

**OREGON HEALTH AUTHORITY  
INTERGOVERNMENTAL AGREEMENT  
FOR ENVIRONMENTAL HEALTH SERVICES**

**EXHIBIT B**

**POOL AND SPA PLAN REVIEW AND PRE-OPENING INSPECTIONS**

LPHA agrees to provide pool plan review for new and altered pools and spas in their jurisdiction in accordance with ORS 448.020-448.030 and OAR 333-060-0025 through 333-060-0035(1)(a) (pools) and OAR 333-062-0025 through 333-062-0035(1) (spas). LPHA agrees to collect a plan review fee to cover the cost of the plan review. LPHA will conduct a final construction inspection prior to issuing a license to any newly constructed or altered public pool or spa.

ORS 448.037 gives OHA the authority to grant variances for pool and spa construction requirements specified in OAR. According to ORS 448.037(3), OHA may not delegate this responsibility to the LPHA. If in the course of performing a plan review an LPHA discovers the need for a variance, the LPHA shall consult with OHA on the matter to determine if a variance is warranted. The LPHA shall not approve a plan review in which a variance is required without first consulting with OHA.