

On The Level Inspection Concepts

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James Varco
23999 Sky Lane
Elmira, OR 97437

June 17, 2004

Re: Single Family Dwelling (SFD) Field Inspection at 23999 Sky Lane Elmira, OR 97437

Dear Mr. Varco:

On June 16, 2004, On the Level Inspection Concepts (OTL) conducted an inspection of the Single Family Dwelling located at the address noted above. OTL is certified and qualified to conduct complete Building, Electrical, Mechanical and Plumbing inspections for buildings utilizing the One and Two Family Dwelling Specialty Code (OTFDSC). This is the governing code used in the State of Oregon for construction of Single Family Dwellings. Your original building permit was issued on June 11, 1997; therefore, the governing code would have been the 1995 edition of the CABO 1 & 2 Family Dwelling Code amended to become the 1996 Oregon One & Two Family Dwelling Specialty Code (OTFDSC).

I would like start this letter by reprinting the specific code section 102 which states:

Purpose: The purpose of this code is to provide minimum standards for the protection life, limb, health, property, environment, and for the safety and welfare of the consumer, general public, and the owners and occupants of residential buildings regulated by this code.

It is the conclusion of OTL that neither Lane County nor the State of Oregon Building Codes Division pursued your concerns with this code requirement in mind. OTL only conducted a cursory structural review since this matter is under review by 2 engineering firms. OTL conducted what would be considered a final inspection

The following are field inspection issues that have not been addressed in previous correspondences.

1. When I arrived at the site I was under the impression that this SFD had been finalized. You informed me that it had and I indicated that the exposed Tyvek housewrap was not an approved siding material. You indicated that the Lane Co. inspectors said it was an approved weatherproof barrier and was equivalent to siding.

Exhibit E
Submitted by: Jim Varco
5 pages

This is a completely inaccurate statement. A review of Tyvek's home page at [www.http://construction.tyvek.com](http://www.construction.tyvek.com) will clearly show this is not an approved siding material as required by OTFDSC Sec. 703 and it was not installed anywhere close to the manufacture's requirements.

The attachment of the Tyvek used standard hand tacked staples which caused penetrations of the Tyvek in violation of its listing. The label on the Tyvek indicates that the material is combustible and must be covered. All material in a SFD must meet a Class III flame spread rating. OTFDSC Sec. 318. UV light per the manufactures specifications will degrade the product after being left exposed for 30 days. It has been years that this material has been exposed to the elements

2. A review of the approved plans indicates that the code's prescriptive lateral design elements were not complied with. Alternate Braced Panels (ABP) was required in a number of places and were not installed. This includes both the first floor and second floor walls. OTFDSC Sec. 602.9
3. The master bath window wall should have had an engineered lateral design. OTFDSC Sec. 602.9
4. West side exterior porch Micro-Lam LVL header has not been weather protect. Truss Joist manufacture's listing
5. Exterior cripple walls and first 4 feet from grade up do not have approved exterior rated siding installed. A stone veneer was planned but has not been installed. This sheathing has been stained, but has not been nailed off correctly. Nailing requires 6" o/c edge nailing and 12" o/c field nailing. Most of the nailing that is there is overdriven through the plywood face. OTFDSC Table 602.3a.
6. The exterior grading has not been completed with 4% fall away from the structure. A number of locations around the perimeter do not have 6" earth/wood clearance to the bottom of the siding. OTFDSC Sec. 406.3.5. & 322.
7. East and West patio attic exceed 30" in height. Access holes have been provided, however, these do not meet the minimum code size of 22" x 30". These now measure 22" x 22.5". OTFDSC Sec. 807.1
8. Exterior roof soffits and eave blocks have not been sealed off with 1/4" mesh screen to prevent vermin from entering attic areas. OTFDSC Sec. 806.1
9. No exterior roof gutters have been installed to move roof drainage water away from the building foundation. OTFDSC Sec. 401.3 & 405.1
10. The under-floor low point drain, roof gutter drain, and foundation drains have a main 4" PVC line run to the SW creek. No screens have been secured to the drain terminations at the creek.
11. The first three main stairway risers to the right of the front door up to the first landing exceed the maximum 8" rise requirement for stairways. OTFDSC Sec. 314.2

12. The handrail on the stairway from the garage to the attic storage does not meet code. OTFDSC Sec. 315.1
13. A roof truss, which carries the floor system above the garage ceiling, has been cut out. No documentation of an engineered fix has been provided. OTFDSC Sec. 802.11
14. Under-floor duct insulation has been removed and needs to be reinstalled. OTFDSC Sec. 1901.3.4
15. Exhaust ducts used for bathroom fans and kitchen area do not appear to be installed per the manufacture's listing or are these correct materials for the intended use. OTFDSC Chapter 18
16. The north attic furnace above the laundry room does not have 1" clearance around the "B" vent exhaust form the furnace. OTFDSC Sec. 2103.4.5.
17. The kitchen has been outfitted with a kitchen exhaust hood but the exhaust duct has not been installed. OTFDSC Sec. 1802
18. The exterior dryer vent termination does not have a back-draft damper installed. OTFDSC Sec. 1801.1.
19. The 1st floor master bedroom Water Heater T & P piping and overflow pan drain do not extend to the exterior of the building and terminates into the under-floor area. OTFDSC Sec. 3408.5
20. The under-floor crawl space lack adequate ventilation. 1 sq. ft. per every 150 sq. ft. was required at the time of construction but was not provided. OTFDSC Sec. 409
21. There were a number of electrical issues and concerns as I walked around the exterior of the house. The duplex plug on the east exterior did not have a weatherproof cover. OTFDSC Sec. 4405.11 & 4502.10.
22. The east front porch and the west back porch recessed lights are in a damp location without the lens covers being installed. Incandescent bulbs are hung from fixture wires. OTFDSC Sec. 4405.11 & 4406.14.
23. The required exterior lights at the exterior doors were either incomplete (NMB cable just stuck into an exterior box) or capped off. OTFDSC Sec. 4403.2.
24. Unused openings in the main panel boards were left unplugged at the breaker openings and in the knockout holes. OTFDSC Sec. 3904.5.
25. Plugs and switches in garage and in attic above laundry room have missing cover plates. OTFDSC Sec. 4406.14
26. The porch recessed light cans have combustibles inside the can. The side flanges need to be lowered to cover combustibles. OTFDSC Sec. 4406.5

27. At the service panel-boards in the garage the NM cable and panel-boards have not been protected from physical impact. OTFDSC Sec. 3904.8 & 3904.9
28. An attempt was made to Fire caulk the NM cable that penetrates the fire rated wall between the garage and the house. The fire caulking was not installed per the manufacture's listing; it has been "snow-coned" and does not extend the depth of the ½" gypsum wallboard (GWB). OTFDSC Sec. 309.2
29. Numerous holes and missing GWB exist on the wall between the garage and the house. The voids any fire protection between the garage and house. OTFDSC Sec. 309.2.

None of the Lane County field inspection reports have been provided for review. The plans examiner noted many items in "Red" on the approved plans. Without these field reports it is not possible to verify if the notes on the approved plans were ever complied with during field inspection process.

In conclusion OTL believes that the Lane County Building Dept. was negligent in their field inspection procedures. The 2-Final inspections given on this SFD do not meet the minimum code requirements outlined in the permit and building code in effect at the time of construction. Roger McGuckin's Sept. 26, 2000 letter does not lay any blame on his field inspectors. OTL believes that this is exactly who failed to meet their obligations as certified inspectors to ensure that the Varco SFD met minimum code. Sanctions and de-certification should be placed on the field inspectors, additionally Lane County should be held liable for failure to meet the minimum code requirements and purpose as specified in OTFDSC Sec. 102.

The Sept. 26, 2000 letter further indicates that the permit for this project had expired; this is simply a false statement unless a jurisdiction has defined what the code term "suspended or abandoned" means in regards to permit expiration. OTFDSC Sec. 111.3.

Did Lane County act with malice and not in good faith? This is a paramount issue that the court must decide. OTL cannot find specifics unless negligence complies in this regard.

BCD's letter of June 3, 2004 is presumptuous at best. OTL has shown 29 specific items not addressed in the Lane County or the BCD report which are **Major issues**, not minor in nature, and will require substantial time and money to repair and upgrade. BCD does not indicate which edition of the OTFDSC it used to reach their conclusions. The 1996 edition reference the NDS and but does not automatically allow the 1994 UBC to be used. If fact, to use this code, an alternate approval should have been obtained from the building official. OTFDSC Sec. 108.

The BCD report concludes that the soils do not appear to be expansive. Owen Grover Engineering P.C. indicates in their May 19, 2003 soils report letter that these are medium to high expansive soils. BCD did not do their homework on this one.

BCD has indicated that the overdriven fasteners do not create or undermine the integrity of the exterior wall sheathing. The American Plywood Association (APA) of Tacoma, WA, does not agree with this conclusion and will not support this type of installation.

BCD states that all the concerns can easily be addressed, however, they should never been a concern if the field inspector had followed the approve plans and the Code. Why should the owner need to repair anything? BCD's conclusions are capricious at best. BCD's report mentions nothing about the electrical issues which are completely under their jurisdiction. There is negligence in the electrical field inspection and a final should never have been given. It is very obvious to OTL that remedial electrical field inspection training should be required for these inspectors involved in this project.

The contractor also should have been held to the minimum code standards enforceable by Lane County. I can only surmise that the builder and Lane County had some kind of agreement with the field inspectors.

Please let me know if any further information is required.

Sincerely

A handwritten signature in cursive script that reads "Douglas Dick". The signature is written in black ink and is positioned above the typed name.

Douglas Dick C.B.O.