



Oregon

Tina Kotek, Governor



Department of Consumer
and Business Services

Oct. 2, 2024

To: Building Officials and Interested Persons
From: Richard Donovan, Senior Policy Advisor
Re: Notice of Proposed Program Assumption – City of Happy Valley

The Building Codes Division (division) is providing notice that the following jurisdiction has applied to assume the municipal building inspection program, effective on July 1, 2025:

City of Happy Valley

Per OAR 918-020-0095, objections to a proposed program assumption must be received by the division within thirty days of this notice. This means all objections to this proposal must be **received** by the division by **Monday, Nov. 4, 2023**.

Objections must include:

- An explanation of the objection to the proposed program assumption; **and**
- Identification of the program standard not met by the proposed assumption; **and**
- For those objections made on the basis of economic impairment:
 - A projected impact on existing building inspection program revenues, expenses, and staffing levels; **and**
 - The ability to continue carrying out remaining portions of the affected program.

Send any objections by mail or email to the appropriate address below:

Mail: Building Codes Division
Richard Donovan, Senior Policy Advisor
P.O. Box 14470
Salem, OR 97309-0404

Email: Richard.J.Donovan@dcbs.oregon.gov

The application for program assumption and associated information can be found on the division's [Building Program Assumption webpage](#).

For more information, please contact Richard Donovan by phone at 971-374-3713 or by email at Richard.J.Donovan@dcbs.oregon.gov.

Exhibit C
Notification Letter to Building Code Division

Richard Donovan
Senior Policy Advisor, Legislative Coordinator
Building Code Division | Department of Consumer & Business Services
1535 Edgewater Street NW
Salem OR 97034
Richard.j.donovan@dcbs.oregon.gov

September 27, 2024

Re: Happy Valley Assuming the Electrical Program from Clackamas County

Dear Richard,

Please accept this letter as notice of the City of Happy Valley's intention to assume the Electrical Program from Clackamas County on July 1, 2025. We intend to follow the process in accordance with OAR 918-020-0095 and related statutes and administrative rules.

Clackamas County has done an excellent job at running the electrical program for the past 29 years, but with the growth of Happy Valley, we feel it is time to become a full-service building division and operate the electrical program. Happy Valley would still need Clackamas County to do the commercial "A- level" electrical plan reviews and inspections per our revised IGA. We hope this assumption of the electrical program will not impose a significant impact on the Clackamas County Building Department's anticipated revenues.

Please inform us if you are acceptable to this program assumption. In accordance with OAR 918-020-0095, we would need to respond to the County's concerns regarding revenue, pending enforcement actions, open or existing applications when the transfer takes place, any affected employees, and other concerns or objections Clackamas County may have.

Sincerely,

Mark Ennis, Building Official
City of Happy Valley

cc: Michael D. Walter, AICP - Economic & Community Development Director

7. Exhibits

Exhibit A – page 1 of 2



Program Administration Form

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: Oregon.gov/bcd

Department Use Only

- New request
- Renewal

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|--|---|------------|---|--------------------------------|---|------------|---|----------------|---|-------------------------------|-------------------|-----------------------------------|---|---|---|---|--|--|--|
| Municipality: City of Happy Valley | | | | Building official: Mark Ennis | | | | | | | | | | | | | | | |
| Address: 16000 SE Misty Drive | | | | | | | | | | | | | | | | | | | |
| City: Happy Valley | | | | State: OR | | ZIP: 97086 | | | | | | | | | | | | | |
| Office location: Happy Valley City Hall | | | | | | | | | | | | | | | | | | | |
| Phone: 503-783-3800 | | Fax: | | Email: marke@happyvalleyor.gov | | | | | | | | | | | | | | | |
| <p>Mark program choice by indicating level:</p> <p>X – Performed by the municipality applying for the renewal</p> <p>A – Performed by a different municipality through an intergovernmental agreement with _____</p> <p>C – Performed by county; X and A do not apply</p> <p>S – Performed by state</p> <p><i>Please see the key at the bottom of Page 2 for definitions.</i></p> | | | | | | | | | | | | | | | | | | | |
| 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 | C | S | M | | | |
| x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | | | |
| <p>Note: Assumption of a structural A-level program includes the requirements for accessibility [ORS 447.220]. MSI includes manufactured dwelling installations; alterations, accessory structures, buildings, and cabana installations; plan review; and inspections. Park and camp includes mobile home and manufactured dwelling parks, recreation parks, organizational camps, and picnic parks plan review and inspection.</p> | | | | | | | | | | | | | | | | | | | |
| <p>Respond to the following if your municipality uses a third-party building official:</p> <p>Which services are provided by the third party?: _____</p> <p>Name of third party building official: _____</p> <p>Names of all designated qualified employees: _____</p> | | | | | | | | | | | | | | | | | | | |
| <p>Attach the following:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Completed copy of municipality's operating plan (OAR 918-020-0090) <input checked="" type="checkbox"/> Electrical program requests (See requirements in OAR Chapter 918, Div. 308) <input type="checkbox"/> Changes of service areas (Include map or description if applicable) <input checked="" type="checkbox"/> Current fee schedules for all programs <input checked="" type="checkbox"/> Name of a contact person for surcharge report of assumed programs | | | | | | | | | | | | | | | | | | | |
| Name: Cristie Myron | | | | Phone: 503-783-3800 | | | | | | | | | | | | | | | |
| Address: 16000 SE Misty Drive | | | | | | | | | | | | | | | | | | | |
| City: Happy Valley | | | | State: OR | | ZIP: 97086 | | | | | | | | | | | | | |
| <p>List inspectors and others, as requested, on the back of this sheet. Attach additional pages as necessary.</p> <p>Official delegation or assumption of the programs above is requested or being renewed for the period beginning July 1, 20__.</p> <p>The undersigned agrees this form and all accompanying attachments comply with the applicable statutes and rules outlined in OAR 918, Division 020, and ORS Chapter 455. The undersigned further agrees this municipality's program will, at all times, be administered to operate in compliance with its operating plan and all applicable statutes and rules.</p> | | | | | | | | | | | | | | | | | | | |
| Authorized signature: Mark Ennis | | | | Title: Building Official | | | | Date: 7/9/2024 | | | | | | | | | | | |

This form will not be accepted without signature.
 Electronic signatures are accepted if the form is sent via email from the signor.

Exhibit A – page 2 of 2

| Name of inspector and/or person responsible for program | Building official | Plans examiner | | | | Structural inspector | | | | Mechanical inspector | | | | Electrical inspector | | | | Plumbing inspector | | | | | MSI | PCI |
|---|-------------------|----------------|---|---|---|----------------------|---|---|---|----------------------|---|---|---|----------------------|---|---|---|--------------------|---|---|---|---|-----|-----|
| | | A | B | C | F | A | B | C | M | A | B | C | M | A | B | C | M | A | B | C | S | M | | |
| Mark Ennis | | X | X | X | X | X | X | X | | X | X | X | | | | | | X | X | | | | | |
| Bill Hendrix | | X | X | X | X | X | X | X | | X | X | X | | X | | | | X | X | | | X | | |
| Tyrone Bergen | | | | | | X | X | X | | X | X | X | | | | | X | X | X | | | | | |
| Kelly Peterson | | | | | | X | X | | | X | X | | | | | | X | X | X | | | | | |
| Jami Garza | | | X | | | X | X | X | | X | X | X | | | | | X | X | | | | | | |
| KC Stuart | | | | | | X | X | | | X | X | | | | | | | | | | | | | |
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| Cities covered by county program: Happy Valley | |
| Cities with complete or partial program: Happy Valley | |
| Emergency manager: Mark Ennis | Phone: 971-344-0182 |
| Address: 16000 SE Misty Drive, Happy Valley OR, 97086 | |
| State fire marshal official/designee: Val Liljefelt | Phone: 503-742-2655 |
| (See OAR 91S-020-0020) | |
| Address: 6600 SE Lake Road, Portland OR 97222 | |
| Health department contact: | Phone: |
| Address: | |
| Permit issuance phone: 503-783-3800 | |
| Planning/zoning phone: N/A | * = Clackamas County will be doing "A" level Electrical Plan Review and Inspections |
| Key: A A Level – All buildings or structures, except dwelling code B B Level – Any building or structure not required to be designed by an Oregon-registered architect or engineer, except H or I occupancies over 1,500 sq. ft. and one- or two-family dwelling C One- and two-family dwelling F Fire and life safety M Master permit program MSI Manufactured structures installation inspector: electrical, plumbing, hook-up and setup PCI Park and camp inspector S Limited plumbing inspector: sewer | |

City of Happy Valley

Application Packet for the Assumption of the Electrical Permit Services from Clackamas County starting on July 1, 2025

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 - B. Letter to Clackamas County for Program Assumption
 - C. Letter to Building Codes Division for Program Assumption
 - D. Proposed Electrical Permit Application
 - E. Fee Schedule
 - F. Proposed IGA with Clackamas County for A-Level Commercial Services
 - G. List of OAR's that have specific requirements for a jurisdiction to assume and administer an electrical program. (information only)

1. Preface:

The City of Happy Valley Building Division is looking to assume the Electrical Program from Clackamas County on July 1, 2025.

The City of Happy Valley is appreciative of Clackamas County running the electrical program for the past 30-plus years and have nothing but positive comments to their permit staff, inspectors and overall administration. They have set a high bar and one of our goals is to continue their excellent level of service. We propose to contract with Clackamas County for A-Level plan review and inspections, so hopefully our close working relationship will continue.

2. Timeline:

September 2024:

- Send Application Packet to Oregon Building Codes Division BCD (Oct 1st deadline)
- Send “letter of notification” to Clackamas County of our intention to assume the electrical program. (Oct 1st Deadline)
- Submit an implementation Resolution for consideration by the City Council.
- Start drafting a new IGA with Clackamas County for electrical services.

October/November 2024:

- The Building Code Division will respond to our request and may require additional information.
- Coordinate transition process with Clackamas County 30-day objection period runs

January 1, 2025

- Deadline for jurisdiction to submit complete materials to BCD.
- January EE board meeting, date TBD, jurisdiction is often invited to present. March EE meeting, date TBD, jurisdiction is, if necessary. Invited to return to present answers to questions previously posed by the board.

February 1, 2025

- Happy Valley to contact EPL for adding electrical permits and inspections to our online permitting system.

- Bill Hendrix and Jamie Garza will start shadowing Clackamas County electrical inspectors to observe how they are doing residential inspections. We would coordinate with the Clackamas County inspectors and meet the inspector at the location of the inspection. There would be about two inspections per week until both parties feel we have a mutual understanding of the scope and details of residential inspections.

March 1, 2025

- Develop a more detailed plan about how we will transfer the program from Clackamas County.
- Formulate detailed plan about notification to out contractors, homeowners, and staff regarding the plan of going 100% operational on July 1, 2025.
- Have crafted and implemented any Municipal Code amendments (Title 15 – Building and Construction) via Ordinance by **April 1, 2025**
- Electrical board to formally decide if Happy Valley can assume Electrical Program.

July 1, 2025 – Go Live Date, if approved by BCD and EE board.

3. Request for Delegation & Assumption of the Electrical Program.

The City of Happy Valley is applying to assume administration and enforcement of the electrical safety program under the authority of ORS 479.730 and 479.855 from Clackamas County on July 1, 2025.

The electrical safety program encompasses all areas within the Happy Valley city limits. The City has one certified residential electrical inspector on staff, Bill Hendrix, who is our senior plans examiner and commercial inspector. Jami Garza, inspector, and plans examiner is enrolled in the next electrical class starting in the Fall of 2024. Tyrone Bergen and Kelly Peterson, inspectors, will be in the next available electrical class offered by the State in 2025. Mark Ennis, Building Official, successfully completed an approved class in 2011 and needs to petition BCD to take and pass the “residential certification exam” to become certified. Our goal is to have our inspectors fully cross-trained for all residential inspections. The City will maintain an IGA with Clackamas County to do ‘A’ level “commercial” electrical plan reviews and inspections. (**Exhibit F**).

The Building Codes Division - Program Administration Form is at the end as Exhibit A.

4. Draft Resolution for administration and enforcement of the electrical program (placeholder).

Per Happy Valley Resolution No. __, adopted on ____, The City of Happy Valley seeks to assume the Electrical Program from Clackamas County on July 1, 2025. The rules and regulations for assuming the electrical program are described in ORS 455.148, OAR 918-020-0095, and OAR 918-308. These local code provisions are reviewed annually to assure compliance with OAR 918-308-0190.

5. Happy Valley Electrical Program Operating Plan

Two of the top goals for the City of Happy Valley are to provide excellent customer service and professional inspections to our contractors, builders, and homeowners.

The City's intent is to assume the electrical program on July 1, 2025. To help make the transition as smooth as possible, the City will do the following:

1. Notify Clackamas County in a letter (Exhibit B) before October 1st, 2024, of the City's intention to assume the electrical program on July 1, 2025.
2. Notify the Building Codes Division in a letter (Exhibit A) before October 1st, 2024 of the City's intention to assume the electrical program from Clackamas County on July 1, 2025.
3. Be ready to issue all residential and commercial electrical permits on July 1, 2025.
4. Happy Valley will do the electrical residential inspections for all residential permits issued after July 1, 2025. Clackamas County will complete inspections for all permits issued by Clackamas County before July 1, 2025.
5. Happy Valley will take over all code enforcement issues for electrical work violations on July 1, 2025.
6. The City will be staffed for full operation on July 1, 2025.
 - Bill Hendrix: Bill currently a certified electrical residential inspector.
 - Jamie Garza: Jamie will be certified by July 1st, 2025. She is currently enrolled in BCD's Fall 2024 electrical class.

Mark Ennis: Mark hopes to be certified by July 1, 2025, he will need to pass the State's exam.

Tyrone Bergen and Kelly Peterson: Tyrone and Kelly will be enrolled in the next available BCD electrical class.

Cristie Myron, Gerri Toops, Robin Randoll: Permit Technicians who currently manage all the permits for the Building Division.

Janet Rutherford: Janet is administrative support for the Building Division.

7. The City will manage the commercial permits and inspections but will send the A-level commercial plan review and inspections to Clackamas County through an Intergovernmental Agreement (IGA).
8. Happy Valley will inform contractors and others of the changeover of the electrical program through the City's website, Facebook, and email sent out to all current contractors. This will start around May 1st, 2025, which is 60 days before the program assumption.

Strategies for Electrical Operations:

Inspectors: It is our intention to have our residential inspectors to be cross trained to be able to do all structural, mechanical, plumbing and electrical residential inspections. The advantage of this for our homebuilders is they will typically have one inspector for most of the inspections on a house. The communications and time management should improve for both the inspectors and the builders. The contingency plan for back-up inspection services is with Clackamas County through an intergovernmental agreement (IGA).

Electrical Inspection Standards and Procedures: Inspection services are available on all regular business days. Persons with valid permits may request an inspection through the online permitting system HVworks.com.

Residential Electrical Inspections scheduled before 6:00am, Monday-Friday, excluding Holidays will be done on the same day. If there is a reason the inspection cannot be done on the same day, we will contact the person who scheduled the inspection and let them know when the inspection will be done.

Commercial Electrical Inspections scheduled before 6:00am, Monday-Friday, excluding Holidays, will be emailed over to Clackamas County by 7:00am and they will typically do the inspections the same day. If there is a reason the inspection cannot be done on the same day, we or Clackamas County will contact the person who scheduled the inspection and let them know when the inspection will be done.

Plan Review: Residential work does not require a plan review. Any commercial work that requires plan reviews will be emailed over to Clackamas County for them to complete the plan review. The review time may vary on the complexity of the project, current workload, and the quality of the electrical plans and specifications.

Code Interpretations and Dispute Resolution: Code interpretations on residential electrical work will be written out and available on our website. If a builder, contractor or homeowner objects to an interpretation, we will bring it to the attention of the Clackamas County Chief electrical inspector. We understand there are “gray” areas in various codes, and we will not retaliate for any objections raised. The certified Electrical Inspector is responsible for all initial interpretations of the Oregon Electrical Specialty Code. Any appeal of the Electrical Inspectors decisions (whether verbal or in writing) is automatically reviewed by the Building Official. There is no charge for such an appeal and a decision is normally rendered within three business days of receipt. Appeals of decisions related to technical matters in the electrical code may also be brought to the State Electrical Chief at Building Codes Division.

Records: Records of all electrical permit applications, plan reviews, and inspections completed after July 1, 2025, will be available on our online permitting system at HVworks.com. Permit records before July 1, 2025, are available through the Clackamas County website.

Electrical Program Fund Accounting and Establishing Fees: All revenues collected under the electrical program, and all expenses necessary to operate the program, will be accounted for in a separate dedicated fund. All financial records related to the Electrical Program after July 1, 2025, will be at the City. Cristie Myron, Permit Manager and Travis Warneke, Finance Director, will keep track of the revenue, expenses, and the surplus fund. There will be a quarterly report tracking these numbers.

Fees: Electrical permit and plan review fees are reviewed annually and assessed to provide the City of Happy Valley with cost recovery for administration and operation of the Electrical program. Any fee changes proposed by the City of Happy Valley are sent to the State Building Codes Division for review and notice at least 45 days in advance of consideration by the Happy Valley City Council at a public meeting. The Happy Valley electrical permit fees will be the same as Clackamas County. The fee schedule is provided at City Hall, and on the City’s website, and is attached as **Exhibits D & E**.

Public Contact Procedures to Obtain an Electrical Permit: The City’s Building and Electrical Permit Counter is open every business day from 8:30 – 12:00 and 1:00 – 4:00. Questions related to technical electrical requirements can be submitted directly to the Electrical Inspector by

phone, email or written message submitted at Happy Valley City Hall. The Electrical Inspector will respond directly to such inquiries, normally through the same channel they are received.

Permit Sales Office: The Building and Electrical Permit Counter at the City of Happy Valley is available any business day from 8:30 – 12:00 and 1:00 -4:00. Permit applications on forms provided by the City, are available here or on-line. Completed applications can be delivered in-person, or via mail/email or may be entered into the online permitting system on the applicant's own computer at HVworks.com.

Permit Application Review Procedures: Permit applications received will be checked for completeness within 48 hours and the applicant notified of any deficiencies. For projects requiring a plan review, the plan review fee must be paid prior to the plan review being done. Full payment is required before a permit can be issued.

Other Electrical Programs:

State Minor Labels Program: The City will participate in the Minor Installation Label program, through the State Building Codes Division, which complies with OAR 918-309-0200 through -0260 and the Electrical Master Permit Program IAW OAR 918-309-0100. We see this used with air conditioning units, heat pumps, electric water heaters and more. The City will do random inspections as the State's request.

Master Permit Program: The master permit program is not currently being used in the City, but if there is a plant, hospital, or facility that wants to participate, we will participate in the program, through the State Building Codes Division.

Temporary permits: all temporary permits will be issued online, 24/7. Any questions can be answered during regular business hours.

Electrical License Compliance: The City's permit staff will check every permit application for the proper electrical license. Electrical license issues will be reported to BCD. The City's electrical inspectors will check the electrical contractors doing the field work to make sure they have the proper license. Any violations will be reported to the Building Official, BCD and CCB.

6. Happy Valley responses to ORS and OAR requirements for assuming and administering an Electrical Program

RESPONSE:

(1) The City is willing and able to fully operate the electrical program on July 1, 2025. The City understands that we are committed for taking the program for at least four years even though we plan to keep it indefinitely.

(2) The City will be open for electrical services (administration, enforcement, and residential inspections) each weekday, excluding holidays.

(3) The City will be able to financially operate the electrical program without unduly increasing costs of electrical inspection services to the public for at least two years. The estimated residential permit revenue can be looked at in two ways. One by taking the total electrical revenue for the past five years and applying a percentage for residential revenue. The second would be taking the number of new residential permits for the past five years and the electrical permit fee for average size home.

Method 1: Actual Total electrical revenue x (60% residential)

FY 2023 = \$256,112

FY 2022 = \$304,693

FY 2021 = \$374,320

FY 2020 = \$296,788

FY 2019 = \$174,256

Average for FY 2019 – 2023 = \$281,234 \$/year

Assume 60% of these fees are Residential, Average Residential Revenue = 168,740 \$/year

Method 2: Total electrical revenue = # of residential permits x 435/unit (assume 2500sf unit)

FY 2024 = 174 residential homes

FY 2023 = 208 residential homes

FY 2022 = 363 residential homes

FY 2021 = 446 residential homes

FY 2020 = 393 residential homes

Average = 317 homes/yr x 490 \$/home (electrical permit fee for 2500sf home) = 155,330\$/year

The projected electrical program expenses for the first two years of program operation would include .7 FTE electrical inspector and .7 FTE permit tech. = $(80K + 60K) \times .7 \times 1.5$ labor burden = 147,000\$/year which is less than the \$155,330 revenue.

The City assumes we will keep about 20% of commercial permit fees, which would add another \$28,000 in revenue to Happy Valley.

The City agrees, as a condition of delegation, to indemnify the State for all claims related to any personal injury, death, or property damage arising from any act, omission, or error on the part of the City in the operation of the electrical program.

Clackamas County will provide A-level services for the electrical program and will include a provision in the Intergovernmental Agreement (IGA) to indemnify the City and the State for any and all claims related to any personal injury, death, or property damage arising from any act, omission, or error on the part of the contractor in its work for the City's electrical program.

The City agrees, as a condition of delegation, that it shall not adopt or implement any fee increases for the first two years of its initial operation term other than the July 1st minor fee adjustment every year for all City fees based on an index.

The City will carry a minimum of \$1,500,000 per occurrence of insurance against tort liability and property damage arising out of acts, errors, and omissions in its operation of the electrical program; and

The City has the ability to conduct the proposed electrical program. We currently have one certified electrical inspector, and another registered for the next BCD Electrical Class starting in late Fall 2024. This will give us two residential electrical inspectors by July 1st, 2025, and we plan to have 2-3 more certified in the following year.

The requirements in the Electrical Delegation Rules are in addition to rules adopted by the department in OAR 918-020-0070 through 918-020-0220 for municipalities that apply to undertake inspection programs. When any provision of this section conflicts with or contains greater, more stringent, or more detailed requirements than another section of this division, this section shall control.

7. Exhibits

Exhibit A – page 1 of 2



Program Administration Form

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: Oregon.gov/bcd

Department Use Only

- New request
- Renewal

| | | | | | | | | | | | | | | | | | | | |
|--|---|------------|---|--------------------------------|---|------------|---|----------------|---|-------------------------------|-------------------|-----------------------------------|---|---|---|---|--|--|--|
| Municipality: City of Happy Valley | | | | Building official: Mark Ennis | | | | | | | | | | | | | | | |
| Address: 16000 SE Misty Drive | | | | | | | | | | | | | | | | | | | |
| City: Happy Valley | | | | State: OR | | ZIP: 97086 | | | | | | | | | | | | | |
| Office location: Happy Valley City Hall | | | | | | | | | | | | | | | | | | | |
| Phone: 503-783-3800 | | Fax: | | Email: marke@happyvalleyor.gov | | | | | | | | | | | | | | | |
| <p>Mark program choice by indicating level:</p> <p>X – Performed by the municipality applying for the renewal</p> <p>A – Performed by a different municipality through an intergovernmental agreement with _____</p> <p>C – Performed by county; X and A do not apply</p> <p>S – Performed by state</p> <p><i>Please see the key at the bottom of Page 2 for definitions.</i></p> | | | | | | | | | | | | | | | | | | | |
| 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 | C | S | M | | | |
| x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | | | |
| <p>Note: Assumption of a structural A-level program includes the requirements for accessibility [ORS 447.220]. MSI includes manufactured dwelling installations; alterations, accessory structures, buildings, and cabana installations; plan review; and inspections. Park and camp includes mobile home and manufactured dwelling parks, recreation parks, organizational camps, and picnic parks plan review and inspection.</p> | | | | | | | | | | | | | | | | | | | |
| <p>Respond to the following if your municipality uses a third-party building official:</p> <p>Which services are provided by the third party?: _____</p> <p>Name of third party building official: _____</p> <p>Names of all designated qualified employees: _____</p> | | | | | | | | | | | | | | | | | | | |
| <p>Attach the following:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Completed copy of municipality’s operating plan (OAR 918-020-0090) <input checked="" type="checkbox"/> Electrical program requests (See requirements in OAR Chapter 918, Div. 308) <input type="checkbox"/> Changes of service areas (Include map or description if applicable) <input checked="" type="checkbox"/> Current fee schedules for all programs <input checked="" type="checkbox"/> Name of a contact person for surcharge report of assumed programs | | | | | | | | | | | | | | | | | | | |
| Name: Cristie Myron | | | | Phone: 503-783-3800 | | | | | | | | | | | | | | | |
| Address: 16000 SE Misty Drive | | | | | | | | | | | | | | | | | | | |
| City: Happy Valley | | | | State: OR | | ZIP: 97086 | | | | | | | | | | | | | |
| <p>List inspectors and others, as requested, on the back of this sheet. Attach additional pages as necessary.</p> <p>Official delegation or assumption of the programs above is requested or being renewed for the period beginning July 1, 20__.</p> <p>The undersigned agrees this form and all accompanying attachments comply with the applicable statutes and rules outlined in OAR 918, Division 020, and ORS Chapter 455. The undersigned further agrees this municipality’s program will, at all times, be administered to operate in compliance with its operating plan and all applicable statutes and rules.</p> | | | | | | | | | | | | | | | | | | | |
| Authorized signature: Mark Ennis | | | | Title: Building Official | | | | Date: 7/9/2024 | | | | | | | | | | | |

This form will not be accepted without signature.
 Electronic signatures are accepted if the form is sent via email from the signor.

Exhibit A – page 2 of 2

| Name of inspector and/or person responsible for program | Building official | Plans examiner | | | | Structural inspector | | | | Mechanical inspector | | | | Electrical inspector | | | | Plumbing inspector | | | | | MSI | PCI |
|---|-------------------|----------------|---|---|---|----------------------|---|---|---|----------------------|---|---|---|----------------------|---|---|---|--------------------|---|---|---|---|-----|-----|
| | | A | B | C | F | A | B | C | M | A | B | C | M | A | B | C | M | A | B | C | S | M | | |
| Mark Ennis | | X | X | X | X | X | X | X | | X | X | X | | | | | | | X | X | | | | |
| Bill Hendrix | | X | X | X | X | X | X | X | | X | X | X | | X | | | | | X | X | | | X | |
| Tyrone Bergen | | | | | | X | X | X | | X | X | X | | | | | | X | X | X | | | | |
| Kelly Peterson | | | | | | X | X | | | X | X | | | | | | | X | X | X | | | | |
| Jami Garza | | | X | | | X | X | X | | X | X | X | | | | | | X | X | | | | | |
| KC Stuart | | | | | | X | X | | | X | X | | | | | | | | | | | | | |
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|---|---|---|--------------------------------|---|---|------------------------|-----------------------------|--|-------------------------|-------------------------------------|
| Cities covered by county program: Happy Valley | | | | | | | | | | |
| Cities with complete or partial program: Happy Valley | | | | | | | | | | |
| Emergency manager: Mark Ennis | Phone: 971-344-0182 | | | | | | | | | |
| Address: 16000 SE Misty Drive, Happy Valley OR, 97086 | | | | | | | | | | |
| State fire marshal official/designee: Val Liljefelt <i>(See OAR 91S-020-0020)</i> | Phone: 503-742-2655 | | | | | | | | | |
| Address: 6600 SE Lake Road, Portland OR 97222 | | | | | | | | | | |
| Health department contact: | Phone: | | | | | | | | | |
| Address: | | | | | | | | | | |
| Permit issuance phone: 503-783-3800 | | | | | | | | | | |
| Planning/zoning phone: N/A | * = Clackamas County will be doing "A" level Electrical Plan Review and Inspections | | | | | | | | | |
| Key: <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; border: none;">A A Level – All buildings or structures, except dwelling code</td> <td style="width: 33%; border: none;">C One- and two-family dwelling</td> <td style="width: 33%; border: none;">MSI Manufactured structures installation inspector: electrical, plumbing, hook-up and setup</td> </tr> <tr> <td style="border: none;">B B Level – Any building or structure not required to be designed by an Oregon-registered architect or engineer, except H or I occupancies over 1,500 sq. ft. and one- or two-family dwelling</td> <td style="border: none;">F Fire and life safety</td> <td style="border: none;">PCI Park and camp inspector</td> </tr> <tr> <td style="border: none;"></td> <td style="border: none;">M Master permit program</td> <td style="border: none;">S Limited plumbing inspector: sewer</td> </tr> </table> | | A A Level – All buildings or structures, except dwelling code | C One- and two-family dwelling | MSI Manufactured structures installation inspector: electrical, plumbing, hook-up and setup | B B Level – Any building or structure not required to be designed by an Oregon-registered architect or engineer, except H or I occupancies over 1,500 sq. ft. and one- or two-family dwelling | F Fire and life safety | PCI Park and camp inspector | | M Master permit program | S Limited plumbing inspector: sewer |
| A A Level – All buildings or structures, except dwelling code | C One- and two-family dwelling | MSI Manufactured structures installation inspector: electrical, plumbing, hook-up and setup | | | | | | | | |
| B B Level – Any building or structure not required to be designed by an Oregon-registered architect or engineer, except H or I occupancies over 1,500 sq. ft. and one- or two-family dwelling | F Fire and life safety | PCI Park and camp inspector | | | | | | | | |
| | M Master permit program | S Limited plumbing inspector: sewer | | | | | | | | |

Exhibit B
Notification Letter to Clackamas County

Cheryl Bell, PE
Assistant Director of Development
Clackamas County Department of Transportation & Development
150 Beaver Creek Road, Oregon City, OR 97045
cbell@Clackamas.us

September 27, 2024

Re: Happy Valley assuming the Electrical Program from Clackamas County

Dear Cheryl,

Please accept this letter as notice of the City of Happy Valley's intention to assume the Electrical Program from Clackamas County on July 1, 2025. We intend to follow the process in accordance with OAR 918-020-0095 and related statutes and administrative rules.

Clackamas County has done an excellent job at running the electrical program for the past 29 years, but with the growth of Happy Valley, we feel it is time to become a full-service building division and operate the electrical program. We would still need Clackamas County to do commercial "A- level" electrical plan reviews and inspections. We will revise the current IGA to address these changes. We hope this assumption of the electrical program will not impose a significant impact on the Clackamas County Building Department's anticipated revenues.

Please inform us if you are acceptable to this program assumption. In accordance with OAR 918-020-0095, we would need to respond to the County's concerns regarding revenue, pending enforcement actions, open or existing applications when the transfer takes place, any affected employees, and other concerns or objections Clackamas County may have.

Thanks again for the twenty-nine years of support and providing electrical inspections for the City of Happy Valley.

Sincerely,
Mark Ennis, Building Official
City of Happy Valley

cc: Michael D. Walter, AICP - Economic & Community Development Director

Exhibit C
Notification Letter to Building Code Division

Richard Donovan
Senior Policy Advisor, Legislative Coordinator
Building Code Division | Department of Consumer & Business Services
1535 Edgewater Street NW
Salem OR 97034
Richard.j.donovan@dcbs.oregon.gov

September 27, 2024

Re: Happy Valley Assuming the Electrical Program from Clackamas County

Dear Richard,

Please accept this letter as notice of the City of Happy Valley's intention to assume the Electrical Program from Clackamas County on July 1, 2025. We intend to follow the process in accordance with OAR 918-020-0095 and related statutes and administrative rules.

Clackamas County has done an excellent job at running the electrical program for the past 29 years, but with the growth of Happy Valley, we feel it is time to become a full-service building division and operate the electrical program. Happy Valley would still need Clackamas County to do the commercial "A- level" electrical plan reviews and inspections per our revised IGA. We hope this assumption of the electrical program will not impose a significant impact on the Clackamas County Building Department's anticipated revenues.

Please inform us if you are acceptable to this program assumption. In accordance with OAR 918-020-0095, we would need to respond to the County's concerns regarding revenue, pending enforcement actions, open or existing applications when the transfer takes place, any affected employees, and other concerns or objections Clackamas County may have.

Sincerely,

Mark Ennis, Building Official
City of Happy Valley

cc: Michael D. Walter, AICP - Economic & Community Development Director

Exhibit D – Permit Application



Electrical Permit Application

Happy Valley
 16000 SE Misty Drive, Happy Valley, OR 97086-4288
 Phone: (503) 783-3000
 City Website: happyvalleyor.gov

Date: _____
 Permit No. _____

| TYPE OF WORK | |
|---|--|
| <input type="checkbox"/> New construction | <input type="checkbox"/> Addition/alteration/replacement |
| CATEGORY OF CONSTRUCTION | |
| <input type="checkbox"/> 1- and 2-family dwelling | <input type="checkbox"/> Commercial/industrial |
| <input type="checkbox"/> Multi-family | <input type="checkbox"/> Master builder |
| JOB SITE INFORMATION AND LOCATION | |
| Job no.: | Job address: |
| City/State/ZIP: | |
| Suite/bldg /apt. no.: | Project name: |
| Cross street/directions to job site: | |
| Subdivision: | Lot no.: |
| Tax map/parcel no.: | |
| DESCRIPTION OF WORK | |
| <input type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> TENANT | |
| Name: | |
| Address: | |
| City/State/ZIP: | |
| Phone: () | Fax: () |
| Owner installation: This installation is being made on property that I own, which is not intended for sale, lease, rent, or exchange. | |
| Owner signature: | Date: |
| <input type="checkbox"/> APPLICANT <input type="checkbox"/> CONTACT PERSON | |
| Business name: | |
| Contact name: | |
| Address: | |
| City/State/ZIP: | |
| Phone: () | Fax: () |
| E-mail: | |
| CONTRACTOR | |
| Business name: | |
| Address: | |
| City/State/ZIP: | |
| Phone: () | Fax: () |
| E-mail: | CCB lic. no.: |
| Electrical lic. no.: | |
| Supervising electrician signature, required: | |
| Print name: | Date: |
| Authorized signature: | |
| Print name: | Date: |

| PLAN REVIEW | | | | |
|---|--|--------|-------|---|
| <input type="checkbox"/> Fire pump | <input type="checkbox"/> Building over three stories | | | |
| <input type="checkbox"/> Emergency system | <input type="checkbox"/> Service or feeder 600 amps or over | | | |
| <input type="checkbox"/> Addition of new motor load of 100HP or more | <input type="checkbox"/> Commercial-use agricultural buildings | | | |
| <input type="checkbox"/> Health care facilities | <input type="checkbox"/> Installation of 150 KVA or larger separately derived system | | | |
| <input type="checkbox"/> Hazardous locations | <input type="checkbox"/> "A," "E," "I-2," "I-3" occupancies | | | |
| <input type="checkbox"/> Recreational vehicle parks | <input type="checkbox"/> Service or feeder 400 amps or more where the available fault current exceeds 10,000 amps at 150 volts or less to ground, or exceeds 14,000 amps for all other installations | | | |
| <input type="checkbox"/> Marinas and boatyards | | | | |
| <input type="checkbox"/> Floating buildings | | | | |
| <input type="checkbox"/> Six or more residential units | | | | |
| <input type="checkbox"/> Supply over 600 volts nominal | | | | |
| FEE SCHEDULE | | | | |
| Description | Qty. | Fee | Total | * |
| Residential single- or multi-family dwelling unit. Includes attached garage. | | | | |
| 1,000 sq. ft. or less | | 270.00 | | 4 |
| Ea. add'l 500 sq. ft. or portion | | 55.00 | | |
| Limited energy, residential (with above sq. ft.) | | 109.00 | | 2 |
| Limited energy, multi-family residential (with above sq. ft.) | | 109.00 | | 2 |
| Services or feeders installation, alteration, and/or relocation | | | | |
| 200 amps or less | | 161.00 | | 2 |
| 201 amps to 400 amps | | 213.00 | | 2 |
| 401 amps to 600 amps | | 321.00 | | 2 |
| 601 amps to 1,000 amps | | 482.00 | | 2 |
| Over 1,000 amps or volts | | 882.00 | | 2 |
| Temporary services or feeders installation, alteration, and/or relocation | | | | |
| 200 amps or less | | 94.00 | | 2 |
| 201 amps to 400 amps | | 200.00 | | 2 |
| 401 amps to 599 amps | | 270.00 | | 2 |
| Branch circuits – new, alteration, or extension, per panel: | | | | |
| A. Fee for branch circuits <i>with</i> above service or feeder fee, each branch circuit | | 12.00 | | 2 |
| B. Fee for branch circuits <i>without</i> service or feeder fee, first branch circuit | | 90.00 | | 2 |
| Each add'l branch circuit | | 12.00 | | |
| Miscellaneous (service or feeder not included) | | | | |
| Each manufactured or modular dwelling, service, and/or feeder | | 109.00 | | 2 |
| Reconnect only | | 109.00 | | 1 |
| Pump or irrigation circle | | 109.00 | | 2 |
| Sign or outline lighting | | 109.00 | | 2 |
| Signal circuit(s) or limited-energy panel, alteration, or extension. Describe: | | 109.00 | | 2 |
| Each additional inspection over allowable in any of the above: | | | | |
| Per inspection: | | 85.00 | | |
| Investigation fee: | | | | |
| Other: | | | | |
| ELECTRICAL PERMIT FEES | | | | |
| Subtotal: | | | | |
| Minimum permit fee | | | 85.00 | |
| Plan review (25% of permit fee) | | | | |
| State surcharge (12% of permit fee) | | | | |
| TOTAL PERMIT FEE | | | | |

This permit application expires if a permit is not obtained within 180 days after it has been accepted as complete.
 *Number of inspections allowed per permit: _____ HV (Rev. 9/18/24)

Exhibit E
Electrical Fee Schedule

City of Happy Valley hourly rates for Electrical Permit Program Services provided for which Happy Valley collects no Electrical Permit Fees are as follows:

| | |
|--------------------|------------------------------|
| Building Official: | \$182/hour (FY 2024-25 rate) |
| Inspector: | \$133/hour (FY 2024-25 rate) |
| Permit Supervisor: | \$113/hour (FY2024-25 rate) |
| Permit Tech: | \$88/hour (FY 2024-25 rate) |

Electrical plan review required for new construction and alterations in the following locations per OAR 918-311-0040:

- A. Service or feeder beginning at 400 amps with available fault current greater than 10,000 amps at 150 volts or less to ground, or any system greater than 14,000 volts.
- B. Installation of 150 KVA or larger separately derived system per Article 100 of the NEC
- C. Addition of a new motor load greater than 100 HP
- D. Fire pump installations as defined in Article 695 of the NEC
- E. Emergency systems installations as defined in Article 700 of the NEC
- F. Six or more residential units in one structure or any A, E, 1-2 or 1-3 occupancies as defined in the Oregon Structural Specialty Code 25% of permit fee.
- G. Service or feeder rated at 60 amps or over.
- H. System over 600 supply volts nominal
- I. Building more than 3 stories in height.
- J. Buildings over 10,000 sq. ft.
- K. Occupant load over 99 persons
- L. Manufactured structures park or recreational vehicle park, new addition or alterations.
- M. Classified area or structure containing special occupancy as described in NEC Chapter 5

Residential single- or multi-family dwelling units including attached garages and covered areas not more than 1,000 sq. ft. \$270

| | |
|--|---------------------------|
| Each additional 500 sq. ft. | \$55 |
| Limited energy, residential (2 inspections) | \$109 for two inspections |
| Limited energy, multi-family (2 inspections) | \$109 for two inspections |
| Manufactured home service or feeder | \$109 |
| Temp. Const. Service, Feeder | |
| Less than 200 amps | \$94 |
| 201–400 amps | \$200 |
| 401–600 amps | \$270 |
| Permanent Service, Feeder | |
| Less than 200 amps | \$161 |
| 201–400 amps | \$213 |
| 401–600 amps | \$321 |
| 601–1000 amps | \$482 |
| >1000 amps | \$882 |
| Service reconnect only | \$109 |
| Branch Circuits with purchase of service or feeder | \$12 |
| Branch Circuit w/o purchase of service or feeder | \$90 |
| Each additional branch circuit | \$12 |
| Renewable Electrical Energy | |
| 5 KVA or less (2) | \$144 |
| 5.01–15 KVA (2) | \$169 |
| 15.01–25 KVA (2) | \$280 |
| Misc. fees | \$85/hour |
| Each additional inspection | \$85 |
| Special Fees: | |
| Water/sewer pump | \$109 |
| Sign/outline lighting | \$109 |
| Signal circuit/limited energy panel, alteration | \$109 |
| Minimum permit fee and re-inspection fee | \$85 |
| Master permit fee (in-plant inspections) | \$85/hour |

Exhibit F

**INTERGOVERNMENTAL AGREEMENT
BETWEEN HAPPY VALLEY AND CLACKAMAS COUNTY
FOR ELECTRICAL PERMIT PROGRAM SERVICES**

This agreement is made and entered into by and between the City of Happy Valley and Clackamas County, hereinafter referred to respectively as “City” and “County”.

RECITALS

WHEREAS, Cities are authorized pursuant to ORS 190.003 through 190.110 to enter into intergovernmental agreements for the performance of any or all functions which a party to the agreement has the authority to perform; and

WHEREAS, Cities are authorized pursuant to ORS 4155.148(3), ORS 455.150(3), and OAR 918-020-0090 to combine in the appointment of a single Building Official for the purpose of administering a Building Inspection Program within their communities; and

WHEREAS, the City employs both a certified Building Official and an Electrical Specialty Code Inspector; and

WHEREAS, City and County find it beneficial to enter into this Intergovernmental Agreement (Agreement) to authorize County to provide electrical A-Level services that includes plan review, inspections, and electrical specialty code services to City, subject to the terms and conditions herein.

AGREEMENT

NOW, THEREFORE, it is agreed by and between the parties as follows:

1. Effective Date. This Agreement shall be effective on July 1, 2025.
2. Duration and Termination. The term of the Agreement will extend for three (3) years from the Effective Date, at which point it shall automatically renew for successive one (1) year terms unless and until either party provides at least sixty (60) days written notice to the other party of its intent to terminate this Agreement. Termination of this Agreement shall not affect any obligations of liabilities accrued to the parties prior to such termination.

3. Services. County agrees to provide inspection, plan review, and electrical specialty code services to Happy Valley, as follows:
 - a. Electrical Plan Review = \$/hour
 - b. Electrical Inspector = \$/hour
 - c. Vehicle Mileage = standard IRS Rate = \$/mile

4. Consideration. City will pay to County:
 - A. Invoiced amounts on a time and vehicle mileage basis for Services provided for which the County has not collected any permit fees..

5. City Obligations. City shall:
 - A. Designate the Clackamas County Electrical Specialty Code Inspector as the Happy Valley Electrical Specialty Code Inspector. The Building Official shall have final authority over Happy Valley's electrical program.
 - B. Maintain detailed financial records of all revenue received in the operation of Happy Valley's Electrical Permit Program.
 - C. Provide the County provider a space for storage of files and plans, office space and computer access and provision of necessary clerical support as may be necessary for the provision of said Services by the County.
 - D. Receive all electrical permit applications and collect all electrical permit fees in accordance with the State of Oregon Building Code Division fee and evaluation schedules, in addition to any other program fees properly adopted by the City.
 - E. Within thirty (30) days of receipt, pay the County invoiced fees.
 - F. Happy Valley shall assist the County in implementation of the EPL online permitting system and shall pay the fees and costs of said system on an equitable basis.
 - G. For permits not requiring plan review, the City may immediately issue such permits, collect the appropriate fees and retain 100% of the fee collected.
 - H. All required reports and required administrative tasks undertaken by the County on behalf of the City shall be tracked on an hourly basis by County provider and billed on a monthly basis to the City, not to exceed \$120/hour.
 - I. City shall prepare and submit all required reports to the Oregon State Building Code Division including, but not limited to a) monthly surcharge reports based on fees collected, b) monthly and year-end electrical permit activity reports, and c) required notifications regarding the Happy Valley Electrical Permit Program.

6. County Obligations.

- A. County will employ a qualified Electrical Specialty Code Inspector.
 - B. County may not delegate discretionary responsibilities associated with its Electrical Permit Program Services but may contract with other agencies or third-party contractors to perform ministerial services associated with inspections, plan review, or other technical assistance services.
 - C. County will keep a record of all hours worked by County employees and third-party contractors or agencies to provide Electrical Inspections to the City and bill those amounts to the City
 - D. County may help evaluate A-Level electrical permit applications and plans submitted to it to determine the required fee to be collected by the City.
 - E. After approval of the plans/permits by the County, and calculation of the required fee(s), the County shall upload the application and approved plans to the EPL online permitting system. The City will collect the appropriate fees and issue the A-level electrical permit.
7. General Provisions. City's Building Official or designee will supervise the Electrical Program but will coordinate with the County for any questions regarding A-Level Electrical permits.
8. Mutual Indemnification. Each party shall defend, indemnify and hold the other harmless from and against any and all claims, lawsuits, or actions for damages, costs, losses or expenses arising from the indemnifying party's actions pursuant to this agreement.
9. Attorney's Fees. In the event an action, lawsuit or proceeding, including appeal therefrom, is brought for failure to fulfill or comply with any of the terms of this Agreement, each party shall be responsible for its own attorneys' fees, expenses, costs and disbursements for said action, lawsuit, proceeding or appeal.
10. No Waiver of Claims. The failure to either party to enforce any provision of this Agreement shall not constitute a waiver by that party of that provision or any other provision of this Agreement.
11. Entire Agreement. This Agreement constitutes the entire Agreement between the parties concerning the Electrical Permit Program Services and supersedes all prior or contemporaneous negotiations or agreements among the parties, if any, whether written or oral, concerning the Electrical Permit Program Services, which are not fully expressed herein. This Agreement may not be modified or amended except in writing signed by each party to this Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed by their duly authorized representatives as of the dates set forth below.

CITY OF HAPPY VALLEY, OREGON

By: _____
Jason Tuck, City Manager

Dated _____, 2024.

CLACKAMAS COUNTY

By: _____
Cheryl Bell, Assistant Director, Development

Dated _____, 2024

Exhibit G

Oregon Administrative Rules (OAR's) that have specific requirements for a jurisdiction to assume and administer an electrical program. (information only)

Building Codes Division - Chapter 918

Division 20 - DELEGATION OF PROGRAMS TO LOCAL JURISDICTIONS

918-020-0095 Program Assumption Procedures

(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 \(Building Code\)](#). 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 \(Definitions for ORS 236.605 to 236.640\)](#).

(2) A municipality requesting to administer and enforce a new full-service building inspection program under [ORS 455.148 \(Comprehensive municipal building inspection programs\)](#), or part of a building inspection program to become full-service under [ORS 455.148 \(Comprehensive municipal building inspection programs\)](#) and [455.150 \(Selective municipal building inspection programs\)](#) 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 \(Comprehensive municipal building inspection programs\)](#) and Section (1) of this rule;
- (B) An operating plan as described in [OAR 918-020-0090 \(Program Standards\)](#);
- (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 \(Comprehensive municipal building inspection programs\)](#) and [455.150 \(Selective municipal building inspection programs\)](#) 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 \(Objections to municipal assumption of building inspection program\)](#) 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.

Division 308 - ELECTRICAL PROGRAM MUNICIPAL ADMINISTRATION

918-308-0000 Electrical Delegation Rules

The rules in OAR 918-308-0000 to 918-308-0430 shall be referred to as the Electrical Delegation Rules.

918-308-0010 Standards for Delegation

Municipalities seeking initial delegation of an electrical program under ORS chapters 455 and 479 shall meet the requirements of OAR 918-308-0010 to 918-308-0180. Administration and enforcement of the electrical program shall only be delegated under ORS 479.855 to municipalities meeting the following minimum performance standards:

918-308-0020 Check List for Application for Delegation of Electrical Program

RESPONSE: The City is seeking delegation of the electrical program and shall:

(1) Comply with ORS 455.148 or 455.150; and file an application for delegation of the electrical program under the Electrical Delegation Rules. The application shall:

(a) Be filed before October 1, 2024, for the actual July 1st, 2025, target date.

(b) Be based on a resolution of the municipality formally authorizing the application, and representing if the application is granted, that the municipality and all persons under it will comply with and be bound by the Electrical Delegation Rules;

(c) Include a proposed ordinance for administration and enforcement of the electrical program;

(d) Include an operating plan showing it meets the minimum standards for delegation in the Electrical Delegation Rules and note any differences in services or inspections from present services and inspections to be provided upon delegation.

918-308-0030 Check List for Proposed Ordinance

The proposed Ordinance establishing the City's electrical program shall, among other things, adopt:

(1) The 2023 Oregon Electrical Specialty Code (OESC) based on the 2023 National Electrical Code (NEC);

(2) Identical or compatible administrative provisions for the electrical program, including requirements for permits and authority to issue stop work and correction orders;

(3) Enforcement authority dealing with persons who start work without permits, fail to call for inspections, fail to make corrections, or otherwise violate the electrical requirements;

(4) Plan review requirements, if any;

(5) Minor label and bulk label procedures, as applicable;

(6) Temporary permit procedures; and

(7) Electrical fees.

918-308-0040 Check List for Operating Plan and Documentation

An “operating plan” is the municipality’s strategy for carrying out the goals and objectives of its electrical inspection program. “Strategy” means what, how, and when it will be done. The operating plan for a municipality assuming the electrical program from another municipality shall include:

(1) Strategies and written agreements, where relevant, for handling the transition from the losing municipality to applicant, including arrangements made for:

(a) Open permits and inspections ongoing as of July 1, 2025;

(b) Enforcement actions pending on July 1, 2025;

(c) Being fully operational on July 1, 2025, including staffing and training of permit and other personnel;

(d) Informing contractors and others of the changeover of inspecting jurisdictions, jurisdictional boundaries and requirements covering permits and procedures, inspection procedures, temporary permit procedures, plan review requirements, and fees; and

(e) Employees presently providing the electrical inspection services in the area covered by the application and how applicant will deal with ORS 236.605.

(A) If the matter was resolved by the applicant and losing jurisdiction, or with the jurisdiction and the inspector, provide a copy of the agreement and a statement by applicant's municipal counsel that all employee rights under ORS 236.605 were preserved.

(B) Any assertion that ORS 236.605 is not applicable to the transaction must be from applicant's municipal counsel.

(2) Strategies for electrical operations including:

(a) Inspectors and inspections:

(A) When will certified electrical inspectors be hired, how will applicant be operational by July 1, 2025, and how will inspectors be used to carry out the program;

(B) Where more than one inspection office is involved, how will inspectors be deployed;

(C) If the electrical program is offered jointly with another municipality or parts of another municipality, the agreement between municipalities, which ordinances will apply in the different areas, what offices and staff assignments will be made and what boundaries are involved; and

(D) If electrical services will be provided by a contractor, the operating plan to be followed including inspection, coverage of prolonged absences and administration and an agreement by the contractor to be bound by the Electrical Delegation Rules.

(b) Code interpretations. How will code interpretations be provided and when will electrical inspectors be available to provide them. This should cover each office;

(c) Conflict resolution. How will conflicts in electrical code interpretations between inspectors, or inspectors and the public, be resolved at the local level, what rights of appeal will the public be advised of, and how will conflicts of interest involving staff be resolved;

(d) Plan review. Will plan review be required and if so, which installations require plan review;

(e) Turn-around time. What will be the response time to inspection requests, what correction notices will be used, when will reinspection be required, and how and where will permit and inspection records be kept. If a contractor is used, will contractor records be made available at the municipality's offices in the event of a review of electrical operations. Attach related forms to be used;

(f) Enforcement. How and when will license checks and permit and code compliance be monitored, who will be involved and how will corrections be enforced. If the electrical inspector is not full time with the municipality, who will do license checks and other enforcement during the inspector's absence;

(g) Use of labels. What labels will be used and what internal procedures will be followed for minor installation labels and bulk labels if the municipality uses bulk labels;

(h) Temporary permits. What temporary permit procedures are adopted by the municipality to deal with OAR 918, Division 309 or for days during a regular workweek when the municipality is not open for permit sales;

(i) Forms and records. What electrical permit application, appeal, and other forms will be used and where will formal permit and inspection records be kept.

(j) Accounting. How will electrical revenues, direct and indirect including interest earned, be segregated from other revenues and accounted for; how will payments from and charges to that account be accounted for; and if there are electrical surpluses, will these be carried over for the electrical program between fiscal years. How will overhead, including all administrative costs, be allocated;

(k) Projections. What is applicant's projection for electrical income and expenses for the fiscal period for which the application is filed and what assumptions, such as growth or increased inspections, are relied on. What are the projections for following periods if losses are projected for the first period. If losses are projected, how these will be funded. If a contractor is used, show projections for the municipality and the contractor.

(l) Contingency plan. A plan for "back-up" inspection services.

918-308-0050 Effect of Delegation on Losing Municipality

(1) The division shall request the municipality losing inspection territory to provide:

(a) Projected revenue loss if the area involved is delegated, strategies for operations and advice if fee increases will be necessary to sustain its electrical program;

(b) Estimates of impact on staffing and continuity of services on remaining territory;

(c) Comments concerning assertions made by the applicant regarding enforcement and services presently provided; and

(d) Estimated monthly number of calls for electrical inspections and days per week required to serve the area.

(2) Responses from the losing municipality shall also be provided to applicant.

918-308-0060 Delegation Review and Approval Process

- (1) The division shall, after review of the application, submit the application to the board for comments and recommendations, and grant or deny the application, or seek clarification or corrections. If additional information or technical corrections are necessary, comments may be provided and the municipality may be allowed to submit changes.
- (2) If a complete and acceptable plan is not on file by January 1, the request for delegation shall be denied for that year. An extension may be granted if agreed to by the municipality, division, and county involved, if the municipality is a city.
- (4) A new delegation of authority shall be provisional for a year. A municipality receiving a provisional delegation shall amend its application, if necessary, to reflect desired changes. If no amendments are filed by January 1, the prior application shall be used. The division shall make site visitations as necessary to inform itself of how the electrical program is being administered and how the operating plan is being followed and file its report with the application. Once the application is renewed no new applications are necessary unless the delegation is revoked or yielded by the municipality.

918-308-0070 Filing of Municipal Ordinance and Review of Operations

Within 60 days of delegation of the electrical program, the municipality shall file its electrical program ordinance, including adoption of local fees, with the division.

918-308-0080 Updating by Existing Municipalities

- (1) If a municipality is unable to implement the program following delegation, the municipality shall notify the division explaining why and outlining how enforcement will be accomplished.

918-308-0090 Employment of Electrical Specialty Code Electrical Inspector

- (1) Each municipality shall employ at least one electrical inspector certified to inspect under the Oregon Electrical Specialty Code. This requirement may be satisfied by contracting with another municipality having a qualified inspector. Regardless of how the staffing is provided, the minimum operating requirements in these rules shall also be met.
- (2) The municipality shall provide the division with names and qualifications of its certified inspectors for general electrical and for one- and two- family dwelling inspections.

918-308-0100 Public Contact Procedure

Each office having electrical inspectors shall publicize and post regular office hours providing at least one hour per day when electrical inspectors are available to take calls and provide interpretations.

918-308-0110 Code Interpretation Dispute Resolution

Municipalities shall provide:

- (1) A reasonable method to resolve conflicts in code interpretation within the municipality; and
- (2) Information concerning appeal rights to the division under ORS 479.853.

918-308-0120 Permit Sales Office

The current City Building Division is currently located in Happy Valley City Hall and all electrical permits can be obtained directly, online, or temporary permit procedures for all regular workdays, which excludes weekends and holidays.

918-308-0130 Electrical Permits

Notwithstanding OAR 918-309-0010, which requires uniform permit forms and procedures, a municipality may include legal descriptions of the property where the electrical installation will be made or other information on the electrical permit application as long as the permit applicant is not required to provide the information.

918-308-0140 Internal Operations

The municipality shall have written handouts or instructions on:

- (1) Whether electrical plan review is required and when plan review is required; and
- (2) How the municipality will deal with the temporary permit requirements.

918-308-0150 Plan for Inspection Operations

The municipality shall:

- (1) Offer and provide inspection services within its service area excluding weekends and holidays, to meet the electrical 48-hour inspection notice requirements in the inspection section of the electrical rules.
- (2) Establish a written policy showing estimated response time for inspection requests, how and when correction notices will be used, when reinspection will be required, and how and where permit and inspection records will be kept.
- (3) Provide inspections normally between 7 a.m. and 4 p.m. unless otherwise agreed to by the inspecting authority and the permit holder.

918-308-0160 Plan for Compliance

- (1) The municipality shall have a plan on how electrical permit and code violations will be handled. It shall have an ordinance allowing enforcement actions for violations.
- (2) The plan shall describe in detail how the municipality will carry out compliance actions, including the number of staff members who will perform investigations, qualifications of those staff members, number of days per week those staff members will conduct investigations, and a description of how those staff members will conduct checks for electrical licensure on jobsites, including how jobsites will be identified and selected for investigation.
- (3) The municipality shall report data as required by the Board and shall annually report compliance actions taken pursuant to the enforcement of the electrical inspection program.

918-308-0170 Accounting Plan

The municipality shall have an accounting system which segregates electrical revenues, shows the source of electrical income including interest earned on held funds, shows charges, and where electrical revenues were spent. If overhead charges to the inspecting organization are based on allocations, the allocations must be supportable under general accounting principles.

918-308-0180 Formation of Municipal Program

(1) Municipalities combining electrical programs shall, to the extent practicable, centralize administration and use similar procedures, regulations, permit application, and permit fees within the area served.

(2) Nothing in this rule prevents a municipality from being served by more than one combination of municipalities.

918-308-0190 Review and Update of Plans and Ordinances

Each municipality shall annually review and update its electrical ordinance and operating plan to meet the requirements of the Electrical Delegation Rules.

918-308-0200 Amendment of Plans by All Municipalities with Electrical Programs

All municipalities providing electrical inspections shall submit:

(1) Ordinance amendments and intended effective dates and change of electrical fees, regardless of whether fees are adopted by ordinance, at least 45 days prior to the adoptive date.

(2) Amendments and intended effective dates regarding the operating plan at least 30 days prior to implementation.

918-308-0210 Automatic Renewal

(1) A municipality finishing its first term of operations under its delegation must reapply for delegation the second term as provided in the Electrical Delegation Rules.

(2) Subject to OAR 918-020-0070 through 918-020-0220, once a municipality receives a renewal of delegation when it provides subsequent timely notice prior to January 1, as required by ORS 455.148 and 455.150, the electrical delegation is continued without further action by the division, unless during the interim the division revokes the delegation.

918-308-0300 Review of Municipality Program

- (1) The division shall conduct a comprehensive review of each municipality delegated administration of the electrical program at least every five years.
- (2) A comprehensive review shall be conducted by a minimum team of:
 - (a) One local building official;
 - (b) One electrical contractor or contractor's representative;
 - (c) Division chief electrical inspector or Oregon Electrical Specialty Code inspector if the chief inspector is unable to serve; and
 - (d) One division representative;
 - (e) Optionally, a general contractor registered with the Construction Contractors Board, if nominated by the municipality involved;
 - (f) Optionally, additional persons, depending on the size and complexity of the municipality involved, as determined and selected by the division.
- (3) A single-purpose review shall be conducted by the division chief electrical inspector or designee and others selected by the division if the operations of the municipality are at variance with its approved operating plan.

918-308-0310 Notice of Review

- (1) The division shall notify a municipality 60 days in advance of a comprehensive review.

918-308-0320 Initial Interview

- (1) The division shall conduct an initial interview with the building official or designated representative as the first step in the comprehensive review process.
- (2) The initial interview shall give the building official or representative an understanding of the manner in which the review will be performed.

918-308-0330 Review of Records

(1) The municipality shall maintain and make records available for division review. For the purpose of this rule except where the context requires otherwise, a "previous year" is the last full fiscal year for the municipality. The required records are:

- (a) Electrical permits issued during the previous two years;
- (b) Minor installation labels issued during the previous year;
- (c) Inspections performed by electrical inspectors during the previous fiscal year;
- (d) Written code interpretations made during the previous two years;
- (e) Written or recorded complaints about the program lodged with the municipality and disposition of the matters for the previous fiscal year; and
- (f) Records of revenues from electrical permits, inspections, and penalties, and expenses incurred in the administration and enforcement of the electrical program for the previous fiscal year.

(2) The municipality shall report the number of electrical, structural, mechanical, plumbing, and manufactured structures set-up permits issued, the number of minor labels issued, and the number of electrical inspections performed by the municipality during the previous fiscal year.

(3) The program review team:

- (a) Will review the operating plan for program delegation submitted to the division under these rules to determine if the municipality is following the plan;
- (b) May require additional financial information if municipal records do not satisfactorily show application of permit and inspection funds, including interest, to the electrical program or shows charges not related to the electrical program.

918-308-0340 Inspection Review

The division shall reinspect jobs previously inspected by municipality inspectors and accompany municipality inspectors on inspections.

918-308-0350 Inspector Performance Ratings

- (1) During a comprehensive review, the division shall review selected electrical inspections.
- (2) The reviewer shall assess points for any electrical violation not noted by the inspector on the following basis:
 - (a) Ten points for each mandatory item in OAR 918, division 271;
 - (b) One-tenth point for each secondary item in OAR 918, division 271.
- (3) An individual performance rating for selected municipality inspectors shall be determined by dividing the total points assessed for all inspection items missed by the number of inspections reviewed.

918-308-0360 Program Inspection Rating

An inspection rating for the municipality program shall be determined by dividing the combined points assigned for all inspections reviewed pursuant to these rules by the total number of inspections reviewed.

918-308-0370 Exit Interview

- (1) Immediately following completion of a comprehensive review, the division shall conduct an exit interview with the building official or designated representative.
- (2) The exit interviewer shall provide:
 - (a) The general result of the review;
 - (b) Formal notification of any items requiring immediate attention; and
 - (c) Specific information to the extent such is available.

918-308-0380 Program Report

The division shall provide the municipality with a written report of its findings within 60 days of completion of a comprehensive review or within 15 days of completion of a single-purpose review.

918-308-0400 Deficiency Citation

- (1) Notice of deficiencies shall only be issued following a comprehensive or single-purpose review of the municipal electrical program.
- (2) A notice of deficiency shall be served on the building official by certified mail when:
 - (a) The municipality has an inspection rating of over 6.0;
 - (b) Any inspector has an inspection rating over 8.0;
 - (c) The municipality fails to provide minimum services as outlined in its plan; or
 - (d) The municipality fails to comply with the Electrical Delegation Rules.
- (3) Within 30 days from the date of receipt of the deficiency notice, the municipality shall file with the division a written proposal for correcting the deficiencies noted in the audit report. The proposal shall include:
 - (a) Specific methods by which the municipality intends to correct the deficiencies; and
 - (b) A proposed timeline for completing the corrections.
- (4) The division shall review the proposed correction plan and notify the municipality in writing of any items in the plan found to be unsatisfactory. The division shall set a date for submission of the final correction plan.
- (5) Subject to OAR 918-308-0410 providing for a contested case hearing, if no objection is made, it will be presumed that the municipality agrees to the terms of the deficiency notice or correction requirements.

918-308-0410 Appeal of Deficiency Citations

A municipality aggrieved by a notice of deficiency, or the denial of proposed correction procedures may ask for a contested case hearing under ORS Chapter 183 and the Attorney General's Model Rules of Procedure.

918-308-0420 Notice of Program Revocation

(1) A municipality shall be considered to be failing to comply with standards adopted by the board or as not effectively carrying out duties assumed by the municipality under ORS 479.855 if it:

(a) Receives an inspection rating that exceeds 6.0 and fails to submit an acceptable correction plan; or

(b) Fails to submit a corrective plan after receiving a notice of deficiency.

(2) The provisions of section (1) of this rule are not intended to limit the conditions when the division can seek revocation under ORS 479.855.

918-308-0430 Appeal of Program Revocation

A municipality served with a notice of proposed program revocation under ORS 479.855 may ask for a contested case hearing under ORS Chapter 183 and the Attorney General's Model Rules of Procedure.