



Department of Consumer
and Business Services

Notice of Rulemaking Hearing

Filed on Aug. 4, 2022

Statewide methodology for solar structural installation permits rule reference update

Opportunity for public input

A rulemaking hearing is scheduled to receive public testimony regarding amending OAR 918-050-0180, statewide methodology for solar structural installation permits.

Hearing date: Sept. 20, 2022

Time: 9:30 a.m.

Location: This will be a hybrid meeting, open to the public both in-person and virtually.

In-person hearing

BCD Conference Room A
1535 Edgewater St. NW
Salem, Oregon 97304

Virtual connection and live online streaming

This hearing will be hosted virtually through Zoom and live-streamed online at Oregon.gov/bcd/Pages/bcd-video.aspx.

The Zoom connection information will be posted on that web page the day of the hearing.

Comments and testimony: The division accepts written and oral testimony from the public.

Written comments/testimony may be submitted by email to RulesCoordinator.bcd@dcbs.oregon.gov, or to the mailing address below no later than **Friday, Sept. 23, 2022 at 5 p.m.**

If you wish to provide oral comments/testimony at the hearing you may do so in person or virtually. Email RulesCoordinator.bcd@dcbs.oregon.gov to sign up in advance. Please include your name, email address, and organization, and whether you will be attending in-person or virtually.

Purpose of the rules

The rule provides statewide methodology for solar structural installation permits. The amendments are needed to align the rule with the current and upcoming Oregon Structural Specialty Code (OSSC).

Citation

Amends: OAR 918-050-0180

The anticipated effective date is Oct. 1, 2022.

History

The Oregon Solar Installation Specialty Code (OSISC) was integrated into the Oregon Structural Specialty Code (OSSC) in 2015 and is no longer a published code. This rule and the OSSC address statewide methodology for solar structural installation permits and the rule language needs to be updated to align with current code language and references. The Building Codes Structures Board served as a Rulemaking Advisory Committee and met on Aug. 3, 2022 to discuss these proposed amendments. The board reviewed the draft amendments and approved them for rulemaking.

Contact

If you have questions or need further information, contact Tony Rocco, Structural Program Chief at, 503-910-1678 or at Anthony.J.Rocco@dcbs.oregon.gov.



OFFICE OF THE SECRETARY OF STATE

SHEMIA FAGAN
SECRETARY OF STATE

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DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 918
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
BUILDING CODES DIVISION

FILED

08/04/2022 9:43 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Provides statewide methodology for solar structural installation permits.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/23/2022 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Andy Boulton

971-375-7027

rulescoordinator.bcd@dcbs.oregon.gov

1535 Edgewater Street NW

Salem, OR 97304

Filed By:

Andrew Boulton

Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 09/20/2022

TIME: 9:30 AM - 10:00 AM

OFFICER: Staff

ADDRESS: Building Codes Division Conference Room A

1535 Edgewater Street NW

Salem, OR 97304

SPECIAL INSTRUCTIONS:

This will be a hybrid meeting, open to the public both in-person and virtually. The hearing will also be live-streamed at <https://www.oregon.gov/bcd/Pages/bcd-video.aspx>, where the virtual connection information will be posted on the day of the hearing.

NEED FOR THE RULE(S)

The amendments to OAR 918-050-0180, Statewide Methodology for Solar Structural Installation Permits, are needed to align the rule with the current and upcoming Oregon Structural Specialty Code (OSSC).

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Draft rules are available from the division's rules coordinator located at 1535 Edgewater Street NW, Salem, OR 97304 and are posted on the division's Web site at: <http://www.oregon.gov/bcd/laws-rules/Pages/proposed-rules.aspx>.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

There is no anticipated impact on racial equity in Oregon, but the agency welcomes input about any potential impacts. There will be additional opportunity for public comment at the rulemaking hearing on September 20, 2022.

FISCAL AND ECONOMIC IMPACT:

Effective April 1, 2015, the Oregon Solar Installation Specialty Code (OSISC) was integrated into the Oregon Structural Specialty Code (OSSC) as an Oregon amendment and has been adopted as part of the OSSC in every edition thereafter.

The Statewide Methodology for Solar Structural Installation Permits rule will be updated to reflect the current OSSC. The Building Codes Structures Board (BCSB) reviewed and approved the rule amendments. These changes align rule language with existing code language and references, and do not change any existing permit fees. Permit fees are determined using the statewide methodology applied to a local fee schedule. The division is not aware of any jurisdictions that were relying on the outdated references in the rule, and any updates to the rule should not result in a change to current permit fees assessed by local jurisdictions. The BCSB considered the fiscal and economic implications as well. The division, with the support of the BCSB, anticipates nominal fiscal and economic impact due to the rule amendment.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

Statement of cost of compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

If a local government was relying on the outdated language in the rule, some minimal cost may be required to update forms or other permit application materials. Contractors and other members of the public who purchase structural solar permits may be impacted if projects are located in a jurisdiction that was relying on the outdated references in the rule. The division does not directly set local permit fees and there should be no change to the calculated permit fees based on these rule updates.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

Small businesses that purchase structural solar permits in jurisdictions that are using the old methodology could potentially be impacted. The division is not aware of any jurisdictions using the outdated references in the rule. The division also is not responsible for selling permits in local jurisdictions and does not track the number of businesses involved in the purchase of structural solar permits and is unable to provide an estimate of the number of businesses impacted.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

Small businesses are not projected to have any changes to reporting, recordkeeping or other administrative compliance costs for this rule. Permits are sold and administered by local jurisdictions.

c. Equipment, supplies, labor and increased administration required for compliance:

No changes to equipment, supplies, labor or administration are anticipated for compliance. Permits are sold and administered by local jurisdictions.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small business owners are represented on the Oregon Building Codes Structures Board (BCSB), which was used as the RAC for this rulemaking. There was opportunity for public comment at the BCSB meeting on August 3, 2022. There will be additional opportunity for public comment at the rulemaking hearing on September 20, 2022.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

HOUSING IMPACT STATEMENT:

No known housing impact

AMEND: 918-050-0180

RULE SUMMARY: The amendments to OAR 918-050-0180, Statewide Methodology for Solar Structural Installation Permits, will align the rule with the current and upcoming Oregon Structural Specialty Code (OSSC). This rule and the OSSC address statewide methodology for solar structural installation permits and the rule language needs to be updated to align with current code language and references.

CHANGES TO RULE:

918-050-0180

Statewide Methodology for Solar Structural Installation Permits ¶

(1) Structural permits for solar photovoltaic (PV) system installation shall be calculated using the following methodology:¶

(a) Fees for installations that comply with the prescriptive installation path described in ~~section 305.4 of the Oregon Solar Installation Specialty Code~~ the state building code shall be a flat fee and includes one inspection and permit review by the municipality ~~as defined in section 105.1 of the Oregon Solar Installation Specialty Code.~~¶

~~(b)(A) All other installations.~~¶

(b)(A) All other installations not meeting the prescriptive path shall be based on the valuation of the structural elements for the solar panels, including racking, mounting elements, rails, and the cost of labor to install. The cost of the solar electrical equipment, including collector panels, and inverters shall be excluded from the structural permit valuation. The valuation shall then be applied to the municipality's fee schedule to determine the permit fee.¶

(B) Plan review fees shall be based on a predetermined percentage of the permit fee set by the municipality.¶

(2) Electrical components of a PV system require an electrical permit. Electrical permits shall be calculated based on the methodology established in OAR 918-309-0020 through 918-309-0070.

Statutory/Other Authority: ORS 455.048, 455.055

Statutes/Other Implemented: ORS 455.046, 455.055