

FINAL
State of Oregon

Building Codes Structures Board

Regular meeting minutes

May 3, 2006

Members present: Martin Brown, Vice-Chairman
Blair Bubenik
Chris Davis
Terry Dieter
Bruce Dobbs

Members absent: Lawrence Hite
Jim Schwager
Michael Steffen

Staff present: Mark Long, Building Codes Division Administrator
Andrea Simmons, Policy and Technical Services Manager
Twyla Knowles, Policy and Technical Services Assistant Manager
Richard Rogers, Board Secretary and Structural Program Chief
Ravi Mahajan, P.E., Code Facilities Engineer
Michael D. Ewert, Mechanical/Residential Code Specialist
Shane Sumption, Fire, Life-Safety ADA Program Specialist
Nicole M. Jantz, Rules Coordinator
Debi Barnes-Woods, Division Boards Coordinator/Recorder

Guests Present: Jim Young, NWCB
Gary Lampella, City of Tigard
Jim Harris, City of Portland
Alan Seymour, Oregon Department of Energy
Patrick Bridges, Oregon Home Builders Association
James Bela, Oregon Earthquake Awareness
Michael Rosenberg, Oregon Department of Energy
Eric McMullen, TVF&R/OFCC
Gene Durnin, OAFAA
Bob Pike, Deshutes County & Oregon Disabilities Commission
Kevin O'Reiley, Oregon Paralyzed Veterans of America?
Aaron Noteboom, INNspired LLC

I. Board Business

A. Call to order.

Vice-Chair Martin Brown called the Building Codes Structures Board meeting to order at 9:30 a.m. The meeting was held at Building Codes Division, Conference Room "A," 1535 Edgewater NW, Salem, Oregon.

B. Roll call.

Michael Steffen, Lawrence Hite and Jim Schwager were absent, (excused).

C. Approval of agenda and order of business.

Vice-Chair Brown **RULED** the agenda approved.

D. Approval of the February 1, 2006 regular board meeting minutes.

Vice-Chair Brown **RULED** the February 1, 2006 regular board-meeting minutes approved.

James Bela, Oregon Earthquake Awareness, opposed the approval of minutes for February 1, 2006 due to not having enough detailed information.

E. Date of the next regularly scheduled meeting.

August 2, 2006.

Structural Program Chief Richard Rogers advised members that a special board meeting may be called in July for the review and recommendation for rulemaking of the amendments to the 2007 Oregon Structural Specialty Code.

II. Public Comment

Mr. Bela spoke about the weakening of the earthquake design provisions, with respect to foundation sill plate anchorage.

Mr. Bela presented a picture of an over-tightened washer that had split the sill plate. He asked the board to add an agenda item to discuss the weakening of the Oregon Building Code for sill plate washers.

III. Reports

A. Administrator's report.

Building Codes Division Administrator, Mark Long discussed the division's budget.

BCD's budget: *Exhibit "A."* Administrator Long explained that the division receives revenue from permits, surcharges, and licensing. Current revenues show the economy and construction employment is poised to reach an all-time high.

Bruce Dobbs asked why the boiler program is operating at a deficit. Administrator Long explained that the division processes 40 percent of the boiler activity, the insurance companies process 60 percent.

Governor's directives on legislative concepts: *Exhibit "B."* The division has four legislative concepts. Two are placeholders for the construction claims task force recommendations and boiler program fixes. The enforcement legislative concepts relates to emergency suspension or revocation. The fourth concept is reserved for further refinements to HB 2181, a licensing standardization bill from last session.

Construction Claims Task Force: *Exhibit "C."* The task force is considering recommendations in May for legislation. There are nine task force members. The three phases of the task force are insurance, construction and report writing/recommendation to legislation.

Board meeting minutes: Administrator Long responded to concerns regarding meeting minutes. Summary minutes in written format are provided to board members, interested parties and posted to the Web as part of the board packet. Operating procedures for all boards are being standardized.

Video streaming: In the future, web-cast meetings will be retained on the web for later viewing.

B. Program update.

Code adoption timing: Manager Simmons discussed the following exhibits; “The Life of the Code in Oregon,” *Exhibit “D,”* and “Announcement for Code Committee Meetings,” *Exhibit “E.”*

Manager Simmons briefed the board on the code adoption process. The structural and mechanical boards will use the new code adoption process. The division is moving to a three-year code cycle, with one amendment period in-between. The intent is to have a standard process for all code programs.

Mike Rosenberg, Department of Energy, asked if model code change submittals go through the committee. Manager Simmons replied that the division has already analyzed and identified the model code changes, which will be shared with the committee.

C. Enforcement cases. – None

IV. Communications

A. Statewide code interpretation for seismic importance factor for health-care facilities.

Richard Rogers, Board Secretary and Structural Program Chief, explained that the intent of the interpretation was to line the code up with certain statutory definitions regarding treatment centers providing surgery and emergency services. This item will be integrated into the code.

Mr. Bela suggested that the seismic importance factor should have been included in the packet.

B. Dialysis facilities – Revised alternate method No. 05-02.

Richard Rogers explained that the emergency power provisions were being clarified in the revision presented to the board.

V. Appeals

Deschutes County “INNspired LLC” Chapter 11 (accessibility).

Structural Program Chief, Richard Rogers, briefed the board on the technical merits of this issue. He explained that both BCD’s and the board’s authority are limited to interpretation and application of the OSSC as a construction standard, and they may not render decisions based on what may or may not be a violation of civil rights under the American’s With Disabilities Act. Statutorily, the board’s determinations are limited to the technical and scientific provisions of the code. However, architects, designers and building owners have obligations under the Federal ADA, which far exceed the Building Codes Division’s authority.

Kevin O’Riley, Oregon Paralyzed Veteran’s of America, advised they were unclear on the history that was given. There was a pre-planning meeting between the Building Department and INNspired LLC. Plans were submitted and approved. INNspired LLC submitted a change regarding the flip-top counter. The county denied the change. The way the bar is set-up is not equivalent. The intent of the code is to provide disabled individuals the same experience as others. Mr. O’Riley requested a portion of the bar lowered.

Aaron Noteboom, INNspired LLC, requested the board decide whether the proposed flip-up bar meets the technical requirements as outlined in Chapter 11. He stated that the position of INNspired LLC and BCD is that the flip-up bar meets the technical requirement of the code.

Vice-Chair Brown asked if the flip-up bar was installed without the approval from the County. Mr. Noteboom stated the flip-up bar has not been built at this point. INNspired LLC went back to the county and asked if they could install a proposed flip-up counter. He indicated that the County had initially approved alternate seating as allowed under ADA requirements.

Bruce Dobbs asked what the process was in order to use the flip-up bar. Mr. Noteboom stated an employee would place the bar in the upright position. He also noted that certain disabled individuals might be able to flip-up the bar without assistance depending on the level of their mobility.

Bob Pike, Deschutes County, expressed concern regarding a plain reading of the language that is not met here. He believes the language is clear; where food or drink is served at counters, exceeding 34 inches, a portion of the main counter shall comply. Using the flip-up alternative will violate other portions of the code. The intent of ORS 447.210 to ORS 447.280 is to make the buildings accessible to, and usable by people with disabilities. He stated that this counter is not usable for all individuals.

Terry Dieter asked if Deschutes County ever approached the state for an interpretation of what constitutes a counter, or a portion of a counter. Bob Pike said no, but that the usability of the accessible counter for the depth should be the same as the high part of the bar.

Mr. Dieter asked if the nature of discussion between BCD and the county could be provided. Richard Rogers advised that the county had contacted BCD and that staff conveyed that the flip up counter would be considered a portion of the bar per a strict reading of the code text.

Mr. Dobbs referred to section 1109.3.2, which deals with the five-pound threshold. It would be difficult for many disabled individuals to raise the table without assistance.

Mr. Dobbs requested Richard Rogers' interpretation of requirements to consider in the intent of the accessibility code. Richard Rogers advised that installation such as this must be functional and usable.

Discussion took place on modifications to the counter. Richard Rogers reminded the board that their determination in this regard is limited to a site specific application of the code.

MOTION by Bruce Dobbs to uphold the decision of Deschutes County because the installation does not meet the scientific and technical merits of the code especially with regard to a 5lb limitation in the operation of the flip-up counter.

Roll call vote taken:

Aye: Dobbs, Bubenik.

Nay: Dieter, Davis, and Brown.

MOTION FAILED.

MOTION by Terry Dieter to overturn the decision of Deschutes County based on the scientific and technical merits of the code with the findings that per 1109.21.2.3 the flip up counter is a portion of the main counter.

Roll call vote taken:

Aye: Dobbs, Dieter, Davis, Bubenik and Brown.

Nay: None.

MOTION CARRIED UNANIMOUSLY.

MOTION by Terry Dieter to propose that staff prepare draft language to amend and clarify the prescriptive requirements of what a main counter is in the next available code cycle.

Roll call vote taken:

Aye: Dobbs, Dieter, Davis, Bubenik and Brown.

Nay: None.

MOTION CARRIED UNANIMOUSLY.

VI. Unfinished Business – None.

VII. New Business

A. Alternate method ruling regarding the visual alarm requirements in Section 1109.14 of the 2005 Oregon Specialty Code.

The division recommends approval.

MOTION by Bruce Dobbs to approve the technical and scientific merits of this proposed alternate method.

MOTION CARRIED UNANIMOUSLY.

B. Alternate method addressing suspended ceiling installations.

Richard Rogers explained that new information was received from the City of Seattle concerning suspended ceiling requirements in the 2006 International Building Code and the ASCE Standard, whereby the proposed alternate method may not be necessary. The division is tabling this issue for now and adding it to the August board agenda.

VIII. Announcements – None

IX. Adjournment

Vice-Chair Brown adjourned the meeting at 12:25 p.m.

Respectfully submitted by,

Debi Barnes-Woods
Building Codes Division

Exhibits:

- A. BCD's budget, ***Agenda Item III.A., page 2.***
- B. Governor's directives on legislative concepts, ***Agenda Item III.A., page 2.***
- C. Construction Claims Task Force document, ***Agenda Item III.A., page 2.***
- D. "The Life of a Code in Oregon," ***Agenda Item III.B., page 3.***
- E. Public announcements for code committee meetings, ***Agenda Item III.B., page 3.***