

**State of Oregon**

**BUILDING CODES STRUCTURES BOARD**

**Meeting Minutes**

**December 1, 1999**

**MEMBERS PRESENT:** Ted Argo, Vice-Chairman  
*Public Hearing*  
*and*  
*Regular Meeting* James Andrews  
Michael Broomfield  
James Coughlin  
James Griffith  
Sandra Hart  
Wendie Kellington  
Dan Kovtynovich  
Merilyn Reeves  
Richard Rogers  
James Schwager  
David Walter

**MEMBERS ABSENT:** Don Guthrie - Excused  
George McCart - Excused  
Jack Talbott - Excused

**STAFF PRESENT:** Ravindra Mahajan, Facilities Engineer and Board Secretary  
Micheal Ewert, Code Specialist  
Rebai Tamerhoulet, Plans Examiner  
Mark Long, Manager, Policy and Technical Services Section  
Andrea Simmons, Hearings Officer  
Peggy Collins, Building Official-BCD  
Brad Morris, Chief Compliance Officer  
Louann Rahmig, Rules Coordinator  
Marilyn Benton, Boards Coordinator/Recorder

**GUESTS PRESENT:** Larry Westling, Northwest Natural  
*Public Hearing* Roger Severson, Office of State Fire Marshal  
David Jones, Office of State Fire Marshal  
Pat Bridges, Oregon Building Industry Association (OBIA)  
Bill Prindle, AIA, Hellmuth Obata Kassabaum, Inc. ("HOK"),  
for Department of Corrections  
Jay Winchester, Washington County  
Nate Brown, City of Salem  
Kermit Robinson, City of Portland and  
Oregon Building Officials Association (OBOA)

James Bela, Oregon Earthquake Awareness  
Jeff Maddox, RJA, Inc.

**GUESTS PRESENT:** James Bela, Oregon Earthquake Awareness  
*Regular Meeting* Larry Westling, Northwest Natural  
Nate Brown, City of Salem  
Jay Winchester, Washington County

*Vice-Chairman Argo officiated over the hearing in the absence of Chairman Talbott. Before the hearing began, he introduced new board member Wendie Kellington who was appointed to serve in the "public member" position.*

## I PUBLIC HEARING

### **Permanent Rule Adoption of New Appendix Chapter 3, Division I, Detention and Correctional Facilities.**

The division recommends approval of the amendments to clarify code.

Peggy Collins represented the division. She emphasized that all amendments are editorial and explained amendments not included in the packet:

#### **316.1 General**

"Where security operations necessitate the locking of required means of egress, as allowed in Occupancy Conditions 2, 3, 4 and 5, provisions shall be made for the release of occupants at all times."

#### **SECTION 321 - SUBDIVISION OF RESIDENT HOUSING AREAS**

"Group I, Division 3, Occupancy Condition 5 sleeping areas and any contiguous day rooms, group activity space or other common spaces where residents are housed shall be separated from other spaces in accordance with Section 321.1 through 321.1.2."

"321.1.1 Smoke-tight doors. Doors in openings in partitions required to be smoke tight shall be a 1-3/4-inch (45 mm) solid wood doors or security grade metal doors. Gaskets, latches and door closers are not required on cell doors."

"323.2 Design and Installation. Doors. In lieu of the sizes set forth in Section 713.7, The size and area of glazed assemblies shall be permitted as follows when quick-response sprinklers are provided on both sides of the glazing, designed to wet the entire glazed surface."

### 317.2 Lock release.

...  
"Exceptions: *(Renumber the first exception as No. 1.)*

Add a second exception:

"2. Occupancy Condition 5 may have manual locks without remote release as provided in Section 314.4."

**Jeff Maddox, RJA, Inc.**, said that the intent of these code changes is to address the cost of prison construction. Federal prisons are built with similar provisions. They are constructed at a much reduced cost compared with prisons built under the current Uniform Building Code, not only in initial construction but in staff costs. Fewer personnel are required using this design. He added that the BOCA code has similar provisions.

Jim Andrews emphasized that fire and life safety are the first concerns. Cost savings driving this particular construction must be justified. **Mr. Maddox** said great pains have been taken to make certain that safety issues are addressed. Buildings are intended to stand up to allow time for egress, whatever the type of construction. This code change addresses the life safety aspect significantly. Sprinkler systems play a very large role in fire protection under these new provisions. The proposal allows significant cost savings in two areas: (1) The ability to build with a lesser construction type; and (2) reduction in manpower costs; not building maintenance costs.

**Bill Prindle, AIA, Hellmuth Obata Kassabaum, Inc. ("HOK"), consultant to the Department of Corrections**, explained that the impetus for putting this package together came out of the Secretary of State's audit comparing costs of prison construction in Oregon with prison construction costs in other states. The bulk of the lower costs in other states was due to the fact that they allowed the type of construction identified in this code. The International Building Code (IBC) relies heavily on NFPA 101, BOCA, Southern Building Code (SBCCI), and others. The intent is to align with the IBC, which allows this type of prison construction, and reflects what other states are able to do. Obviously, a maximum security prison would not be built of wood construction. The level of security determines the type of prison construction. Greater use of pre-engineered metal buildings and other types of construction would accommodate low and medium security inmates. The state is paying a premium using Type I construction.

The present code allows 35 inmates in one housing unit. Under the new provisions, the code would allow housing of 50 to 80 people in a minimum security wood frame dormitory with one corrections officer. The staffing cost is halved. The initial building cost savings of a lesser type construction at the Two Rivers site was between \$1 million and \$2 million. Fire protection is maintained by features other than

building construction, such as fire alarm systems, smoke barriers and lock release provisions. There are requirements to address the safety of persons with disabilities and the aging population in prison facilities. **Mr. Prindle** stressed that the security level will define the building type.

Peggy Collins explained that I-4 Occupancy in the previous code was an intermediate-occupancy Oregon amendment between I-3 (jail) and R-1 (apartment building). It allowed a reduction in I-3 requirements for lower security facilities. State building code provisions apply statewide to local jails as well as state prisons. Local jurisdictions assess their security needs and decide the type of facility they require. Federal prisons are exempt from regulation by local building departments. The code requires smoke separation. The code provisions of Chapter 11 for accessibility for persons with disabilities apply.

Vice-Chairman Argo commented that this code protects the life safety of occupants and has no provisions for addressing security issues. **Mr. Maddox** feels that these provisions increase the level of life safety protection.

Mike Broomfield commented on bracing in seismic zones and the increased occupancy allowed in a facility. He sees potential problems in seismically activated systems that augment egress. Ms. Collins advised that exiting and seismic provisions of the code apply. These systems will be designed to withstand seismic loads just as in any other occupancy category.

**Mr. Prindle** remarked that there are wood frame minimum security buildings in Oregon. Nothing in existing code identifies any level of security for I-3 Occupancy. He added that a more secure wall could be built with wood frame plywood construction than with unreinforced masonry blocks. The building industry uses American Society of Testing Materials (ASTM) standards.

**Jim Bela, Oregon Earthquake Awareness**, said he appreciates cost reduction, but is concerned about earthquake issues. He asked that thought be given to security issues, emergency planning and backup systems, particularly during an earthquake. Water and power must be available for security/fire protection systems to work. Ceilings are flexible and sprinklers may fall or be sheared and fire doors may not open.

**Kermit Robinson, Structural Code Committee Chairman**, advised that the code incorporates nationally-recognized standards proved successful across the United States. The Structural Code Committee worked with the affected parties to develop the proposed code and strongly supports approval.

Jim Schwager asked for clarifying language in 322.2 Fire Alarm. He asked whether or not there would be: (1) audible alarms, (2) visual alarms, and (3) an alarm only at the guard station/security point. The code requirements for fire alarm systems apply.

Vice-Chairman Argo requested that staff prepare these provisions in final form for the work session portion of the January 5, 2000, meeting. The hearing was adjourned at 10:30 a.m. The last date for submission of written comment is December 8, 1999.

## **II BOARD BUSINESS**

### **II.A Call to Order**

Vice-Chairman Argo called the Building Codes Structures Board to order at 10:45 a.m. The meeting was held at the Building Codes Division, 1535 Edgewater NW, Salem, Oregon.

### **II.B Roll Call**

Don Guthrie, George McCart and Jack Talbott were absent (all excused).

### **II.C Approval of Agenda and Order of Business**

Vice-Chairman Argo **RULED** the agenda approved as mailed.

### **II.D Approval of the November 3, 1999, Minutes**

Verbatim - page 12 - bottom: Marilyn Reeves advised that in Chairman Talbott's statement, "I've read every page of this," he was referring to Corvallis hearing material being shown to him by the testifier.

Verbatim - Agenda Item VI.B - Appeal 99-3: Marilyn Reeves requested the exact form of the decision. Copies of the "Notice of Disposition, Findings of Fact, Conclusions of Law and Final Decision," prepared by staff after the meeting, will be distributed to board members and attached to the permanent November 3, 1999, minutes.

*Recorder will attach copies of decisions in Appeals 99-2 and 99-3 to the November 3, 1999, minutes.*

**MOTION** by David Walter to approve minutes as amended.  
**MOTION CARRIED UNANIMOUSLY.**

## **II.E Date of the Next Regularly Scheduled Meeting**

January 5, 2000

## **III PUBLIC COMMENT**

**James Bela, Oregon Earthquake Awareness**, referred to a video, "Stand up to the Quake: Get Your Home in Shape," available through the Association of Bay Area Governments ([www.abag.ca.gov](http://www.abag.ca.gov)). It demonstrates how homeowners can seismically improve their residences. The video was shown after adjournment.

Mr. Bela showed board members a copy of the U.S. Geological Survey Publication, "This Dynamic Earth: the Story of Plate Tectonics" by W. Jacquelyne Kious and Robert I. Tilling. The division has three copies of this publication for reference use by any board member.

Peggy Collins advised that the Rowhouse Task Force is developing a proposed interpretive ruling that will be on the January 5, 2000, agenda. It is intended that a training session for plans examiners, building inspectors and building officials be held at the March 2000 OBOA "short school." Ms. Collins advised that a training session would also be open to architects, engineers and contractors.

The issue was started as an interpretive ruling matter for alternate method of construction. Fire wall construction between units is being addressed. The intent is to develop an interpretive ruling, use it to see how it works, and then incorporate it in a code change at the model code level or as an Oregon amendment. Vice-Chairman Argo commented that the multi-jurisdictional standard would be greatly appreciated. Mike Broomfield said this is one of the most important interpretive rulings that have come along in quite a while in developing uniformity for planning issues related to site development, easements and systems, as well as for building officials.

## **IV COMPLIANCE REPORTS - Brad Morris**

Division recommends adoption of compliance calendar recommendations.

**MOTION** by Jim Andrews to adopt recommendations in Cases IV.A, IV.C, IV.E and IV.G

Merilyn Reeves questioned Case IV.C.

**AMENDMENT TO MOTION** by Jim Andrews to adopt recommendations in Cases IV.A., IV.E and IV.G

**MOTION CARRIED UNANIMOUSLY.**

- IV. A Arvin Dougall dba AG Circles - Assessment of \$500 civil penalties following hearing for making electrical and plumbing installations without permits in Milton-Freewater, to be stayed for three years if no intervening violations by Respondent.**

**Default Order (Correspondence from Respondent)**

- IV. B Vern Vandehey - Assessment of \$250 civil penalty for constructing a carport without a building permit in Hillsboro.**

Division recommends a \$250 civil penalty for violation of Section 106.1, State of Oregon, 1996 Edition, Structural Specialty Code, for constructing or arranging for the construction of a carport without first having obtained a valid building permit.

A permit was issued March 31, 1999.

**MOTION** by Jim Andrews to adopt division recommendation.

**MOTION CARRIED UNANIMOUSLY.**

**Default Orders (No Correspondence from Respondent)**

- IV. C Gordon Gribly - Assessment of \$250 civil penalty for constructing decks and balconies without a building permit at Crooked River Ranch.**

Division recommends a \$250 civil penalty for violation of Section 111.1, State of Oregon, 1996 Edition, One and Two Family Dwelling Specialty Code, for constructing or arranging for the construction of three decks, two balconies and a porch roof without first having obtained a valid building permit.

Merilyn Reeves asked whether or not a permit was obtained and whether or not work was actually stopped on the three decks. Mr. Morris said the division has no information that a permit was subsequently issued. Ms. Reeves emphasized the importance of violators observing stop work orders.

Mr. Morris advised the division is looking at the entire issue of how compliance is approached. Several ideas are under review by Administration and legal staff, and these changes will be presented to the board. The changes will reflect methods for assuring that compliance is achieved, that permits are obtained, and that appropriate monetary penalties are imposed. Stop work orders and resumption of work will be specifically addressed. The concept will be that it is a lot cheaper to comply than to violate. Ms. Reeves suggested the red tags be clearly marked with "stop work" instructions and penalty information and registered her complaint and concern about these orders being ignored.

**MOTION** by Marilyn Reeves to adopt division recommendation.

**MOTION CARRIED UNANIMOUSLY.**

**IV. D Sandy Ingebo dba Ingebo Construction - Assessment of \$250 civil penalty for engaging in the business of constructing a migrant labor house without a building permit in Mosier.**

Division recommends a \$250 civil penalty for violation of Section 106.1, State of Oregon, 1998 Edition, Structural Specialty Code, for engaging in the business of constructing or arranging for the construction of a 24' x 75' migrant labor housing structure without first having obtained a valid building permit.

Jim Andrews asked for code information on migrant labor housing. Peggy Collins said migrant housing is covered by state building codes. New construction must comply with state building code and interpretive rulings for seasonal dwellings (months of May through October). There is a rule relating to rehabilitation of existing structures which adopts by reference some Oregon OSHA (OR-OSHA) provisions that allow a lesser standard because the buildings are used temporarily. OSHA's existing rules relating to migrant laborer housing will be updated to cross-reference Oregon codes.

Ms. Collins explained that, if Respondent had applied for a permit, the local building official would have had to assess the plans and would have known the rules in place. Farm worker housing is licensed by OR-OSHA and inspected periodically during the season.

Mr. Andrews said it is useful for board members to know whether or not a respondent ultimately failed to obtain a permit and/or failed to call for inspection, and whether or not the structure is in compliance or is a safety hazard. He asked that staff provide available status information on each case in the future.

Wendie Kellington noted that Respondent's statement suggested she originally understood that the building was an agricultural building, but the contract describes migrant worker housing. Ms. Kellington asked if the contract was the basis for work performed; or, if the Respondent believed she was supposed to be building a barn, but the proposal changed in the interim.

Mr. Morris explained that the division has had previous contact with Respondent. The division is comfortable with its recommendation.

**MOTION** by Jim Andrews to adopt division recommendation.

**MOTION CARRIED UNANIMOUSLY.**

**IV.E Milwaukie Heating and Cooling Co. - Assessment of \$500 civil penalties for engaging in the business of installing a gas water heater without a plumbing or mechanical permit in Milwaukie.**

**IV.F Anthony C. White - Assessment of \$250 civil penalty for engaging in the business of making a plumbing installation without a permit in Portland.**

Division recommends a \$250 civil penalty for violation of Section 111.1, State of Oregon, 1996 Edition, One and Two Family Dwelling Specialty Code, for engaging in the business of making a plumbing installation without first having obtained a valid plumbing permit.

Jim Andrews noted a total of \$2500 in fines is being imposed by this and other boards. and remarked that this case does not appear to be significantly different from other cases with lower fines. Mr. Morris explained that Respondent contracted unlicensed work and performed unlicensed work, and did not meet criteria for consideration of a consent order.

Jim Coughlin said Respondent worked as a registered contractor when, in fact, he is not. Under those circumstances, there is the possibility of Respondent being responsible for significant damage to the homeowner. The fines are justified in this instance.

Dan Kovtynovich observed that Respondent requested a reduction of the civil penalty.

Richard Rogers noted that Respondent represented himself as a licensed contractor and is in default. Mr. Rogers does not believe Respondent proceeded out of ignorance.

**MOTION** by Dan Kovtynovich to find Respondent in violation and assess a \$250 civil penalty; to suspend the penalty for three years; and to dismiss the penalty if there are no intervening violations during the three-year period.

Nay: Andrews, Argo, Broomfield, Coughlin, Griffith, Hart, Kellington, Reeves,  
Rogers, Walter

Aye: Kovtynovich, Schwager

**MOTION FAILED**

**MOTION** by Marilyn Reeves to adopt division recommendation.

Aye: Andrews, Argo, Broomfield, Coughlin, Griffith, Hart, Kellington, Reeves,  
Rogers, Schwager, Walter

Nay: Kovtynovich

**MOTION CARRIED.**

**IV.G Jerry Logue - Dismiss proposed civil penalty assessment and close case.**

Division recommends dismissing the proposed civil penalty for violation of Section 111.1, State of Oregon, 1996 Edition, One and Two Family Dwelling Specialty Code, for engaging in the business of making an electrical installation without first obtaining a valid electrical permit.

Marilyn Reeves asked for confirmation about whether or not the owner of a rental unit is required to obtain a permit for "routine maintenance." Mr. Morris said that, according to information received by staff, the work did not require a permit.

**MOTION** by Marilyn Reeves to adopt division recommendation.

Mike Broomfield understands that the particular electrical work performed in this instance on a rental unit requires a permit.

**MOTION WITHDRAWN.**

**MOTION** by Marilyn Reeves to defer this case until the next meeting.

**MOTION CARRIED UNANIMOUSLY.**

**V STAFF REPORTS** - None.

**VI COMMUNICATIONS** - None.

**VII APPEALS** - None.

Marilyn Reeves asked for an update on the Depoe Bay wall. Peggy Collins said the local building official advised her that the wall had been reevaluated. It was agreed that changes were necessary, and removing the wall was considered. Ms. Collins will obtain further information and report to the board.

**VIII UNFINISHED BUSINESS** - None.

**IX NEW BUSINESS** - None.

## **X ANNOUNCEMENTS**

The Structural Engineering Committee met November 30, 1999. Mr. Argo requested that staff provide an update on the seismic zone upgradation along the northern Oregon coastline at the next meeting.

The Structural Engineering Committee will meet 9:30 a.m. February 8, 2000, at Miller Consulting Engineers, 9570 SW Barbur Boulevard, Portland, Oregon.

The Rowhouse Task Force met November 23, 1999, and will meet December 2, 1999, in Wilsonville.

The Structural Code Committee will meet 9 a.m. January 6, 2000, in BCD Conference Room A.

The Energy Committee will meet 9 a.m. February 10, 2000, in BCD Conference Room A.

The Dwelling/Mechanical Code Committee had no meetings scheduled at time of agenda preparation. A meeting is being planned for sometime in January 2000. The generator issue and rowhouses will be on the agenda.

The Plastics Standards Task Force had no meetings scheduled at time of agenda preparation.

## **IX ADJOURNMENT**

Vice-Chairman Argo adjourned the meeting at 11:50 a.m.

**James Bela, Oregon Earthquake Awareness**, showed the video, "Stand up to the Quake: Get Your Home in Shape," after adjournment.

Respectfully submitted,

Marilyn Benton  
Boards Coordinator/Recorder