

State of Oregon
Draft

Agenda
Item
I.D

Residential and Manufactured Structures Board

Regular board meeting minutes

April 7, 2010

- Members present:** Ray Miller, Chairman
David DeHarpport, Vice-chair
Peter Bride *New member*
Scott Caufield
Phil Damiano
Mike Goodrich
Kathryn Gray
Larry Hultberg *New member*
John Mills
- Members absent:** Douglas Lethin
- Staff present:** Patrick Allen, administrator
Chris Huntington, manager, policy and technical services
Richard Rogers, structural program chief
Celina Paterson, manager, statewide services
Aeron Teverbaugh, green building policy analyst
Brent Griffiths, lead enforcement officer
Tim Lindsey, central region coordinator
Jim Hanson, policy analyst
Monte Taylor, RV inspector
Richard Baumann, policy analyst
Debi Barnes-Woods, boards coordinator
- Guests present:** Don Miner, Oregon Manufactured Housing Association
James Bela, president, Oregon Earthquake Awareness
Jeremy Page, past member of the Manufactured Structures and
Parks Advisory Board
Eric McMullen, McMinnville Fire District
Crosby Grindle, National Fire Protection Association
Mark Wilson, Lebanon Fire District
John Caul, Oregon State Fire Marshal's office
Robin Kerper, Oregon State Fire Marshal's office
Don Pamplin, National Fire Sprinkler Association
John Baker

Randy Simpson, representing fire industry

I. Board business

A. Call to order

Chairman Ray Miller called the Residential and Manufactured 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

Douglas Lethin was absent unexcused.

C. Approval of agenda and order of business

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

D. Approval of the board meeting minutes of January 6, 2010

Chair Miller **RULED** the regular meeting minutes of January 6, 2010 approved.

E. Date of the next regularly scheduled meeting

July 7, 2010

F. Welcome new board members Peter Bride and Larry Hultberg. Both new members represent the manufactured dwelling industry.

Chair Miller welcomed both new members.

II. Public comment

James Bela, president and founder of Oregon Earthquake Awareness, discussed the [recent earthquake in Chile](#) noting that the Haiti earthquake that registered a magnitude of 7 was a reminder of the giant Cascadia megathrust earthquake January 26, 1700 magnitude 9 or greater, in which the seafloor of the Pacific Ocean (known as the Juan de Fuca Plate) had slipped underneath the continental plate from Vancouver Island to Northern California.

III. Reports

A. Building Codes Division report

Manager of Policy and Technical Services Chris Huntington highlighted the summary of rulemaking and legislative concepts by the division.

HB 3462 has 2 major components related to inspector certification:

- Phase 1 included establishing renewal periods and fees for certifications. The rule will go into effect July 1, 2010 with the first renewal cycle beginning November 2010, then every 3 years.

- Phase II authorizes the division to create a pilot program to develop specialized inspector certifications and training. A committee is being formed and meetings are expected to begin in April.

Manager Huntington noted that the first meeting of the Construction Industry Energy Board met February 23, 2010. Mike Goodrich and Phil Damiano are members chosen as representatives from this board. The energy board will be reviewing and making recommendations to the solar code.

Manager Huntington noted that Senate Bill 79 requires the division, with the appropriate board, to develop and periodically update an Oregon Reach Code related to energy efficiency. The bill calls for the director to review generally accepted codes and standards that achieve greater energy efficiency and to review the technical components of generally accepted construction documents. Provisions in this code will be specifically evaluated for inclusion in the statewide code in the next code change cycle.

Aeron Teverbaugh, green building policy analyst explained that the reach code itself will act as a statewide alternate method. The code is an optional code, which will be used as a comprehensive set of construction standards.

Manager Huntington noted that the anticipated effective date for the 2010 Oregon Structural Specialty Code, 2010 Oregon Mechanical Specialty Code, and the 2010 Oregon Energy Efficiency Specialty Code is July 1, 2010.

B. Program update

Richard Baumann, policy analyst, gave the program update for the manufactured structures side of the Residential & Manufactured Structures Board. He referred to the stats listed in the [BCD Update packet](#) for the HUD production stats for the month of February, recreational vehicles activities, and RV labels issued for the year.

Scott Caufield asked the division for some type of overview on the new responsibilities of the board related to the manufactured dwelling program. Manager Huntington noted that the division is currently working on an overview document, which will be provided at the July 7, 2010 meeting.

IV. Communications

A. Update on the 2010 Oregon Solar Installation Specialty Code

Aeron Teverbaugh, green building policy analyst, reviewed [Chapter 3, Installation requirements](#). Ms. Teverbaugh noted that the fire industry has agreed with this document at the last committee meeting. What is left to review are the definitions and the administrative chapters.

B. Update for Statewide Alternate Method OSSC/ORSC No. 09-01, Western Juniper Naturally Durable Wood

Structural Program Chief Richard Rogers noted that this item is for reference.

C. Update on the 2010 Manufactured Dwelling Installation Specialty Code

Mr. Baumann noted that the code became [effective April 1, 2010](#), which replaces the 2002 Manufactured Dwelling and Parks Specialty Code.

Inspector certification and installer license classes will be offered until June in Conference Room A at the division. Mr. Baumann also noted that the [code change class](#) is offered on-line through the division.

V. Appeals – None

VI. Unfinished business

2011 Oregon Residential Specialty Code adoption

Public testimony:

Eric McMullen and Randy Simpson both representing the Oregon Sprinkler Coalition and the fire service industry, addressed the board with concerns about the request received from Oregon Home Builders Association for retaining the current Residential Specialty Code. Both gentlemen agree with Oregon Building Officials Association that allowing the code process to go forward allowing the public adoption process and related hearings is the appropriate venue for expressing support or opposition on the subject.

James Bela, president and founder of Oregon Earthquake Awareness, noted that statutory language addresses the fact that Oregon has a building code that reflects modern methods.

Staff and board comments:

Vice-chair DeHarpport said that at the board's last meeting, it was his suggestion that the division look into the possibility of retaining the Oregon Residential Code as the model code and not adopt the 2009 as the model code without modifying the process to accept new code proposals.

Manager Huntington noted that the division will begin the process of accepting code change proposals right away to at least achieve what the legislation mandated for the code.

VII. New business

Board consideration of proposed revisions to the enforcement penalty matrix and rule

Manager Huntington noted that the Board Chair/Vice-chair group met recently to discuss making modifications to the existing penalty matrix. He noted that in some cases, first time violators are not willing to negotiate consent orders because of the amount of the fines, instead they are choosing to go to hearing. Because the Office of Administrative Services cannot change the penalty matrix, individuals are asking to plead their cases to the boards. Manager Huntington reviewed the changes explaining that the amount stayed for most violations has been reduced to provide additional flexibility for the division when trying to negotiate a settlement. Manager Huntington noted that a permit-only category was added and the amount stayed for a volunteer has been reduced to zero for first time violators. Another change was the stayed amount be set at 5 years for all violations instead of a combination of 3 and 5 years depending on the violation.

Because the penalty matrix is new to this board, Brent Griffiths, lead enforcement officer, explained in detail the process of the penalty matrix.

Chair Miller noted that there is no provision in the matrix for the handicap or to help an elderly neighbor. Mr. Griffiths noted that the issue would be assessed according to the violation and reviewed by the Chief. The Chief will review the case and if found in violation of statute and rule then the fine will depend on how it affects public safety.

Motion by Scott Caufield to approve the proposed changes to the Advisory Board Penalty Matrix and rule with the modification suggested by the Chair to clarify the language for Volunteer.

New member Larry Hultberg wanted the language clarified for Volunteer before the board votes.

Manager Huntington noted that the penalty matrix is intended for individuals that the division can already reach out to. As for the clarification of Volunteer, the definition would be in violation of applicable licensing law.

Motion carried.

Larry Hultberg voted against the motion.

VIII. Announcements – None

IX. Adjournment

Chair Miller adjourned the board meeting at 11:48 a.m.

Respectfully submitted by,

Debi Barnes, Division Boards Coordinator