

FINAL
State of Oregon

RESIDENTIAL STRUCTURES BOARD

Regular Meeting Minutes

August 18, 2004

- MEMBERS PRESENT:** Ray Miller, P.E., Chairman
David DeHarpport, P.E., Vice-Chairman
Darryl Bishop
Scott Caufield
Phil Damiano
Mike Goodrich
Kathryn Gray
Tracy Hankins
Kathleen Poole
- MEMBERS ABSENT:** None
- STAFF PRESENT:** Mark Long, Administrator of Building Codes Division
Andrea Simmons, Manager of Policy and Technical Services
Ravi Mahajan P.E., Facilities Engineer and Residential Structures
Board Secretary
Richard Rogers, Structural Program Chief and Board Secretary
Terry Swisher, Chief Plumbing Inspector
Laurie Skillman, Enforcement and Licensing Manager
Twyla Knowles, Senior Policy Analyst
Roseanne Nelson, Senior Enforcement Officer
Allen Aschim, Enforcement Officer
Mike Ewert, Mechanical/One- and Two-Family Dwelling
Code Specialist
Richard Baumann, Policy Analyst
Heather Gravelle, Administrative Assistant
Debi Barnes-Woods, Division Boards Coordinator/Recorder
- GUESTS PRESENT:** James Bela, President, Oregon Earthquake Awareness
Bob Moore, City of Gresham
Gary Lampella, BO City of Tigard, Chairman OBOA Code
Development Committee
Jay Winchester, Washington County
Alan Seymour, Oregon Department of Energy (ODOE)
Patrick Bridges, Oregon Building Industry Association (OBIA)
Jack Beuschel, Studor Inc.
Peggy Collins, Collins Consulting
Betty Merrill, Oregon Department of Energy
John Caul, Oregon State Fire Marshal
Lori Graham, City of Portland
Rick Sterling, Washington County

I. BOARD BUSINESS

I.A. Call to Order

Chairman Ray Miller called the Residential Structures Board to order at 9:00 a.m. The meeting was held at the Building Codes Division, Conference Room "A," 1535 Edgewater NW, Salem, Oregon.

I.B. Roll Call

All members were present.

I.C. Approval of Agenda and Order of Business

The agenda was amended: Item VII. Review and approval of penalty matrix for enforcement became Item III.A. Existing Item III.A., Enforcement cases became Item III.B., and Item III.B. Program update became Item III.C.

Chairman Ray Miller **RULED** the agenda approved as amended.

I.E. Approval of the April 7, 2004 board meeting draft minutes.

Chairman Ray Miller **RULED** the minutes approved as submitted.

I.G. Date of the Next Regularly Scheduled Meeting

October 6, 2004.

II. PUBLIC COMMENT

James Bela, President and Founder of Oregon Earthquake Awareness, distributed buttons, "National Earthquake Hazards Reduction Program," and Section 11, Seismic Design Criteria of ASCE 7-05 Seismic Provisions, (American Association of Civil Engineers), *Exhibit "A."* Mr. Bela requested that the Residential Structures Board not take action on approving the proposed code changes until an independent review verifying substantiating evidence demonstrating that the proposed alternate, for the purpose intended, will be at least equal in strength, durability, and seismic resistance.

III. REPORTS

(Item VII became III.A.)

III.A. Review and approval of penalty matrix for enforcement.

Laurie Skillman, Manager of Enforcement and Licensing, explained that the guidelines for civil penalties are governed by OAR 918-001-0036. Manager Skillman referred to the penalty matrix that has been approved by other program areas in her discussion. Permit violations, licensing violations, and violations of orders of corrective actions are the three types of violations on the matrix. The goal of enforcement is to bring violators into compliance.

MOTION by Scott Caufield to adopt the penalty matrix as presented.

Roll call vote taken:

Aye: DeHarpport, Bishop, Caufield, Damiano, Goodrich, Gray, Hankins, and Poole.

Nay: Miller

MOTION PASSES

III.B. Enforcement Cases – Summary of enforcement actions previously taken by the division outlined on the board report for cases III.A.1. through 2. (No board action required.)

Board members had a considerable amount of questions related to the enforcement reports. Due to those questions, Mark Long, Administrator of Building Codes Division, suggested a meeting between enforcement and board members to discuss and review process.

Question from the audience: Where does the money collected for civil penalties go for enforcement cases?

Answer: The money collected goes into the Building Codes Division fund.

III.C. Program Update.

Administrator Long publicly thanked the board, members on committees, OBOA, Office of State Fire Marshall, Department of Energy, and other stakeholders for their work on reviewing the Oregon Residential Specialty Code proposed for public hearing.

Construction Industry Policy Advisory Committee (CIPAC). CIPAC is a committee of BCD stakeholders, including industry, labor, and local government representatives. The committee provides a forum to discuss issues that affect the construction industry, and to recommend solutions to improve statewide consistency, customer service, and accountability. *Exhibit "B,"* was distributed.

The issues before CIPAC are:

- § What should the division's mission be? What should the division's emphasis be on? What is the division's relationship with other state agencies?
- § What should the division's funding structure be?
- § Organizational structure with division boards?

The group is meeting quarterly and has agreed to have answers to the questions by October 2004.

Legislative Concepts. Two legislative concepts the division is supporting.

- § Create consistent administrative provisions for all license types.
- § Create elevator inspection requirements that allow the division to focus resources on life safety issues.

Makeup of Boards and Responsibilities.

§ Building Codes Structures Board is responsible for low-rise mechanical issues until the Mechanical Board is in place.

§ The next Senate Hearing for Executive Appointments is tentatively scheduled for September 16, 2004. Nine people are scheduled to be heard. If confirmed, the first Mechanical Board meeting will occur November 3, 2004.

IV. COMMUNICATIONS

Introductions:

Betty Merrill, Manager of Building Technology at the Department of Energy, who is working with Allen Seymour.

Twyla Knowles, Policy Analyst for BCD, will be working with the division boards on code adoption, rules, and legislation.

V. APPEALS – None

(Break) (Kathleen Poole was excused from the meeting to return at a later time.)

VI. UNFINISHED BUSINESS

Board reviews recommendations of the Code Adoption Committee and Code Coordination Committee for the proposed Oregon Residential Specialty Code.

Chairman Ray Miller suggested the board first adopt the recommendations of the Code Adoption Committee and Code Coordination Committee with exceptions that the board may agree on at this meeting after hearing a brief summary of the process.

Brief summary of the process.

The code proposals were first submitted to the Code Adoption Committee for review, then the plumbing, electrical and mechanical provisions were reviewed by the Code Coordination Committee. This process was for verifying compatibility between plumbing and electrical provisions. The mechanical provisions needed to be reviewed by the Building Codes Structures Board due to the Mechanical Board not being in place. The mechanical provisions will be brought to the Building Codes Structures Board at the September meeting. The BCSB member was unable to attend the Code Coordination Committee where the reviews took place. By statute, the provisions must be reviewed before adoption.

Program Chief's input and history.

Ravi Mahajan, P.E., Facilities Engineer, and Residential Structures Program Board Secretary, summarized the review process. The committees reviewed 179 code change submittals. 90 of those submittals were recommended for approval. The committee recommended that the 47 submittals withdrawn by the proponents be disapproved. The remaining proposals are recommended for disapproval.

The Code Adoption Committee reviewed all the code change submittals and the Code Coordination Committee reviewed code change submittals related to plumbing, electrical, and mechanical code changes. The four submittals were the only submittals (ORSC-04-175 through ORSC-04-178) the two committees did not have concurrence.

Public Testimony:

Pat Bridges, Oregon Building Industry Association, submitted recommended changes to the Oregon amendments to the Oregon Residential Specialty Code.

Exhibit "C."

- § Two maps referenced in the recommendations. Current maps forwarded from the Dwelling Code for seismic design categories and wind speed to be included.
- § R303.6.1 Light activation. See correct reference E35-210.70(A)(2)(c).
- § R314.2.1.2 Standards of quality. Delete: Standards labeled as "UBC Standard" are found in Volume 3 of the Uniform Building Code 1997 editions.
- § R314.2.2 Definitions. Plastic Panels. Delete: UBC Standard 26.7. Insert: ASTM D 635.
- § R403.1.8 Foundation anchorage. Undelete the reference change: Sections R318 and R319.
- § R602.10 Wall bracing. Delete: withvin. Insert: within.

Exhibit "D," was distributed by Pat Bridges, OBIA. Mr. Bridges recommended to include R602.10.5.1 and R602.10.5.2 in packet. Furthermore "or less" be stricken in R602.10.5.1 both in the title and in the following sentence.

Exhibit "E," was distributed by Pat Bridges, OBIA. Modifications to Part IX Chapter 43 - Referenced Standards. Those references were left-out of the proposed document, although approved by committee. They are necessary to make the code complete.

James Bela, President, Oregon Earthquake Awareness, expressed his concern with the seismic safety of the dwellings being built. The time before earthquakes is the time to prepare and build buildings seismic safe. Some of the proposed code change submittals that are being recommended for disapproval were part of model code language that should be brought forward. Mr. Bela said that Oregon is the only state that is weakening the earthquake design provisions of a National Model Code.

Jack Beuschel, Studor Inc., the proponent for the air-admittance values, (ORSC-04-175 through ORSC-04-178) questioned the disapproval by the Code Coordination Committee for the four submittals.

Mr. Beuschel said that the valves have been tested in the field and have proven equivalency to open pipe-venting systems. He said that the International Plumbing Codes and the International Residential Code allows the valves.

The two performance Standards (ASSE 1050 and 1051) were revised in 2002 and have been made more stringent than the original Standards. Mr. Beuschel said that the proposed code change submittals are not to eliminate over-pipe venting, the submittals are to give industry an option. He asked that the board reconsider the decision of the Code Coordination Committee and standby the unanimous vote of the Code Adoption Committee.

Scott Caufield gave a brief overview of what occurred at the Code Coordination Committee concerning this issue. The recommendations from the Code Adoption Committee were reviewed by the Code Coordination Committee for compatibility between the electrical code and the plumbing code. After considerable discussion on the issue, the Code Coordination Committee decided to support the Oregon State Plumbing Board's recommendation to deny the air-admittance valves based on the conflict between the Low-Rise Residential Code and the Oregon Plumbing Specialty Code. The valves were found to be "not technically ready."

Terry Swisher, Chief Plumbing Inspector, stated the issue will be under discussion at the Oregon State Plumbing Board meeting scheduled August 20, 2004.

Bob Moore, City of Gresham, distributed copies of *Exhibit "F,"* a page out of the 1997 Uniform Building Code related to application for permit concerning prefabricated swimming pools. The language in the Oregon Residential Specialty Code requires a permit for a swimming pool more than two feet deep. Mr. Moore said this causes problems in local jurisdictions policing those pools. He added that the adopted language in the UBC exempts a permit for those types of pools and hot tubs. Mr. Moore said that the language, if adopted, should be the same language as in the International Building Code.

Proposal: Delete R105.2 of the IRC Item No. 7. **Insert:** Item No. 12 of the 1997 UBC.

Peggy Collins, Collins Consultant Services, brought attention to editorial changes with a technical impact in the proposed document. The rule adopting the new code has eliminated the language "Low-Rise." Section 101.1 under "Title."
Delete: "Low-Rise" in Section 101.1 under "Title" and in any other areas in the code and replace it with "Oregon Residential Specialty Code" that use the term "Low-Rise," so there is no conflict between the rule and the code.

Section R329.1 and Section R102.5 are conflicting with one-another and should be reviewed for consistency.

MOTION by Phil Damiano to delete last sentence in R102.5 and delete R329.1 in its entirety.

MOTION CARRIED UNANIMOUSLY

Code change submittals withdrawn by the proponent.

Chairman Miller explained that the procedure is to make a motion of disapproval on the withdrawn code change submittals.

MOTION by Scott Caufield to disapprove the 47 withdrawn code change submittals as listed on the summary of code changes submitted to 2003 IRC for adoption as 2005 Oregon Residential Specialty Code by the proponents.

MOTION CARRIED UNANIMOUSLY

MOTION by Phil Damiano to approve the code change submittals as listed on the summary of code changes submitted to 2003 IRC for adoption as 2005 Oregon Residential Specialty Code concurring with the Code Adoption Committee and the Code Coordination Committee's recommendation.

MOTION CARRIED UNANIMOUSLY

MOTION by Scott Caufield to approve the recommendation of the Code Adoption Committee and the Code Coordination Committee to disapprove the submittals listed on the summary of code changes submitted to 2003 IRC for adoption as 2005 Oregon Residential Specialty Code.

MOTION CARRIED UNANIMOUSLY

MOTION by David DeHarpport to approve code change submittals submitted by Jack Beuschel (ORSC-04-175, 176, 177 and ORSC-04-178) which were disapproved by the Code Coordination Committee listed on the summary of code changes submitted to 2003 IRC for adoption as 2005 Oregon Residential Specialty Code for public hearing.

There was considerable discussion on the motion.

Board members requested explanation.

Richard Baumann, Policy Analyst for the division, said that in the past the Building Codes Structures Board had the authority over the residential, plumbing, electrical, structural, and mechanical provisions of the One –and Two-Family Dwelling Code. Legislation created two new boards, the Residential Structures Board and the Mechanical Board. The Building Codes Structures Board was reformatted. In that same process, the provisions of the electrical code and plumbing code, by statute, shall be compatible with the commercial code. Each division board has the ability to review amendments to the appropriate chapters in the residential code.

To ensure compatibility, each board appointed two members to a part of the Code Coordination Committee. The prospective boards agreed to accept the recommendation from that committee.

Roll call vote taken:

Aye: DeHarpport, Bishop, Goodrich, Gray, and Hankins

Nay: Miller, Caufield, and Damiano

(Kathleen Poole was not present for this vote.)

MOTION PASSED

MOTION by Scott Caufield to accept the recommended revisions by Pat Bridges, Oregon Building Industry Association to the Oregon amendments to the Low-Rise Residential Code as stated in *Exhibit "C,"* of these minutes.

MOTION CARRIED UNANIMOUSLY

MOTION by Scott Caufield to accept the recommendation by Pat Bridges, Oregon Building Industry Association, to insert R602.10.5.1 and R602.10.5.2 and strike "or less" in title and first sentence of R602.10.5.1 language to the Oregon amendments to the Low-Rise Residential Code as stated in *Exhibit "D,"* of these minutes.

MOTION CARRIED UNANIMOUSLY

MOTION by Scott Caufield to accept the recommendation by Pat Bridges, Oregon Building Industry Association, to include the Modifications to Part IX – Referenced Standards to the Oregon amendments to the Low-Rise Residential Code as stated in *Exhibit "E,"* of these minutes.

MOTION CARRIED UNANIMOUSLY

MOTION by Kathryn Gray to accept the recommendation by Bob Moore, City of Gresham, to delete R105.2 of the IRC Item No. 7. and insert Item No. 12 of the 1997 UBC to include Barrier requirements to Appendices G are not exempt from permit requirements to the Oregon amendments to the Low-Rise Residential Code as stated in *Exhibit "F,"* of these minutes.

MOTION CARRIED UNANIMOUSLY

(Lunch Break) (Kathleen Poole was in attendance and was present for the remainder of the meeting.)

Pat Bridges, OBIA, said that there are Chapters in the Oregon Amendment that should be brought forward.

MOTION by Kathryn Gray to approve the current Oregon amendments to Appendices A through H and Appendix G and to bring them forward to the new code.

MOTION CARRIED UNANIMOUSLY

MOTION by Chairman Ray Miller to recommend approval of the proposed Oregon Residential Specialty Code as amended in this meeting 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 and forward to public hearing.

MOTION CARRIED UNANIMOUSLY

VII. NEW BUSINESS - None

XI. ADJOURNMENT

Chairman Miller adjourned the meeting at 1:15 p.m.

Respectfully submitted by, Debi Barnes-Woods
Division Boards Coordinator/Recorder

Exhibits:

- A. National Earthquake Hazards Reduction Program and Section 11 of ASCE 7-05 Seismic Provisions, **Agenda Item II.**
- B. Handout related to the work of CIPAC, **Agenda Item III.C.**
- C. List of six changes to the Oregon amendments, **Agenda Item VI.**
- D. Suggestion to delete redundant language in R602.10.5.1, **Agenda Item VI.**
- E. Modification to Part IX-Referenced Standards, **Agenda Item VI.**
- F. One page out of the 1997 UBC related to application for permit for prefabricated swimming pools, **Agenda Item VI.**

TO OBTAIN COPIES OF EXHIBITS, A PUBLIC RECORD REQUEST MUST BE COMPLETED BY CLICKING ON THE LINK PROVIDED.

<http://www.cbs.state.or.us/external/bcd/pdf/2568.pdf>