

**State of Oregon**

**Residential Structures Board**

**Regular Meeting Minutes**

**August 8, 2006**

**Members present:** Ray Miller, S.E., P.E., Chairman  
David DeHarpport, P.E., Vice-Chairman  
Scott Caufield  
Phil Damiano  
Mike Goodrich  
Kathryn Gray  
Douglas Lethin  
Kathleen Poole

**Members absent:** Darryl Bishop

**Staff present:** Andrea Simmons, Policy and Technical Services Manager  
Richard Rogers, Structural Program Chief  
Ravi Mahajan, P.E., Board Secretary, and Code Facilities Engineer  
Micheal Ewert, Mechanical/Residential Code Specialist  
Roseanne Nelson, Enforcement/Licensing Assistant Manager  
Debi Barnes-Woods, Division Boards Coordinator/Recorder

**Guests present:** Alan Seymour, Oregon Department of Energy (ODOE)  
Patrick Bridges, Oregon Home Building Industry  
Association (OHBIA)  
Lori Graham, City of Portland  
Jay Winchester, Washington County

**I. Board Business**

**A. Call to order.**

Chairman Miller, called the Residential 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.**

Darryl Bishop was absent, excused.

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

Chairman Miller **RULED** the agenda approved as submitted.

**D. Approval of the April 5, 2006 board meeting draft minutes.**

Corrections to the minutes were as follows:

- Page 2, Agenda Item I.G, delete Lathin and insert Lethin.
- Page 4, Agenda Item VII, fourth paragraph delete installation and insert insulation.

Chairman Miller **RULED** the April 5, 2006 board meeting minutes approved as amended.

- E. Date of the next regularly scheduled meeting.**  
October 4, 2006.

**II. Public Comment** - None

**III. Reports**

**A. Building Codes Division Administrator's report.**

Policy and Technical Services Manager Andrea Simmons gave the division's updates by referring to a packet of information, *Exhibit "A."* The packet contains the following items:

**BCD's organizational chart:** Last legislative session the division obtained the authority through Senate Bill 421 to create a regional program. The program is listed in the division's organizational chart under "Statewide Building Services." Manager Simmons introduced Michael Morter, who was recently hired as the new regional coordinator for the Willamette Valley area.

**Contact information:** The division has recently developed an employee contact sheet to distribute at industry meetings and division board meetings detailing whom to contact for specific program-related questions.

**Summary of rulemaking:** The division recently created a consistent process for adopting specialty codes in each program area. The 2007 Oregon Structural Specialty Code and the 2007 Oregon Mechanical Specialty Codes are expected to be effective April 1, 2007. Other rulemaking activities may include electrical conflict of interest rules. The Residential Structures Board may be involved in creating conflict of interest standards for inspectors if stakeholders and industry come to a consensus.

**Definition of "Immediate Family":** Manager Simmons explained proposed draft rules that focus on changes to the law consistent with *Tanner v. OHSU* decision. The Attorney General's office is asking that the definition of "Immediate Family" be modified to include domestic partner to meet those requirements.

**Proposed legislation:** The division submitted four legislative concepts this biennium. The first concept builds on work achieved with HB 2181, which created standard administrative procedures for boiler, electrical, elevator and plumbing licensing without changing the scope of the licenses.

For updated information visit BCD's Web site:

[http://www.bcd.oregon.gov/notices/Hearings/HB2181\\_Licensing\\_Concepts\\_062006.pdf](http://www.bcd.oregon.gov/notices/Hearings/HB2181_Licensing_Concepts_062006.pdf).

The second concept would provide the division the ability to suspend a person's license for egregious violations before a hearing. The last two legislative concepts are placeholders for possible changes to the boiler program and the Construction Claims Task Force.

**E-permitting:** The division has hired Willamette Consulting Inc./Eclipse Solutions to help research options for a statewide interoperable e-permitting system. BCD developed a Web site to include project updates and contact information: [www.Oregon-epermitting.info](http://www.Oregon-epermitting.info).

Currently seven jurisdictions in the Metro area are participating in the E-permitting Pilot Program. The division is beginning to receive interest from additional jurisdictions wishing to participate in the program. The Web site address is [BuildingPermits.Oregon.gov](http://BuildingPermits.Oregon.gov).

**Construction Claims Task Force (CCTF):** The division developed a document, "A Framework for Change" that categorizes the concepts and recommendations that have been discussed at the task force meetings. For more information concerning a summary of the current status of each concept visit BCD's Web site: <http://egov.oregon.gov/DCBS/CCTF/>.

**Air Admittance valves:** Manager Simmons updated the board on the court proceedings to date. During the 2004 residential code adoption Studor Inc. requested that the Residential Structures Board approve the use of air admittance valves in commercial and residential plumbing applications. Since this device is classified as a plumbing product, the State Plumbing Board needed to approve the product. The State Plumbing Board did not approve the use of air admittance valves, which led to the current litigation. The issue was heard before the trial court, which remanded the issue back to the specific boards. The trial court further asked the State Plumbing Board to make specific findings as to why they denied the request. The issue is now in the court of appeals. The appeal process could take from 6 to 9 months.

**B. Summary of enforcement actions previously taken by the division for cases 1 through 6 outlined on the enforcement board report. (No board action required.)**

**C. Program update.**

Facilities Engineer Mahajan updated the board on the status of the spray foam insulation issue that was brought to this board at its last meeting. The requestor asked for early adoption of a provision of the 2006 IRC in Oregon. The board had appointed a work group to start meeting in July, 2006 to obtain the scientific and technical findings related to the request. Since this board's last meeting, Mr. Mac Sheldon, Technical Sales Representative for Demilec (USA) LLC, had a meeting with BCD staff and a board member. Mr. Sheldon decided in that meeting to meet

with Oregon Department of Energy and Oregon Building Officials Association to determine their positions on his request. Mr. Sheldon has since met with the Department of Energy and a few related issues were identified in that meeting, which Mr. Sheldon needed to address before proceeding with his request. Mr. Sheldon has yet to meet with the Oregon Building Official Association (OBOA) representatives.

#### **IV. Communications**

##### **BCD's new employees.**

- Michael Morter, regional coordinator, hired to work in the Willamette Valley area in the new statewide building services section.
- Martin Pittioni, enforcement and licensing manager.

#### **V. Appeals – None**

#### **VI. Unfinished Business – None**

#### **VII. New Business**

##### **Board review of a proposal to relocate portions of Oregon Residential Specialty Code into the Oregon Structural Specialty Code.**

Structural Program Chief Richard Rogers stated that the current residential code includes an Appendix Chapter 'N' that regulates certain types of low-rise apartment structures – an Oregon specific item not found in the IRC model code. Because low-rise apartments are not covered under the provisions of the IRC but are covered under the International Building Code, Appendix 'N' will be moved to the OSSC without technical changes. This will promote consistency among the various codes by allowing the administrator to take steps to align Oregon's specialty codes with the national model codes upon which Oregon's codes are based. Chief Rogers, further clarified that the authority to adopt, amend or delete any provisions of the Appendix Chapter 'N' would continue to vest with this board.

Lori Graham, working with the division, developed the documents to transition from the ORSC to OSSC and cross-references to other chapters in OSSC for Appendix 'N.' She thoroughly reviewed areas in definitions and construction. Vice-chair DeHarpport asked if proposals for the structural specialty code, which relate to Appendix 'N,' were presented during the code adoption process in the future, would the items first come through the Residential Structural Board for review.

Structural Program Chief Richard Rogers said that the Residential Structures Board does not have jurisdiction either over the Oregon Structural Specialty Code itself. However, if structural specialty code provisions are changed through the model code change process or the Oregon process, the board may change the reference in Appendix 'N' to avoid unintended consequences.

Patrick Bridges, Director of Technology and Codes for the Oregon Home Builders Association (OHBA) stated that OHBA is in full support of relocating Appendix 'N' to the Oregon Structural Specialty Code with some editorial changes already discussed with the division.

**MOTION by Vice-chair DeHarpport** to support or approve the relocation of Appendix 'N' to the Oregon Structural Specialty Code.  
**MOTION CARRIED UNANIMOUSLY.**

**VIII. Announcements**

- The Residential Structural Code Forum will meet Tuesday, December 5, 2006, 4:00 p.m., State Office Building, 800 NE Oregon Street, Portland, Oregon, Room 120C.

**XI. Adjournement**

Chairman Ray Miller adjourned the meeting at 10:30 a.m.

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

*Exhibits:*

Packet of information containing BCD updates, *Agenda Item III.A., page 2.*