

**State of Oregon  
Final**

<b>Agenda Item I.D.</b>
---------------------------------

**Residential Structures Board**

**Rescheduled board meeting minutes**

**December 11, 2007**

- Members present:** Ray Miller, Chairman  
David DeHarpport, Vice-chair  
Scott Caufield  
Phil Damiano  
Mike Goodrich  
Douglas Lethin
- Members absent:** Darryl Bishop  
Kathryn Gray
- Staff present:** Mark Long, building codes division administrator  
Andrea Simmons, policy and technical services manager  
Richard Rogers, structural program chief  
Richard Blackwell, policy analyst  
Dennis Clements, chief electrical inspector  
Terry Swisher, chief plumbing inspector  
Kaylan McAllaster, boards coordinator  
Shauna Parker, rules coordinator
- Guests present:** Patrick Bridges, Oregon Home Builders Association (OHBA)  
Eric McMullen, Oregon Fire Marshal's Association  
Darrell D. George, City of Portland  
Phil Sample, Oregon Fire Chiefs  
Ray Bizal, National Fire Protection Association (NFPA)  
Genoa Ingram, Oregon Fire District Directors Association  
Alan Seymour, Oregon Department of Energy (ODOE)  
John Caul, Deputy State Fire Marshal  
Pat Carroll, Office of State Fire Marshal  
Tari Glocar, Office of State Fire Marshal  
Donna Disch, Office of State Fire Marshal  
Brady Peeks, Oregon Department of Energy  
Earl Diment, Portland Fire and Rescue  
Jonathan Graves, Industrial Training Unlimited (ITU)

**I. Board business**

**A. Call to order**

Chair Ray Miller 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 Street NW, Salem, Oregon.

**B. Roll call**

Darryl Bishop is absent, excused. Kathryn Gray is absent, excused.

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

The agenda was amended to move agenda item VII, New Business, to be heard after agenda item II, Public Comment.

Chair Miller **RULED** the agenda and order of business approved as amended.

**D. Approval of the October 3, 2007 board meeting minutes**

Phil Damiano noted a typo on page 2; Mr. Beeks should be changed to Mr. Peek.

Chair Miller **RULED** the minutes of October 3, 2007 approved as amended.

**E. Date of the next meeting**

January 9, 2008

**II. Public comment - None**

*(Agenda heard out of order)*

*(Break to clear the room for Executive Session)*

**VII. New business**

- A. Executive Session to consult with legal counsel regarding current litigation and/or consider records exempt from public inspection, under the Public Records Law, ORS 192.660(2)(f)**

*(Break to allow audience to be seated)*

Chair Miller brings the board back to order.

**A1. Review proposed scientific and technical findings for a proposed alternate method ruling relating to air admittance valves**

Mark Long, Building Codes Division Administrator, explained to the board that the division needs some decisions from the board based upon items in the scientific and technical finding documents provided to the board relating to air admittance valves (AAVs). Specifically, the division needs action on item [A.1](#) and needs advice on item [A.2](#).

**Motion by David DeHarpport** that the Residential Structures Board approved A.1 of agenda item VII.A.1, as technical and scientific facts for the residential structures as related to alternate methods of approval, as submitted.

**Motion carried unanimously.**

Mark Long discussed the A.2 document and explained that these provisions are new for Oregon, and although the document is not the final product, it gives a sense of the scope of the issue. He stated that the division would appreciate feedback from the board on this topic.

The board reviewed and discussed the ventilation issues surrounding limiting the number of AAVs.

David DeHarpport recommended that the board consider making the provisions for manufactured homes the same as for the residential use.

Scott Caufield mentioned, and the board agreed, that limiting the numbers of air admittance valves allowed is a positive thing, however the division may want to consider increasing the allowed number of AAVs in exceptional circumstances.

*(Agenda back in order)*

### **III. Reports**

#### **A. Building Codes Division administrator's report**

Mark Long, Building Codes Division Administrator, delivered an update to the board and reviewed contents of the [BCD Update](#) packet:

**E-Permitting:** The division is in the process of finalizing contracts for the program and will shortly be entering into the development phase of the project. The division is looking for jurisdictions to help develop the product, which will be designed to make information easily accessible electronically, and will allow for the electronic submission of plans, purchasing of permits, and scheduling inspections.

**Quick Permits:** The quick permits pilot program is expanding. Twenty jurisdictions are now included in the program and the division is working on getting all jurisdictions on board. The program has become very successful, it is low cost, and seems to work well for all involved. The division is also considering expanding the services that are available for mechanical, electrical and plumbing permits in this program.

Administrator Long provided a [reminder](#) about the surcharge on all permit fees which goes into effect on January 1, 2008, the result of HB 2405 (2007).

The packet also included a [schedule](#) for all meetings of BCD's advisory boards for 2008.

**Summary of Rulemaking Activities:** After each legislative session, the division focuses on implementing legislation. Accordingly, the division has prioritized bills passed during the 2007 session, which require rulemaking to implement, focusing on any bill with an emergency clause or those with an effective date of January 1, 2008. At the same time, the division has also been working on code adoptions.

**Senate Bill 192 (2007):** This bill was an agency bill designed to expand the tools available to the agency in its enforcement efforts. The division continues its efforts to bridge the licensing actions gap between the Construction Contractors Board and Building Codes Division. SB 192 allows for reciprocal enforcement action between the two organizations.

As a result of SB 192, the division received the authority to review construction issues that merit taking action against a licensee. SB 192 further granted the division the authority to review the actions of other states against a licensee, and to take action in Oregon as appropriate.

Additionally, the division was granted the ability to review the history of business owners and operators.

**Residential Code Adoption:** The division will be talking with interested parties about the extensive process surrounding the adoption of the residential code and the possibility of streamlining the process to make it more efficient.

**Minor Label Program:** Minor labels are now available online; where contractors can purchase in advance from the division electrical and plumbing permits that are used statewide for minor work. Additionally, the reporting information is now done electronically. This program went live about two weeks ago and the tools should be available to local jurisdictions and contractors.

**Regional Program:** The regional program's goal is to have liaisons located in five key regions throughout the state. The division is still recruiting and hiring regional coordinators. Additionally, David Galati has been hired as the manager of this section. Mr. Galati comes from the Mid-Willamette Valley Council of Governments and has worked in the area for many years, in city, local and tribal governments.

**Sustainability:** Sustainable construction practices and green building development as they relate to the adoption of the state building code adoption and local administration have been a topic of discussion recently. The division is participating in these discussions, as upcoming proposals and potential statutory changes may occur by interested parties in the 2008 or 2009 legislative sessions.

#### **B. Program update**

Richard Rogers, Structural Program Chief, provided an update on the adoption of the Oregon Residential Specialty Code mechanical and structural provisions, which had a rulemaking hearing on November 19, 2007. He stated that the hearing officer's report included oral and written testimony provided for the public record, including suggestions to make additional changes to the docket approved by the board for public hearing.

*(The board took a ten minute break. Board member attendance does not change on reconvening)*

**Motion by Chair Miller** to amend the agenda to move agenda item VI.C forward, in order to hear public comment on the topic.

**Motion carries unanimously.**

*(Agenda heard out of order)*

**VI.C. Review and recommend proposal for future discussion on Residential Fire Sprinklers**

Andrea Simmons, Policy & Technical Services Manager, noted that the board requested the Oregon Home Builders Association and representatives of the fire service to discuss the possible inclusion of Appendix P (residential fire sprinklers) of the International Residential Code into the Oregon Residential Specialty Code. As a result, the board has two recommendations before them. She further explained the next step in the process would be for the board to provide input to the division and forward one or both proposals to a public process.

**Pat Bridges, Director of Technology and Codes, Oregon Home Builders Association (OHBA):** Mr. Bridges provided a [summary of the process](#) used by the OHBA and fire services to review the development of an Appendix P residential fire sprinkler proposal. Mr. Bridges stated it is essential that the board take action on the residential code review committee recommendations – specifically the two proposals on which the board has not taken action. Mr. Bridges noted the code review committee’s recommendation was to approve the OHBA proposal *not* to adopt Appendix P. He further stated that the committee advised the board that the fire sprinkler issue should be dealt with in the next mid-cycle amendment process.

Mr. Bridges discussed the two outstanding issues between the homebuilders and the fire services. The most significant issue, he stated, is over the scoping provisions. Additionally, Mr. Bridges pointed out that there was a difference of opinion on the application of the appendix as well as where fire sprinklers are required. Mr. Bridges stated that an important clarification must be made stating that any future modifications made to Appendix P must be made through the residential code adoption process since the fire code is adopted separately.

Mr. Bridges further stated the importance to the industry of the tradeoffs suggested by the homebuilders and states they need to be included in the final product. In closing, Mr. Bridges requested that the board clarify, for this process, the two outstanding code change items from the review committee’s recommendation and that the board approve the OHBA proposal to send out to public hearing.

**Eric McMullen, Oregon Fire Marshall’s Association (OFMA):** Mr. McMullen also explained the process of the discussions between the homebuilders and the fire service. Mr. McMullen encouraged the board to reach a conclusion about which proposal to take to the public meeting. Mr. McMullen clarified that the scope is very significant to the fire service, although their position is different from that of homebuilders.

Mr. McMullen described the differences relating to the OHBA tradeoffs –e.g., that subdivisions approved five years after the division adopts the appendix would be subject to residential fire sprinkler provisions. Additionally, Mr. McMullen addressed a [national proposal](#) brought forth by the fire service to amend the International Residential Code relating to infill lots. Mr. McMullen explained that the proposal, however, is not a part of the recommendation packet presented today.

Mr. McMullen gave an example of an [original Metro urban growth boundary](#) and discussed why the fire service is opposed to the homebuilders urban growth boundary scope language, which would limit the applicability and use of the appendix. He further provided a [buildable lands inventory](#) map to illustrate the areas that would not be subject to residential fire sprinkler requirements under the homebuilders' proposal.

Mr. McMullen also discussed the fire service's position on sprinkler coverage, exempting urban wildland areas on the single access requirement, and the fee language provisions. Additionally, Mr. McMullen explained that the fire service believes the access and water supply code language should be inserted into the fire code, with a reference placed in the residential code. The fire service, Mr. McMullen stated, agrees that both smoke alarms and sprinklers are necessary, as they serve different functions. Mr. Mullen further explained that the fire service feels both arc-fault circuit interrupters and ground-fault circuit interrupters are necessary.

**Ray Bizal, Western Regional Manger, National Fire Protection Association (NFPA):** Mr. Bizal referred to a [letter](#) submitted to Chair Miller on December 7, 2007 regarding the NFPA's support of residential fire sprinklers. Mr. Bizal stated that NFPA supports the fire services' recommendation, because it is closest to the national standard and is known to be reliable. Mr. Bizal discussed the positions of the NFPA outlined in the letter, including applicability to one-and two- family dwellings, smoke detectors, and arc-fault protection.

Chair Miller asked for a response and discussion from the board.

**Phil Damiano asked Pat Bridges, OHBA,** the reasoning behind their position on the smoke alarm tradeoff.

**Pat Bridges, OHBA,** stated the topic was discussed within the homebuilders' and fire services' discussion surrounding disconnecting the interconnection between the bedroom and the smoke alarms within the remaining structure. That position was rejected by the fire service but the OHBA did not reach a conclusion and left that provision in their proposal.

Chair Miller reviewed the division's staff recommendation including three alternatives listed in the agenda item [VLC](#) memo.

Vice-Chair David DeHarpport suggested that the board pick one proposal and move forward, as both parties agreed that would be the best course of action for the board to take. Vice-Chair DeHarpport also made some comments regarding the scoping issue, particularly the urban growth boundary issue and the maps provided by the fire service, as well as smoke alarms, and arc-fault provisions.

Mark Long, Building Codes Division Administrator, clarified that Appendix P will be a separate public process from the residential code adoption process.

**Pat Bridges, OHBA**, noted that the two code change proposals, #52 and #53, were removed from the consent calendar and no other action was taken.

Administrator Long further explained the division is looking for feedback on this topic and hopes to have a policy developed related to these issues implemented by of July 1, 2008.

Vice Chair David DeHarpport requested a motion to clarify the intent of the board with regards to the review committee's recommendations on code change proposals #52 and #53.

**Motion by Douglas Lethin** to rescind previous motion to table code change proposals #52 and #53 so the board can take action.

**Motion carried unanimously**

**Motion by David DeHarpport** to deny code change proposals #52 & #53 with the reason of forwarding the issue to another public process

**Motion carried unanimously**

**Motion by Mike Goodrich** to forward the OHBA proposal presented today to that public process. Exclude smoke alarms from OHBA proposal.

**Motion amended by Phil Damiano** to include smoke alarms in the final proposal.

**Amendment accepted by Mike Goodrich**

**Motion amended by David DeHarpport** to include arc-fault circuit interrupters, as current code requires, in the final proposal. Exclude arc-fault circuit interrupters from OHBA proposal.

**Amendment accepted by Mike Goodrich**

*Vote 5 – 1; No- Caufield*

**Motion carried**

Manager Simmons explained the board's recommendations will now be forwarded to a public process.

*(The board took a lunch break. Board member attendance does not change on reconvening)*

*(Agenda back in order)*

**IV. Communications** - None

**V. Appeals** – None

**VI. Unfinished business**

**A. Review and approve committee's recommendation for the low-rise electrical provisions of the 2008 ORSC for rulemaking and subsequent adoption**

Andrea Simmons, Policy and Technical Services Manager, discussed the documents provided for the board to review the Electrical Code Review Committee's recommendations pertaining to the electrical provisions of the 2008 Oregon Residential Specialty Code:

- [Matrix](#): A document which identifies Oregon amendments, code changes, proposals, and action taken by the committee.
- National Model Code: the 2008 National Electrical Code (NEC) Codebook
- [Committee approved code language](#)
- [Draft Oregon administrative rules](#): The rule should match the colored technical provisions document, since the electrical code change is done through the administrative rule process.

Manager Simmons explained that the division would like the board's approval to go to rulemaking and subsequent adoption, unless substantive changes need to be made.

Dennis Clements, Chief Electrical Inspector, explained that the electrical code does not clearly divide the commercial and residential provisions, so the documents include both. He reviewed the proposed code changes on a page-by-page basis to discuss the low-rise electrical proposed changes recommended by the Electrical Code Review Committee. Chief Clements also explained to the board the difference between an arc-fault circuit interrupter (AFCI) and a ground-fault circuit interrupter (GFCI). Additional [handouts](#) distributed.

Ray Bizal, Western Regional Manger, National Fire Protection Association, stated that if Oregon would like NFPA to publish an Oregon-specific National Electrical Code with the Oregon amendments incorporated into the document. They would be happy to do that. Mr. Bizal distributed the [fact sheet](#) regarding AFCIs and tamper-resistant receptacles, stating that he supports their use to prevent fires, as arcing is a serious problem, and the use of AFCIs will alleviate this. He also stated that he would like to stay with 2008 NEC language and expand it further.

Manager Simmons informed the board of three items that were of concern at the December 6, 2007 Electrical and Elevator Board meeting. These topics were the AFCI, GFCI, and selective coordination requirements and each will have an additional public comment hearing at the Electrical Code Review Committee on January 10, 2008 at 9:30 a.m.

Chief Clements discussed why he believed the committee chose to stay with the 2005 NEC model code language rather than adopting the 2008 NEC.

Manager Simmons further explained other possible reasons for the committee's decision. She stated that the Electrical and Elevator Board reviewed the rulemaking provisions for commercial applications and made a modification to unfinished basements and crawlspaces. Manager Simmons clarified that in this case, the Electrical and Elevator Board wanted to take action, and the board made the change that is reflected in the late submission, not the electrical code review committee.

Chair Miller requested a motion from the board.

**Motion by Mike Goodrich** to approve the electrical provisions of the ORSC for rulemaking and subsequent action, with the inclusion of the late submission.

**Motion carried unanimously**

**B. Review and approve committee's recommendation for the low-rise plumbing provisions of the 2008 ORSC for rulemaking and subsequent adoption**

Andrea Simmons, Policy and Technical Services Manager, explained the board's role in reviewing low-rise plumbing provisions; because the low-rise code contains cross-references to the Oregon Plumbing Specialty Code provisions, the board has the provisions for review. Manager Simmons further discussed the documents submitted to the board in order to review the plumbing provisions of the Oregon Residential Specialty Code:

- [Matrix](#), document which identifies Oregon amendments, code changes, proposals, and action taken by the committee
- [Committee approved code language](#)

Manager Simmons noted that the Plumbing Board met on Friday, December 7, 2007 and made some changes relating to waterless urinals. The Plumbing Board referred the changes back to the committee, as there may be some potential conflicts between the residential and plumbing boards.

Terry Swisher, Chief Plumbing Inspector, explained that the Oregon Residential Specialty Code language contains different provisions than the Oregon Plumbing Specialty Code. He reviewed the matrix document on a page-by-page basis to review and compare the proposed changes of the Plumbing Board and committee with current residential code language. Chief Swisher explained that the colored matrix addresses much of the changes in good detail for the committee's review.

Chief Swisher further clarified that the proposed [tankless water heater provisions](#) only applied when the tankless unit heated water instantaneously; otherwise, it will be regulated as a boiler.

**Motion by Scott Caufield** to approve the recommendations of the committee, and adding an exception in 507.2 that would exempt water heaters in residential structures in category C, strapping requirements; further adding an exception to 408.6 that reduces the clearance in front of bidets and water closets to 21 inches; further adding the ability to avoid potential conflicts; and adding cost finding provisions stating "if any is necessary to the health and safety of the public or necessary to conserve scarce resources."

**Motion carried unanimously**

Manager Simmons explained the next process steps: the hearing will occur January 15, 2008 and written comments will be accepted until Friday, January 18, 2008.

## **VIII. Announcements - None**

## **IX. Adjournment**

Chair Ray Miller adjourned the board meeting at 2:05 p.m.

Respectfully submitted by,

Shauna Parker  
Rules Coordinator