

FINAL
State of Oregon

Residential Structures Board

Regular Meeting Minutes

April 5, 2006

Members present: Ray Miller, P.E., Chairman
David DeHarpport, P.E., Vice-Chairman
Darryl Bishop
Scott Caufield
Phil Damiano
Mike Goodrich
Kathryn Gray
Douglas Lethin *(New member)*
Kathleen Poole *(arrived 9:36 a.m.)*

Members absent: None

Staff present: Mark Long, Building Codes Division Administrator
Andrea Simmons, Policy and Technical Services Manager
Twyla Knowles, Policy and Technical Services Assistant Manager
Ravi Mahajan, P.E., Board Secretary, and Code Facilities Engineer
Roseanne Nelson, Enforcement/Licensing Assistant Manager
Richard Rogers, Structural Program Chief
Mike Ewert, Mechanical/One- and Two-Family Dwelling
Code Specialist
Gary Basin, Project Manager
Debi Barnes-Woods, Division Boards Coordinator/Recorder

Guests present: Chuck Day, Adair Homes
Alan Seymour, Oregon Department of Energy (ODOE)
Patrick Bridges, Oregon Home Building Industry Association
(OHBIA)
John Caul, Deputy State Fire Marshall
Lori Graham, City of Portland
Steve Krieg, City of Woodburn
Mac Sheldon, Demilec (USA), LLC

I. Board Business

A. Call to order.

Chairman Ray Miller, P.E., called the Residential Structures Board meeting to order at 9:30 a.m. The meeting was held at the Building Codes Division, Conference Room "A," 1535 Edgewater NW, Salem, Oregon.

B. Roll call.

All members were present.

C. Approval of agenda and order of business.

Agenda Item VII., was heard before all items in Agenda Item IV.
Chairman Miller **RULED** the agenda approved as amended.

D. Approval of the October 5, 2005 board meeting draft minutes.

Chairman Miller **RULED** the October 5, 2005 board meeting minutes approved.

E. Date of the next regularly scheduled meeting.

July 12, 2006.

F. Formal farewell to Tracy Hankins.

Mr. Hankins was not present. Mark Long, BCD Administrator, shared with the board members letters of appreciation signed by him and Governor Ted Kulongoski for Tracy Hankin's service to the board and to Oregon.

G. Welcome to new board member Douglas Lethin.

Administrator Long welcomed new board member Doug Lethin. Mr. Lathin represents the remodeling segment of the construction industry and was a member in the low-rise code adoption committee during the ORSC's first adoption.

II. Public Comment - None

III. Reports

(Agenda Item III.C. was heard out of order, before A and B.)

C. Summary of enforcement actions previously taken by the division for cases 1 through 10 outlined on the enforcement board report. (No board action required.)

Assistant Manager of Enforcement/Licensing Roseanne Nelson discussed licensing issues related to the revocation of two contractors' licenses: JRT Mechanical and McGee Plumbing. The license revocations were based on the contractors' pattern of using unlicensed individuals.

Ms. Nelson explained that cease and desist orders were issued for two electrical contractors, B & B Alarms and Federal Security, Inc., for unlicensed activity and failure to obtain permits.

A. Building Codes Division Administrator's report.

Administrator Long, discussed BCD's 2005 accomplishments, *Exhibit "A,"* was distributed. The following accomplishments were highlighted:

Online services: The division has initiated several online services. The E-permitting pilot project allows contractors to apply, pay, and receive permits online. The division received a federal grant to increase existing service delivery and for planned projects, such as electronic submission of plans, tracking of inspections, and notifications.

Another Web-based pilot project allows individuals to apply and renew licenses online.

The division has also subscribed to "GovDocs," which is an electronic notification system for customers to receive automatic notification of changes to BCD's Website. To sign up, visit BCD's Website www.bcd.oregon.gov, then go to "Online Services" and select "E-mail notifications."

Consistent processes: The division has adopted statewide interpretation process, appeal process, and alternate method processes.

"Cite-it write-it:" As of January 1, 2006, all inspectors are required to cite code provisions for reinspection. A standardized checklist has been sent to all jurisdictions.

Ticket book: The division's "ticket-book" project for the electrical industry is now expanding to the plumbing industry in the Metro area.

Video/audio: The one-way audio and video system providing live streaming coverage of public meetings held at BCD is expected to be in operation soon.

Senate Bill 421: This bill authorized new positions to assist in the regional administration of the state building code. The division will be partnering with the Governor's Economic Recovery Team (ERT) and hopes to have the project up and running before the end of the year.

"Governor's directives on legislative concepts:" *Exhibit "B."* The governor issues directives for state agencies' legislative concepts each session.

Construction Claims Task Force (CCTF): *Exhibit "C."* House Bill 2078 created a task force to study the relationship between construction liability claims and construction industry practices, construction defects, consumer protection, and state mandated liability insurance requirements for contractors. (Web site: <http://egov.oregon.gov/DCBS/CCTF/>) David Deharpport is a member of the task force representing the Residential Structures Board.

The task force has identified seventeen areas of concern for further review from a list of over fifty recommendations. The task force will be reviewing and making recommendations for code changes concerning maximum moisture content in buildings, direct venting, rainscreen technology, and standards for window and siding installation. The task force is suggesting the development of a guide to interpret code language for contractors and inspectors, and is focusing on contractor technical competency standards for those working on a building envelope.

In upcoming meetings, the task force will address insurance issues, bonding amounts, mandatory warranties, and recovery funds.

B. Program update.

Gary Basin gave a brief presentation of the online permit project at the division. *Exhibit "D."* Mr. Basin said that over 50 percent of the minor labels are now purchased online. The division is working on an automatic upload of permit data so that jurisdictions will not have to input all information. The Website address is www.oregon-epermitting.info.

Currently, access to E-permitting is limited to contractors. Future projects will include access to homeowners. The division's main focus is expanding participation to more jurisdictions.

(Agenda was amended to hear Item VII. before IV. Items)

VII. New Business

Request from Mac Sheldon for statewide alternate method ruling for spray foam insulation.

Mac Sheldon, technical sales representative for Demilec (USA) LLC, made a presentation about spray foam insulation. He said that spray foam insulation is one of the best methods of stopping infiltration in homes. Infiltration is the cause of nearly all moisture problems, which can lead to mold and mildew growth.

Mr. Sheldon suggested that the board approve an alternate method for statewide use of open-cell spray foam insulation applied to the underside of the roof deck in accordance with manufacturers' recommendations, ICC-ES (and legacy) reports, and the 2006 edition of the International Residential Code.

Scott Caufield questioned the relevance of the March 2, 2005 letter by Oregon Department of Energy to the City of Bend. Mr. Caufield shared that he would like to see the product approved personally but there are certain code issues that need to be addressed such as ventilation requirements, separation of foam from other building components, etc.

Alan Seymour, representing the Department of Energy, pointed out that the Department of Energy has performed an extensive cost benefit analysis to establish the values in the energy code. It is cost effective to provide R-30 insulation and R-38 in flat ceilings. Spray foam insulation, based on the nature of the material, cannot provide the required insulation values in a cost effective manner.

Douglas Lethin was concerned with problems that could occur if the insulation were penetrated by recess lighting, bathroom venting, etc.

Chairman Ray Miller was concerned with the corrosion of the fasteners and inquired if Mr. Sheldon was asking for a code change and explained the code change submittal process.

Code Facilities Engineer and Board Secretary, Ravi Mahajan, P.E., explained that this issue would be resolved in context with R806.4 with the adoption of the 2006 IRC. Because the language is vague in the IRC, it would be necessary to go to the local building official for approval.

Chairman Miller suggested that Mr. Sheldon obtain an analysis from the Department of Energy.

Assistant Manager Tywla Knowles explained the alternate method approval process. The process was adopted in July 2005. Because this is the first attempt to use the new process, there appears to be some confusion as to whether to use the alternate method or the code change process. She said that a request like this first comes through the division's alternate method ruling process. The inquiry is routed to staff for evaluation of acceptability and then forwarded to the appropriate advisory board for scientific and technical findings.

MOTION by Chairman Miller to appoint a committee to review this issue to make a recommendation to the board because at this time, the board does not have enough scientific and technical information to make a ruling on spray foam insulation.

A discussion took place between board members and staff regarding appointing a task force to review the issue.

MOTION WITHDRAWN BY CHAIRMAN MILLER.

MOTION by Kathleen Pool that the Residential Structures Board move to obtain the scientific and technical information by appointing a task force to include individuals from the division with the first meeting in July.

Roll call vote taken:

Aye: Poole, Lethin, Gray, Goodrich, Damiano, Bishop, DeHarpport, and Miller.

Nay: Caufield.

MOTION PASSED.

Darryl Bishop, Phil Damiano, Douglas Lethin, and David DeHarpport were appointed to the task force.

(Agenda Item IV.B. heard out of order, before IV.A.)

IV. Communications

B. Oregon mechanical code adoption and amendment proposals.

Ms. Knowles distributed "The Life Cycle of a Code in Oregon," *Exhibit "E."* The board chair/vice-chair committee used the process outlined in the document to create consistent code interpretation, alternate method ruling and code adoption processes for all code programs. The code interpretation and alternate method ruling processes became effective July 1 2005. The board chair/vice-chair group and a rule advisory committee completed work on the code amendment and adoption process. The application for proposed code amendments, *Exhibit "F,"* was distributed along with Oregon's Building Codes Adoption Process Rules, *Exhibit "G."* Rules were filed effective March 1, 2006.

A. Oregon structural code adoption and amendment process.

Ms. Knowles explained that this item, as well as Agenda Item IV.B., is an announcement to stakeholders and the public that the division is accepting code proposals to the structural and mechanical code before the adoption of the ICC model codes. April 14, 2006 is the deadline for accepting code proposals to the mechanical and structural specialty codes. Mechanical and structural code committees will review the proposals and make a final recommendation to the appropriate board. In turn, the boards will make a recommendation to the administrator. Recommendations that move forward will then go through the rulemaking process.

C. Statewide interpretation for additions and alterations of existing buildings and fire-wall requirements in non-sprinklered buildings.

This item was brought to the board for informational purposes only.

D. Update on the appeal received regarding 3226 Fairway Heights D., Bend, Oregon.

This item, as well as Item E, are similar decisions made by the building official of the City of Bend. Both appeals were denied because the individual who filed the appeals was not an "aggrieved" party.

E. Update on the appeal received regarding 2108 NW Twilight Dr., Bend, Oregon.

Discussed under Agenda Item IV.D.

F. Update on the appeal received regarding 91569 George Hill Rd., Astoria, Oregon.

The division agreed with the individual who filed the appeal in Clatsop County and overturned the building official's decision.

V. Appeals – None

VI. Unfinished Business – None

XI. Adjournement

Chairman Ray Miller adjourned the meeting at 10:50 a.m.

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

Exhibits:

- A. BCD's 2005 accomplishments, *Agenda Item III.A., page 2.*

- B. "Governor's Directives on Legislative Concepts," *Agenda Item III.A., page 3.*
- C. Document explaining the creation of the CCTF, *Agenda Item III.A., page 3.*
- D. Document explaining the online permit project, *Agenda Item III.B., page 4.*
- E. "The Life of a Code in Oregon," *Agenda Item IV.B., page 5.*
- F. Document explaining the code amendment and adoption process, *Agenda Item IV.B., page 5.*
- G. Oregon's building codes adoption process rules, *Agenda Item IV.B., page 5.*

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