

**State of Oregon**

**FINAL**

**Residential Structures Board**

**Rescheduled board meeting minutes**

**August 29, 2007**

**Members present:** Ray Miller, Chairman  
David DeHarpport, Vice-chair  
Darryl Bishop  
Scott Caufield  
Phil Damiano  
Kathryn Gray  
Douglas Lethin

**Members absent:** Mike Goodrich

**Staff present:** Andrea Simmons, policy and technical services manager  
Jon Hills, assistant manager of human resources  
Richard Rogers, structural program chief  
Mike Ewert, code specialist  
Twyla Knowles, enforcement and licensing manager  
Robert Salinas, enforcement and licensing assistant manager  
Casey Hoyer, policy analyst  
Phil Johnson, enforcement officer  
Heath Lawson, enforcement officer  
Debi Barnes-Woods, boards coordinator

**Guests present:** Patrick Bridges, Chairman, Residential Code Review Committee  
Eric McMullen, Oregon Fire Marshall's Association  
Guy Sperb, building official for the City of Oregon City  
Scott Winkels, League of Oregon Cities  
Phil Sample, City of Lake Oswego, representing the Oregon Fire Chiefs and Fire Marshals Association  
Nancy Orr, Oregon State Fire Marshal  
Dan Patterson, fire marshal, City of Medford, and 1<sup>st</sup> Vice-president of Oregon Fire Marshals Association  
Scott Weninger, fire marshal for Clackamas County Fire District 1  
Royce Fletcher, Nestucca Rural Fire Protection District  
Dick Hutton, P.E., city engineer for City of Roseburg  
Jack Cooley, fire chief for the City of Roseburg  
Al Blodgett, fire chief for City of Newberg  
Ray Bizal, P.E., western regional manager, National Fire Protection Association  
Earl Diment, Portland Fire and Rescue  
Randy Simpson, chief deputy state fire marshal  
Tari Glocar, Oregon State Fire Marshal's office  
Krista Fischer, private citizen

John Caul, deputy state fire marshal  
Terry Lucich, fire chief, Lafayette and Carlton  
Gary Lampella, Oregon Building Officials Association (OBOA)  
Alan Seymour, Oregon Department of Energy (ODOE)  
David Coman, Northwest Energy Efficiency Alliance  
Karen Serobeck, Hayden Homes  
Lori Graham, City of Portland  
Gus Lian, Gresham Fire Department  
Deborah McDermott, McMinnville Fire Department  
Carl Perry, Advanced Fire Suppression  
Troy Buzalsky, Canby Fire Department  
Jim Schwager, Portland Fire Department  
Pat Carroll, Oregon State Fire Marshal's office  
Ken Armstrong, Oregon Fire Chiefs  
Bob Garrison, private citizen  
Gary L. Carlson, Nestucca Rural Fire Protection District  
Brady Peeks, Oregon Department of Energy

**I. Board business**

**A. Call to order**

Chairman Ray 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 Street NW, Salem, Oregon.

**B. Roll call**

Mike Goodrich was absent, excused.

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

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

**D. Approval of the April 25, 2007 board meeting minutes**

Chairman Miller **RULED** the regular minutes of April 25, 2007 approved.

**E. Date of the next meetings:**

- September 25, 2007
- October 3, 2007

**F. Formal farewell to Kathleen Poole**

Although Ms. Poole was not present, Chairman Miller publicly thanked her for being an active member of the board, serving as public member since February 2004.

**II. Public comment - None**

### **III. Reports**

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

Manager Simmons delivered the administrator's report, which included a packet of information: [BCD Update](#). The packet contained contact information on BCD's employees who handle specific program questions. Manager Simmons then discussed the summary of rulemaking and other projects:

**HB 2405**, was passed by the Legislature in May and signed by the governor. The bill allows for implementation of a fully interoperable, statewide e-permitting system designed to save business and government time and money. The program will be funded through a 4% permit surcharge. The latest news and developments of the statewide e-permitting project is located at [www.Oregon-epermitting.info](http://www.Oregon-epermitting.info).

**HB 2478** provides the division with the authority to establish standard and uniform permit, inspection, and certificate of occupancy requirements throughout the state. The bill also gives the division authority to issue a civil penalty against a public body that administers a building inspection program. The bill also places a three-year moratorium on certain program assumptions by jurisdictions.

#### **B. Summary of enforcement actions previously resolved by the division for 2 cases, outlined on the enforcement board report. (No board action required.)**

Manager Knowles briefed the board on the two cases listed on the report, and reported that the section has increased its field presence. She was available to answer questions.

#### **E. Program update**

This agenda item was discussed under new business.

### **IV. Communications**

BCD new employees:

- Robert Salinas, enforcement and licensing assistant manager
- Twyla Knowles, enforcement and licensing interim manager
- Jon Hills, assistant manager of human resources

### **V. Appeals – None**

### **VI. Unfinished business – None**

## VII. New business

### **Begin review process for the 2008 Oregon Low-Rise Residential Dwelling Code – structural and mechanical provisions**

Manager Simmons and code specialist Mike Ewert reviewed the process for board members and the audience. Manager Simmons explained that the division asked the code review committee to take into consideration the division's goals and priorities to:

- Align publishing of code with scope of the International Residential Code
- Remove plumbing and electrical language from the Oregon Low-Rise Residential Dwelling Code
- Reduce Oregon amendments
- Incorporate townhouse provisions into code
- Review energy package for inclusion in the code
- Adopt Construction Claims Task Force recommendations into the code
- Eliminate unsprinklered apartments

Manager Simmons noted the board will meet September 25, 2007 to continue the review of the residential structural and mechanical code provisions of the 2008 Oregon Low-Rise Residential Dwelling Code. The board will then meet October 3, 2007 to make its final recommendation to the division for the structural/mechanical provisions. The plumbing and electrical provisions of the 2008 Oregon Low-Rise Residential Dwelling Code will come back before the board at a later date.

Code specialist Mike Ewert explained the [complete code packet](#) and how it was put together. It contains the structural matrix and the mechanical matrix in the following order: by chapters, approved proposals, Appendix O information, Construction Claims Task Force (CCTF) recommendations, disapproved code changes, and no action proposals. Mr. Ewert said that no formal action will be taken at this meeting or the September 25 meeting. Formal action will be taken at the Oct 3 Residential Structures Board meeting on the structural/mechanical provisions of the 2008 Oregon Low-Rise Residential Dwelling Code.

Pat Bridges, Chairman of the Residential Code Review Committee, said that the committee reviewed every Oregon amendment and recommended to either delete or to carry forward. The committee also reviewed all model code changes to make sure they were integrated into the code and they were justifiable changes that did not conflict with any existing Oregon amendment that would be brought forward. All the new code change proposals were reviewed, receiving testimony from the proponents.

Mr. Bridges said that there are three major controversial issues: 1.) The Appendix P change; 2.) The modifications to the energy code; and, 3.) the revisions of Appendix O that were incorporated into the body of the code.

Chairman Miller reminded the audience that a 5-minute timer will be set for those who have registered to speak. Others will receive 1-minute.

**Guy Sperb, building official for the City of Oregon City**, thanked the board for its service to the industry. Mr. Sperb offered [testimony in support of the adoption of Appendix P](#). The City of Oregon City is in the process of obtaining a November ballot measure to pass a fire service bond. He testified that there are a number of hidden factors when determining the requirements for fire sprinklers in buildings and homes. Mr. Sperb said that it should be left up to the local jurisdictions to determine whether the sprinklers are adequate, necessary, or beneficial for that jurisdiction.

**Scott Winkels, League of Oregon Cities**, is in [support of adopting Appendix P](#). He said that with the expansion of communities, “new homes ought to have the option of having fire sprinklers. The typical sprinkler system adds 1 to 1½ percent to the price of a typical home.”

Chairman Miller asked if the League has a standard to which it wants the sprinklers installed? Mr. Winkels said that the controlling factor should be the city council and its elected city staff. The League plans to issue a model ordinance, which cities could copy.

**Eric McMullen, Oregon Fire Marshal’s Association**, asked the board to [reconsider the code proposal submitted by Gary Marshall, Oregon Fire Chiefs Association & Oregon Fire Marshal Association](#) that was denied by the Residential Code Committee and to amend Section R102.5 and AO103.5.2, Oregon Low-Rise Residential Dwelling Code, 2008 approving Appendix P – Sprinkling, for local adoption.

**Pat Bridges, Chairman of the Residential Code Review Committee**, said that the committee’s job was to discuss with all the interested parties their respective positions on any particular code change and to get an agreement on the modification or what would be brought forward. Mr. Bridges also represents Oregon Home Builders Association (OHBA) who met with the fire service industry and the State Fire Marshal’s Office to outline concerns with the approach of a uniform code. During the meetings there was not sufficient time to come to an agreement on specific issues and it was suggested those issues be addressed in the next 18-month code cycle when there are a limited number of issues to consider.

Mr. Bridges said that the industry does not agree about Appendix P in its current form or with the proposed amendment from the fire service industry. Mr. Bridges said that industry is willing to work on developing a proposal in the next 18-month cycle.

**Eric McMullen, Oregon Fire Marshall’s Association**, explained that Appendix P was adopted on a national level in the International Residential Code as an appendix. The appendix does not apply to Oregon unless it is adopted for local use.

**Phil Sample, City of Lake Oswego, representing the Oregon Fire Chiefs and Fire Marshals Association**, [testified](#) in favor of the adoption of Appendix P.

**Nancy Orr, Oregon State Fire Marshal**, referred to a handout on [Appendix P – Sprinkling for local adoption](#). Ms. Orr said that sprinklers should be one of the choices communities can make for new construction and asked for a vote in favor of the adoption of Appendix P.

**Dan Patterson, fire marshal, City of Medford, and 1<sup>st</sup> Vice-president of Oregon Fire Marshal’s Association**, asked that “Appendix P be included in the Oregon Low-Rise Residential Dwelling Code so that each [local jurisdiction would have the option of adoption](#).” Mr. Patterson also distributed a pamphlet “The Case for Residential Fire Sprinklers” which could be found at [www.ci.medford.or.us/fire](http://www.ci.medford.or.us/fire).

**Scott Weninger, fire marshal for Clackamas County Fire District 1**, [testified](#) that “residential fire sprinklers are a proven and cost effective method of providing built-in automatic fire protection.”

**Royce Fletcher, Nestucca Rural Fire Protection District**, [testified](#) that “residential fire sprinklers are a proven and cost effective method of providing fire protection.”

**Dick Hutton, P.E., city engineer for City of Roseburg**, [testified](#) that the City of Roseburg has always recognized the value of fire services for sprinkler systems by charging System Development Charges (SDC’s), even though the majority of the capitalized costs of development (mains, pumps and reservoirs) are for fire protection.

**Jack Cooley, fire chief for the City of Roseburg**, [recommended](#) the adoption of Appendix P to be included in the Oregon Residential Specialty Code as an option for local government.

**Al Blodgett, fire chief for Newberg**, [submitted testimony](#).

**Ray Bizal, P.E., western regional manager, National Fire Protection Association**, testified in support of the adoption of Appendix P [because sprinklers save lives](#).

**Earl Diment, Portland Fire and Rescue**, showed a videotape comparison of a sprinklered, and a non-sprinklered fire in the same home. [Written testimony](#) was also submitted for the permanent record.

**Randy Simpson, chief deputy, Office State Fire Marshal (OSFM)**, spoke about a [news release](#) stating that with sprinklers there is less fire damage, reduced water damage, and sprinklers are more affordable and easier to install in homes.

**Tari Glocar, OSFM**, reported on “[Smoke Alarms are not Enough](#)” and “[Home Fire Sprinklers, an Affordable Investment in a Community Fire Protection Plan](#).”

**Krista Fischer, private citizen**, reported on a recent [survey of several major insurance companies in Oregon](#) regarding residential sprinkler coverage as it applies under the standard home insurance policy. Her synopsis of the survey responses:

- Discounts are available to homeowners with working residential sprinkler systems in the amount of 5 to 15 percent.
- If a sprinkler head should respond to a fire, the resulting water damage would be covered under the homeowner's policy the same as water damage caused by a fire department on-scene fighting the fire.
- Under a homeowner's policy, damage to the sprinkler system would be treated in the same manner as other plumbing systems (i.e. no coverage for damage to the plumbing/heating system) but resulting water damage would be covered.
- Homeowners would not be charged an increase in premiums for having a sprinkler system.
- Accidental discharge and resulting water damage coverage is provided under the standard homeowner's policy. No additional rider or premium is necessary.
- Residences protected by a fire sprinkler system require that reasonable care be taken to continue the water supply to the system and that heat be maintained to avoid freezing.
- No coverage is provided for a loss caused by continuous or repeated seepage or leakage, which occurs over a period of weeks, months or years or for lack of maintenance (wear/tear).

**John Caul, Deputy State Fire Marshal**, [prepared a document that addressed the rebuttal statements](#) made in a document that was distributed by the National Association of Home Builders (NAHB) at the Residential Code Review Committee.

**Terry Lucich, fire chief, Lafayette and Carlton**, said that in Carlton, there is a [42 lot self-help affordable housing subdivision](#) being established by Yamhill Community Development Corporation. The homes were required to be sprinkled due to water supply issues. This illustrates the fact that residential housing can have sprinkler systems and still be affordable to lower income homeowners.

**Tim Birr, retired firefighter, member of the Oregon Safety Collision**, distributed an [article published in the Oregonian](#) following the Residential Code Review Committee. (Monday, July 2, 2007, Rich Bella)

**Gary Lampella, Oregon Building Officials Association (OBOA)**, said that if Appendix P is approved, it would not be in the fire code, it would be in the residential code, it would be under the purview of the building official. The majority of the members of OBOA are in support of Appendix P. They said that if the governing body wanted to provide additional fire protection to their citizens, they should have the opportunity to do so. On behalf of OBOA, Mr. Lampella said that there are issues that need to be addressed in the current proposal of Appendix P and OBOA is volunteering to be a part of those meetings to come to an agreement with stakeholders.

Chair Miller asked if it was possible to come to an agreement prior to the next scheduled board meeting of September 25, 2007?

**Pat Bridges, OHBA**, said that he has drafted an amendment to Appendix P that he is waiting for consensus from OHBA. Once that occurs, the document will be distributed to stakeholders for comment.

**Eric McMullen, Oregon Fire Marshal's Association**, noted that one month is not sufficient time to address all the differences between the stakeholders.

Chair Miller asked both parties to come to some type of conclusion either by September 25 or by October 3, 2007.

*That concludes the testimony for Appendix P.*

**Alan Seymour, Oregon Department of Energy (ODOE)**, discussed what the Residential Code Committee approved for Chapter 11. He noted that ODOE worked with Building Codes Division to put forward a joint proposal to improve the residential energy requirements contained in Chapter 11. This proposal is in response to the recommendations from the governor's global warming advisory committee to achieve at least 15 percent energy savings in new buildings.

**David Coman, Northwest Energy Efficiency Alliance**, asked for the board's support on the joint proposal to update Chapter 11 of the energy code.

Chair Miller asked board members to review the code proposals and the matrix. Members that are wanting to discuss certain code proposals or issues are to mark it on the matrix and forward it to BCD. Anything that is not marked by members will be considered approved and will be voted on accordingly.

#### **VIII. Announcements** - None

#### **IX. Adjournment**

Chairman Ray Miller adjourned the board meeting at 2:30 p.m.

Respectfully submitted by,

Debi Barnes-Woods  
Boards Coordinator