

## **Building Codes Structures Board**

### **Rescheduled meeting minutes**

**May 5, 2010**

- Members present:** Terry Dieter, acting Chairman  
Joseph Browers (new member)  
Dan Carlson (new member)  
Bruce Dobbs  
Rene Gonzalez (teleconference)  
Eric McMullen  
Thomas Sjoström  
Steven Wood
- Members absent:** None (Vacant position, disabilities commission representative)
- Staff present:** Chris Huntington, manager, policy and technical services  
Richard Rogers, structural program chief  
Shane Sumption, code specialist  
Jim Hanson, policy analyst  
Aeron Teverbaugh, policy analyst, green building services  
Debi Barnes-Woods, boards coordinator
- Guests Present:** Carl Lee, Masonry Institute of Oregon  
James Bela, Oregon Earthquake Awareness  
Guy Sperb, City of Oregon City  
Samantha Vandagriff, City of Oregon City  
Tom Young, NW Masonry Association

#### **I. Board business**

##### **A. Call to order**

Because this board does not have a Chair or Vice-chair, Terry Dieter, who has served longest on the board was asked to run the meeting. All members agreed.

Acting Chairman Terry Dieter 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 Street NW, Salem, Oregon.

##### **B. Roll call**

Rene Gonzalez was connected by teleconference at 10:05 a.m.

##### **C. Approval of agenda and order of business**

The agenda was amended to table Item I.H. to the August 4 meeting.

Acting Chair Dieter **RULED** the agenda approved as amended.

**D. Approval of the February 3, 2010 regular board meeting minutes**

Acting Chair Dieter **RULED** the February 3, 2010 board meeting minutes approved.

**E. Date of the next regularly scheduled meeting**

August 4, 2010

**F. Farewell to board members**

Martin Brown, Vice-chairman, and Acting Chairman of the Building Codes Structures Board, building official position, was presented a certificate of appreciation signed by the Governor and a letter of recognition from Patrick Allen, Building Codes Division's acting administrator.

Chris Davis, building trade representative position, was not present. His certificate and letter will be mailed.

**G. Welcome new board members**

- Joseph Browsers, building trade representative position, noted that he is currently working with Iron Workers Union representing approximately 1,300 members throughout Oregon and Southwestern Washington. Mr. Browsers has worked in the trade for 14 years.
- Dan Carlson, building official position, Building Official for the City of Corvallis, has worked in the building official capacity for 6 years and has worked as the residential and structural building inspector and plans examiner for the city.

**II. Public comment**

James Bela, president and founder of Earthquake Awareness, distributed two separate handouts; his [written comments](#) for the ICC hearing in May.

**III. Reports**

**A. Building Codes Division report**

Manager of Policy and Technical Services Chris Huntington briefly discussed the content of the [BCD Update](#) packet of material.

HB 3462 has two major components related to inspector certification:

- Phase 1 included establishing renewal periods and fees for certifications. The rule is expected to go into effect July 1, 2010 with the first renewal cycle beginning November 2010, then every 3 years.
- Phase 2 authorizes the division to create a pilot program to develop specialized inspector certifications and training. The process of establishing a committee will begin shortly.

House Bill 2950 relates to the membership of the new Construction Industry Energy Board. The first meeting was Tuesday, February 23, 2010. This board's representatives are Bruce Dobbs, utility or energy supplier and; Rene Gonzalez, specialized general contractor.

To view membership of this board please visit

<http://www.cbs.state.or.us/external/bcd/boards/energy/energy.html#members>

Manager Huntington noted that SB 79 accomplishes three things:

- Creates a task force on energy performance scores
- Requires an increase in the energy efficiency of 10-25 percent in commercial structures and 10-15 percent in residential structures by 2012
- Authorizes the development of a voluntary “reach code” containing construction methods for achieving higher levels of energy efficiency than under the statewide codes. The committee began its work in March 2010.

*(Rene Gonzalez joined the meeting by teleconference)*

#### **IV. Communications**

##### **Update on the 2010 Oregon Solar Installation Specialty Code**

Aeron Teverbaugh, green building policy analyst, discussed the committee’s progress. [Chapter 3](#) of the solar installation code was distributed for review and discussion. The committee is only addressing the most common types of photovoltaic solar installations. Ms. Teverbaugh added that the committee spent considerable time addressing fire fighter access. Fire services staff and installers developed a consensus document that was presented to the committee and approved at its last meeting. The committee began its work in September of 2009 and is expected to be completed May 2010.

*(Acting Chair Dieter allowed for public testimony under this item)*

James Bela, president and founder of Earthquake Awareness, noted that the public process was not followed during the meetings of the solar code committee. Items were discussed at meetings where a quorum of members was not present then ratified at the next meeting with no discussion. He also added that .5 load increments should not be present in the code.

#### **V. Appeals**

##### **Appeal to Building Codes Structures Board of Chief’s Decision (ORS 455.475) The Living Room Pub – Oregon City**

Policy Analyst Jim Hanson, reviewed the process of reviewing appeals. He explained that the petitioner, respondent and any witnesses called by petitioner or respondent should only be allowed to testify and testimony should be kept to the specific facts and merits of the appeal. The testimony will be limited to what is in the board packet. The petitioner will present first then the respondent. Following that is rebuttal by both parties. The board will discuss and ask questions at any time then make a motion to either uphold or overturn the decision of the respondent.

*(Testimony from the petitioner)*

Larry Medearis, President of The Living Room Pub, was before the board to ask the board to overturn the structural program chief’s decision. He noted that the non-load bearing wall that was removed from the establishment made the establishment safer and more sanitary by having two exits and three bathrooms.

New board member Dan Carlson asked Mr. Medearis how he determined that the wall that was removed was a non-load bearing wall.

Mr. Medearis noted that the ceiling tiles were on top of the wall and not against the wall and the wall moved. The wall was ½ sheet rock on both sides 2 by 4 construction nailed to the floor with no insulation.

Mr. Medearis noted that he followed common sense, which the code allows, when removing the wall from the building.

*(Testimony from the respondent)*

Structural Program Chief Richard Rogers noted that the code thresholds have recently changed based on an East Coast incident resulting in a horrific loss of lives. By removing the wall at the establishment under appeal the floor increases such that the occupancy changes from a B occupancy to an A-2.

Structural Program Chief Rogers noted that OSSC Section 303.1 classifies as an A-2 occupancy, those assembly uses intended for food and/or drink consumption including, but not limited to: Banquet halls, night clubs, restaurants, and taverns and bars. OSSC Section 903.2.1.2 prescribes the automatic sprinkler system requirements for Group A-2 occupancies and states: An automatic sprinkler system shall be provided for Group A-2 occupancies where one of the following conditions exist: The fire area exceeds 5,000 square feet, the fire area has an occupant load of 100 or more, and the fire area is located on a floor other than the level of exit discharge.

Structural Program Chief Rogers also noted that OSSC Section 1004.1.1 establishes the occupant load computation for areas without fixed seating, the occupant load shall not be less than that number determined by dividing the floor area under consideration by the occupant per unit of area factor assigned to the occupancy as set forth in Table 1004.1.1.

**Motion by Bruce Dobbs** to uphold the structural program chief's decision dated February 1, 2010 sustaining the Oregon City Building Official's decision.

**Motion carried unanimously**

## **VI. Unfinished business**

### **Board concurrence on amendment to the 2010 Oregon Energy Efficiency Specialty Code – Mass wall provisions**

Shane Sumption, code specialist, reviewed the process of the public hearing for the 2010 Oregon Energy Efficiency Specialty Code. He noted that industry provided compelling testimony in regards to what was being proposed for the mass wall provisions. What was being proposed in the 2010 OEESC would eliminate current CMU characteristics that are critical to certain building uses.

The new amended code language was developed with consensus by mass wall industry stakeholders and division staff.

***(Public testimony)***

Tom Young, NW Masonry Association, noted that the association has been actively involved in this process and is in support of the new code proposal. Mr. Young noted that the proposal now accounts for cost effectiveness issues that were originally raised by the masonry industry where excessive insulation levels were not justified. Mr. Young noted that NW Masonry Association is asking the board for approval.

Carl Lee, Executive Director of Masonry Institute of Oregon, agreed with Mr. Young and also asked the board to approve the amendment.

James Bela, Oregon Earthquake Awareness, noted that the board should receive a copy of the hearing officer's report and all the code submittals associated with the code in the board packet.

**Note:** All code change committee meeting minutes and submittals are found on the division Web site at:

[http://www.cbs.state.or.us/external/bcd/committees.html#comm\\_tf](http://www.cbs.state.or.us/external/bcd/committees.html#comm_tf)

To receive committee updates by email

<http://www.cbs.state.or.us/external/bcd/committees.html>

**Motion by Tom Sjostrom** to approve the proposed amendment as recommended with the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources.

**Motion carried unanimously**

**VII. New business**

**Board recommendation to the technical and scientific facts of updating Alternate Method OSSC 08-05 from using the 2006 IEBC as a basis to using the 2009 IEBC**

Structural Program Chief Rogers noted that the proposal is to update Alternate Method OSSC 08-05 from using the 2006 IEBC as a basis to using the 2009 IEBC.

***(Public testimony)***

James Bela, Oregon Earthquake awareness, said that the IEBC should only address fire and life/safety issues and not seismic issues because of the long duration of shaking. He also noted that he thought it was inappropriate to vote on the 2009 IEBC before the hearings have taken place.

Structural Program Chief Rogers noted that the division is asking that the board approve the alternate method using the 2009 IEBC, which was published in 2009. The 2012 IEBC is currently under review with ICC.

**Motion by Eric McMullen** to approve the technical and scientific facts of the proposed alternate method.

**Motion carried unanimously**

**VII. Announcements** – None

**VIII. Adjournment**

Acting Chair Dieter adjourned the meeting at 12:15. p.m.

Respectfully transcribed and submitted by,

Debi Barnes-Woods  
Division Boards Coordinator