules, programs and those programs which affect land use.

A. Enabling Statutes

The Building Codes Agency's authority and obligations are found in Oregon Revised Statutes chapters 446, 447, 455, 456, 460, 479, 480, and 693. Specifically:

ORS 446.003 to 446.140 - Manufactured Dwelling Parks

ORS 446.145 to 446.280 - Manufactured Dwelling Construction and Safety Standards

ORS 446.285 to 446.349 - Tourist Facilities

ORS 446.350 to 446.440 - Miscellaneous Manufactured Dwelling Provisions

ORS 447.010 to 447.097 - Regulation of Plumbing Generally

ORS 447.100 to 447.160 - Fixture Installation Regulations

ORS 447.210 to 447.310 - Standards and Specifications for Accessibility by
Persons with Disabilities

ORS 455.010 to 455.080 - Building Code Administration Generally

ORS 455.100 to 455.130 - Administrator; Structural Code Board

ORS 455.150 to 455.180 - Municipal Regulation

ORS 455.210 to 455.240 - Financial Administration

ORS 455.310 to 455.320 - Exemptions to the Building Code

ORS 455.325 to 455.350 - Exemptions in Rural Areas

ORS 455.410 to 455.450 - Miscellaneous Provisions

ORS 455.510 to 455.530 - Energy Conservation Generally

ORS 455.560 to 455.595 - Energy Conservation Standards for Public Buildings

ORS 455.610 to 455.635 - One and Two Family Dwelling Code

ORS 455.675 to 455.700 - Municipal Review and Inspection Generally

ORS 455.715 to 455.740 - Inspectors

ORS 455.990 - Penalties

ORS 456.727 to 456.762 - Building, Housing and Real Estate Council

ORS 456.965 to 456.975 - Fire and Life Safety Plan Review for Public Structures

ORS 460.005 to 460.175 - Elevators

ORS 460.310 to 460.410 - Amusement Rides and Devices

ORS 479.510 to 479.860 - Electrical Safety Law

ORS 480.510 to 480.665 - Boiler and Pressure Vessel Safety Law

ORS 693.010 to 693.105 - Licensing of Plumbers

ORS 693.115 to 693.165 - State Plumbing Board

ORS 693.180 to 693.190 - Enforcement

A copy of ORS Chapter 455 establishing the jurisdiction and duties of the Agency is provided in Appendix D. All other chapters are available at the Agency offices.

B. Agency Programs

The Agency is responsible for administering 13 specific programs:

BOILER SECTION

1. **Boiler and Pressure Vessel Program:** The Agency and the Board of Boiler Rules adopt administrative rules which establish standards for the construction, installation, alteration, repair and operation of certain non-exempt boilers and pressure vessels including nuclear powered vessels. The Agency issues permits for the operation of boilers and pressure vessels and issues occupational licenses for boilers, boilermakers and steamfitters. The Agency operates the program statewide although some inspections are made by certified inspectors working for insurance companies.

ELECTRICAL SECTION

2. **Amusement Ride and Devices Program:** The Agency issues administrative rules adopting standards for the installation (set-up) and operation of amusement rides and devices; the Agency issues annual operation permits. The Agency operates the program statewide. The Agency has no authority to review the location or site of an amusement ride or device.
3. **Electrical Safety Program:** The Agency and the Electrical Board adopt administrative rules which establish standards for the installation, alteration and repair of electrical wiring and electrical products. The Agency issues occupational licenses to general electrical contractors, specialty electrical contractors, supervising electricians, journeyman electricians, limited journeyman electricians and apprentices. The Agency and the Board adopt rules to establish standards for the certification of electrical inspectors. The Agency issues permits for electrical construction in those areas of the state under state jurisdiction.

ELEVATOR SECTION

4. **Elevator Safety Program:** The Agency and the Elevator Safety Board adopt administrative rules which establish standards for the construction, installation, alteration and repair of elevators, escalators and moving walks. The Agency issues construction and operation permits for elevators, escalators and moving walks and issues occupational licenses for elevator contractors. The Agency operates this program statewide.

MANUFACTURED STRUCTURES/PARKS

5. **Manufactured Dwelling Program:** The Agency is authorized by the U.S. Department of Housing and Urban Development (HUD) to act as the State Administrative Agency (SAA) for enforcing federal manufactured home construction safety standards in Oregon. A copy of the current delegation authorization is attached to this program as Appendix C. The Agency inspects the construction of manufactured dwelling in manufacturing plants and on dealer lots, issues insigne of compliance with federal standards and does plan review. The Agency also reviews and investigates consumer complaints regarding units manufactured under the federal standards.
6. **Mobile Home Park Program:** The Agency and the Manufactured Structures and Parks Advisory Board adopt administrative rules which establish standards for the construction, installation, alteration, repair or modification of manufactured dwelling parks. The Agency reviews construction plans and issues construction permits for manufactured dwelling parks. The Agency also performs construction inspections, plan review and inspections of water and sewage line construction in parks.
7. **Prefabricated Structures Construction (In-Plant) Program:** The Agency and the Structural Code Advisory Board adopt administrative rules which establish standards for the construction of prefabricated structures. The Agency performs inspections of prefabricated structures at manufacturing plants throughout the United States and Canada does plan review and issues certifications of compliance with the adopted standards.
8. **Recreational Vehicle Parks and Organizational Camps Program:** The Agency, in consultation with the Health Division of the State Department of Human Resources, adopts rules establishing standards for the construction, enlargement or alteration of recreational vehicle parks, picnic parks or organizational camps, reviews plans and specifications of such parks or camps and issues permits for the construction, enlargement, or alteration of such camps.
9. **Recreational Vehicle Program:** The Agency adopts administrative rules which establish standards for the construction, alteration and repair of recreational vehicles. The Agency issues insigne of compliance and does plan review.

PLUMBING

10. **Plumbing Program:** The Agency and the Plumbing Board adopt administrative rules which establish standards for the construction, installation, alteration and repair of plumbing. The Agency issues construction and installation permits, plan review, issues licenses for plumbing contractors, journeyman plumbers, limited journeyman plumbers and apprentices and does product approval.

STRUCTURAL/MECHANICAL SECTION

11. **Energy Program:** The Agency and the Energy Conservation Board are responsible for the development of basic and uniform performance standards to provide maximum energy conservation and use of passive solar energy in the design, construction, reconstruction, alteration, and repair of buildings and other structures as well as plan review. These standards are then proposed as amendments to the existing structural specialty code.
12. **Mechanical Installation Program:** The Agency and the Structural Code Advisory Board adopt administrative rules which establish standards for the construction, installation, alteration and repair of mechanical devices in buildings. The Agency issues construction permits and performs inspections within areas under state jurisdiction.
13. **Structural Program:** The Agency and the Structural Code Advisory Board adopt administrative rules which establish standards governing the construction, reconstruction, alteration and repair of buildings and other structures, including the installation, alteration and repair of prefabricated structures. The Agency issues permits for the construction of buildings and other structures and does plan review. Standards adopted by the Agency and the Structural Code Advisory Board may include energy performance standards developed by the Energy Conservation Board.

C. Administrative Rules

The Agency, in joint action with the appropriate policy or advisory board, adopts administrative rules in accordance with state statutes. The Agency's administrative rules are found in Oregon Administrative Rules (OAR) chapter 918:

1. Division 1 - Agency Procedural Rules
2. Division 5 - Organizational Rules
3. Division 99 - Certification, Training, and Licensing
4. Division 200 - Amusement Rides and Devices
5. Division 225 - Boilers and Pressure Vessels
6. Division 250 - Electrical Training Programs
7. Division 260 - Electrical Standards
8. Division 270 - Agency Enforcement
9. Division 280 - Continuing Education Regulations for Electricians
10. Division 290 - Electrical Specialty Code
11. Division 300 - Procedures for Delegation of Authority to Local Governments for Administration of the Electrical Safety Law
12. Division 301 - Requirements for Delegation

13. Division 302 - Inspection Standards
14. Division 303 - Audit Process
15. Division 304 - Deficiency Citation
16. Division 310 - Minor Installation Labels
17. Division 320 - Electrical Licenses
18. Division 330 - Electrical Products
19. Division 400 - Elevators
20. Division 440 - Mechanical Specialty Code
21. Division 460 - Structural Specialty Code
22. Division 480 - One and Two Family Dwelling Specialty Code
23. Division 490 - Manufactured Structures
24. Division 600 - Mobile Home Parks
25. Division 650 - Recreational/Organization Camps
26. Division 674 - Prefabricated Structures
27. Division 690 - Plumber's Certificate of Competency
28. Division 750 - Plumbing Specialty Code
29. Division 760 - Organization and Enforcement
30. Division 770 - Plumbing Product Approval
31. Division 780 - Plumbing Permits, Fees, Inspections and Definitions Concerning Plumbing Installations
32. Division 790 - Composting Toilet Rules
33. Division 900 - Weatherization, Veteran's Loans

A copy of OAR 918-01-045 implementing the Agency's coordination requirements is in Appendix E. All other divisions are available at the Agency's offices.

D. Non-rule Administrative Procedures

The Agency has not established any non-rule administrative procedures used to implement the Agency's statutes, rules or programs.

E. Analysis of Programs Affecting Land Use

Permits issued under six Agency programs have the potential to "affect land use" as the term is defined in OAR 660-30-005(2). These permits allow the start of new construction work of some kind. In most cases the construction will be in areas with present or future land uses identified in acknowledged land use plans. The construction is generally keyed to the issuance of a permit. If construction in non electrical areas is started without a required permit, the local building code enforcement official can prohibit the construction. Once the permit is issued, however, the local building official can halt construction only where there is an immediate threat of harm to public health or safety or there is a violation of a local ordinance. In the case of electrical inspections, only approval allows the electrical construction to be energized.

The six permit programs which potentially affect land use are:

1. Electrical Safety Program

- a. Permits for new buildings, additions and changes in building use including temporary electrical permits. OAR 918 Division 260.
- b. Manufactured dwelling electrical hook-up permit except in a park that previously received land use clearance under item 2.

2. Mobile Home Park Program

Permits for construction of manufactured dwelling parks. OAR 918 division 600.

3. Plumbing Program

- a. Permits for sewer or water service related to new construction, additions and changes to building use. OAR 918 Division 780.
- b. Permits for manufactured dwelling plumbing utilities hook-up except in a park that previously received land use clearance under item 2.

4. Recreation/Organization Parks Program

Permits for construction or alteration. OAR 918 Division 650.

5. Structural Program

Structural permits for new buildings, additions and changes to building use. OAR 918 Division 460.

6. Manufactured Dwelling Set-up Program

Permits for set-up of manufactured dwellings except in a park that previously received land use clearance under item 2. OAR 918 Division 600.

F. Agency Programs Subject to LCDC Permit Compliance Rule

The agency's six programs having the potential to affect land use all involve the issuance of permits. Most require issuance of permits by the agency on a project to project basis. However, in the case of electrical permits it is possible for a electrical contractor to purchase "bulk labels". Under this process the contractor gets telephone authorization from the Agency to start on a project and affixes the pre-purchased "permit".

Each of the identified programs is subject to LCDC Agency Permit and Compliance and Compatibility Rules in OAR 660, Division 31. The agency considers all of the permits as Class B permits. None of the permits require public notice or opportunity for a public hearing prior to issuance.

The agency does not issue renewal permits. However, a permit is necessary where there is an addition to or change in the intended building use. Construction permits are usually issued for specific projects. Construction must begin within 180 days and continue without delays longer than 180 days. If construction is halted for more than 180 days the permit expires. A project may continue only after a new or time extension permit is issued.

SECTION III

OREGON BUILDING CODES AGENCY PROGRAM TO ASSURE COMPLIANCE WITH THE STATEWIDE GOALS AND COMPATIBILITY WITH ACKNOWLEDGED COMPREHENSIVE PLANS

This section responds to the requirements of OAR 660-30-060(4) and describes how the Agency's actions comply with the Statewide Planning Goals and are compatible with acknowledged city and county comprehensive plans and land use regulations. Rules and procedures for assuring compliance and compatibility described below also apply to each of the applicable policy and advisory boards with programs determined to affect land use (see, II.E. above).

A. Exempt and Compatible Land Use Programs

Each of the Agency's programs determined to affect land use fall into the category of a "Compatible Land Use Program" as defined in OAR 660-30-060(4)(a)(B). There are no applicable statutes, constitutional provisions or appellate court decisions which expressly exempt any of the Agency's programs from compatibility with acknowledged comprehensive plans, or from compliance with the statewide goals.

B. Rules and Procedures to Assure Compliance With the Statewide Goals

1. Agency Rules

The agency has adopted an administrative rules to assure compliance with the statewide LCDC planning goals. A copy is attached as OAR 918-01-045, Appendix E.

2. Agency Procedures

In order to prevent unintentional conflicts with land use compliance the Agency requires verification of land use compliance as a condition precedent to the issuance of structural, park construction or manufactured dwelling permits involving new buildings, additions or changes in use. No additional verification is required for usual electrical permits involving new buildings, additions or changes of building use or for sewer or water service permits involving new buildings, additions or changes of building. In the case of sewer or water service permits these will not be issued until a related structural, park construction or manufactured dwelling permit is first obtained. It is not necessary to obtain repeat verification at this stage because verification will be required at the time of the original permits.

A different procedure is provided for electrical permits. Verification must be provided at the time the electrical permit is taken out or at the time of inspection. This different procedure is used primarily to accommodate different practices in issuance of electrical permits. Under the "bulk label" procedure a contractor starts construction using a pre purchased permit after notifying the Agency by telephone. It is not possible to require land use verification at the time of the telephone call. Also, state electrical permits and structural permits are issued at different locations in Eastern Oregon. When a person comes in to purchase an electrical permit at one location it would be foolish to force the person to travel to another location first to obtain a structural permit and return for the electrical permit. In these cases, if the activity involves new construction, addition or change of building use, the land use verification will be obtained at the inspection phase and no inspection approval will be given until the verification is provided. In the case of new construction inspection approval is necessary to get the electrical installation energized by the power company. Additional procedures are implemented under which improvidently issued permits can be revoked and under which permits can be denied if the agency has knowledge that the project does not have land use approval.

See rule Appendix E. Because all comprehensive plans in the state have been acknowledged to be in compliance with the Statewide Planning Goals, when the Agency acts compatibly with an acknowledged comprehensive plan, it acts in compliance with the Statewide Planning Goals. It will continue to follow the presumption that the communities are acting lawfully and will continue to accept their statements of compliance.

The practical effect of this approach is that no state building permit will be approved or inspection cleared unless the Agency is provided with documentation by the permit application, the owner, user or contractor or local government that the project has met all applicable land use requirements in the affected jurisdiction's acknowledged comprehensive plan, land use regulations and, where appropriate, the statewide goals.

For this reason, the Agency cannot envision a circumstance where the statewide goals would ever have to be addressed by the Agency directly. However, in the event that a situation arose where a question of goal findings by the Agency was raised, the Agency will adhere to the following procedure:

- a. Confirm whether a situation exists pursuant to OAR 660-30-065(3)-(5) requiring the Agency to comply directly with one or more of the statewide goals.
 - b. Identify the specific statewide goals or goal requirements which may be applicable to the Agency.
 - c. Consult directly with the appropriate local government(s) about having the goal requirements in question addressed through additional local findings or, if necessary, amendment of the affected comprehensive plan and land use regulations.
 - d. Request assistance from the Department of Land Conservation and Development and the Attorney General's office.
 - e. Rely on any relevant goal interpretation or requirements for state agencies adopted by LCDC under OAR Chapter 660.
 - f. Where necessary, take action to assure compliance with any statewide goals or goal requirements determined to be directly applicable to the Agency.
- C. Rules and Procedures for Assuring Compatibility With Acknowledged Comprehensive Plans**

1. Agency Rule

Agency programs affecting land use are described in section II.B. and E. above. The rule cited above requires that the Agency find that a project is compatible with the applicable acknowledged, comprehensive plan in order to issue a specific type of permit or before it will approve an electrical inspection. To determine a project's compatibility with an acknowledged comprehensive plan, the rules describe the information required prior to project approval:

- a. The signature and title of the city or county planning agency official or designated representative appearing on a Building Codes Agency permit application attesting that the project to be authorized by the permit has received final land use approval; or

- b. A copy of the local land use permit or a letter from the local planning agency stating that the project in question has received land use approval or is permitted under the jurisdiction's comprehensive plan but does not require specific land use approval.

2. Agency Procedures

The Agency has adopted the rules described in sections III.B. and C. which require the Agency to find that certain permit applications are compatible with the applicable acknowledged comprehensive plan and land use regulations. Because the rules list the required information upon which the Agency will base their finding, no additional compatibility procedures are required.

3. Dispute Resolution

The Agency does not anticipate being a party in resolving land use disputes because its role is to act in response to permit application requests after local approval has been obtained. In the event of conflicts arising between acknowledged comprehensive plans and the Agency's programs, the Agency will defer to city or county planning authorities and shall not issue permits until approval has been obtained. For this reason it is unnecessary to adopt a compatibility determination procedure such as is referenced in OAR 660-30-070.

D. Compliance and Compatibility of New or Amended Land Use Programs

The Agency has adopted the following procedure to assure that new or amended Agency rules and procedures will comply with the statewide goals to be compatible with acknowledged comprehensive plans and land use regulations.

The Agency shall submit notice of any amendment to any Agency program which affects land use or any new Agency rules or programs to the Department of Land Conservation and Development as required by OAR 660-30-075.

SECTION IV

OREGON BUILDING CODES AGENCY PROGRAM FOR COORDINATION WITH THE DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT, AFFECTED STATE AND FEDERAL AGENCIES, SPECIAL DISTRICTS AND OTHER ORGANIZATIONS

A. Agencies coordinated with by the Oregon Building Codes Agency

The Agency coordinates as needed with all appropriate local state and federal agencies, particularly those involved with buildings and manufactured structures. The agencies most frequently contacted in this coordination effort include:

1. Local

Cities and counties

2. State

Building, Housing and Real Estate Council
Department of Human Resources (various divisions)
Department of Energy
Department of Land Conservation and Development
State Fire Marshal
Oregon Disabilities Commission for Handicapped Access
Executive Department
Governor's Office

3. Federal

U.S. Department of Housing and Urban Development (HUD)
Federal Emergency Management Agency (FEMA)

B. Interagency Coordination Procedures

The Agency and its various policy and advisory boards cooperate with all local, state and federal agencies having an interest in the adoption and enforcement in building codes and associated agency programs. There are several methods which the Agency uses to coordinate with other agencies about projects under the Agency's programs. Such methods consist of:

1. Inviting participation in the review and comment on individual program proposals.
2. Informal communications in meetings.
3. Participation in meetings involving action affecting other agencies such as rulemaking, review of program plans, technical assistance, plans, etc.
4. Providing meeting notices, reports, draft rules or other materials upon request by an agency.

C. Interagency Coordination Contact

The Agency's contact for interagency coordination is the Assistant Administrator for Administrative Services. The Assistant Administrator can be reached at the following address and phone: Assistant Administrator, Administrative Services Division, Oregon Building Codes Agency, 1535 Edgewater NW, Salem OR 97310; (503)378-8450.

SECTION V

OREGON BUILDING CODES AGENCY PROGRAM FOR COOPERATION AND TECHNICAL ASSISTANCE TO LOCAL GOVERNMENTS

A. Agency Participation in and Coordination with City and County Land Use Planning

The Agency shall participate in city and county programs when requested to do so. As previously noted herein, the Agency's programs issue permits after local approval has been obtained. The Agency is not normally a direct participant in local land use decision making.

B. Contact for Cooperation and Technical Assistance

The Agency's contact for local cooperation and technical assistance in interpretation and enforcement of the state building code is the Assistant Administrator for the Development and Safety Division. This individual can be reached at the address cited under IV.C above.

C. Technical Assistance and Information to Cities and Counties

The Agency currently provides technical assistance or information to aid cities and counties in the administration, enforcement and interpretation of the state building code. This includes activities such as the issuance of declaratory rulings under the Attorney General's Uniform Rules, the operation of a computer bulletin board for building officials on energy issues, publication of code interpretations and providing training for building officials and inspectors on building code issues. The Agency will also, upon request, review local ordinances for consistency with the State Building Code.

D. Participation and Periodic Review Process

The Agency may participate in individual periodic reviews when requested by a local jurisdiction, the Department Land Conservation and Development or when a specific Building Codes Agency interests requires it. A local government request for the Agency to become involved in a jurisdiction's periodic review should be made in writing through the Agency's Assistant Administrator for Administrative Services.

E. Special Programs or Procedures to Provide Technical Assistance to Coastal Cities and Counties

The Agency provides the same assistance to coastal cities, counties and areas as to any local government. Please refer to its item 5.C for a description of the technical assistance available from the Agency.

F. Technical Assistance Pursuant to ORS 197.712(2)(f) and 197.717(1) and (2): Local Planning Permit Issuance and Economic Development

These requirements do not apply to the Agency and its programs.