



Oregon

Tina Kotek, Governor



Department of Consumer
and Business Services

Residential and Manufactured Structures Board

Meeting agenda **that includes Executive Session**

Meeting date: July 10, 2024

Time: 9:30 a.m.

In-person attendance: Building Codes Division Salem office in Conference Room A

Virtual connection and online streaming: View the live meeting or access the connection information for the Zoom meeting at: Oregon.gov/bcd/Pages/bcd-video.aspx

I. Board business

- A. Call to order
- B. Roll call
- C. Approval of agenda and order of business
- D. Approval of the draft board meeting minutes of [April 3, 2024](#)
- E. Date of the next scheduled meeting: October 2, 2024
- F. Board vote for Chair and Vice Chair
- G. Board vote for one member from this board for membership to the Construction Industry Energy Board
- H. Formal farewell to Gordon Anslow
- I. Welcome new member Abraham Kelso

II. Public comment

The board will hear public testimony, including testimony from individuals who have signed up in advance.

III. Executive session

Chair will read a script announcing executive session

(Break to clear audience from the room and via internet connection)

Executive session pursuant to [ORS 192.660\(2\)\(f\)](#) to consider information or records that are exempt from disclosure by law

(Allow time to return to open session)

Chair will read a script announcing the close of executive session

IV. Reports and updates

- A. Residential program update
- B. Energy program update



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V. Communications

There are no communications at this time.

VI. Appeals

There are no appeals for this meeting.

VII. Unfinished business

There is no unfinished business at this time.

VIII. New business

[Proposed interim amendment to 2023 Oregon Residential Specialty Code](#)

IX. Announcements

The Board Chair or board members can make announcements during this time.

X. Adjournment

Board meetings are generally adjourned by the Board Chair.

Interpreter services or auxiliary aids for persons with disabilities are available upon advanced request. For assistance, please contact [Kaydi Milton](#) at 503-428-4169.



Residential and Manufactured Structures Board

Meeting minutes

April 3, 2024

- Members present:** Gordon Anslow, home designer
Jason Sawyers, multi-family contractor
Sean Blaire, building official
Rich Fry, residential structural contractor
Douglas Lethin, remodeler/residential structural contractor
Matthew Lutter, utility/energy supplier
- Members absent:** James Austin, manufacturer of manufactured dwellings
Forrest Barnes, seller/distributor of new manufactured dwellings
Vacant, public member
Vacant, structural engineer
Vacant, residential building trade contractor
- Staff:** Tony Rocco, structural program chief
Mark Heizer, mechanical and energy systems engineer
Ian Paik, policy analyst
Todd Smith, policy & technical services manager
Richard Rogers, chief building official
Debi Barnes-Woods, boards coordinator/administrator
Alana Cox, building codes administrator
Richard Donovan, senior policy advisor, legislative coordinator
Kelly Thomas, energy technical policy analyst
Eric McMullen, senior building code specialist
Andy Boulton, Sr. policy advisor
Jeremy Williams, structural program engineer
Anne Gire, technical policy analyst
Kaydi Milton, policy development coordinator,
- Guests:** Kevin Rose, Northwest Energy Efficiency Alliance
Natalie Janney, Multi-Tech Engineering Services, Inc
Don MacOdrum, TRC Companies
David Heslam, Earth Advantage
Kevin Duell, NW Natural
Jody Lyon, Oregon Manufactured Housing Association
Rose Herrera, Oregon Department of Human Services
Alex Boetzel, Earth Advantage

I. Board business

A. Call to order

The Residential and Manufactured Structures Board meeting of April 3, 2024, was called to order at 9:31 a.m. by Facilitator and structural program chief Tony Rocco.

B. Roll call

Four members of the board were connected through ZOOM or via phone. Two members of the board were in person. The board has three vacant positions.

C. Approval of agenda and order of business

Facilitator Rocco ruled the agenda and order of business approved as published.

D. Approval of the draft board meeting minutes

Facilitator Rocco ruled the draft meeting minutes of January 10, 2024, final.

E. Date of the next scheduled meeting

July 10, 2024.

F. Board vote for Chair and Vice Chair of Residential and Manufactured Structures Board

Ian Paik, policy analyst, explained the process for nominating and voting for a new chair and vice-chair. Member Rich Fry asked if all the positions on the board are filled.

Policy development coordinator, Kaydi Milton stated no and that there are three vacant positions.

Member Rich Fry asked to table this item until the next meeting. All members agreed.

G. Board vote for one membership to be added to the Construction Industry Energy Board

Ian Paik, policy analyst, explained the process for nominating and voting for representation to the Construction Industry Energy Board. Member Rich Fry asked to table this item until the next meeting. All members agreed.

H. Former farewell to John Chmelir

Structural program chief, Tony Rocco, read a statement thanking John Chmelir for his service on the board. It read John's first four-year term on the Residential and Manufactured Structures Board representing contractors specializing in building multi-family housing began December 1, 2011. John was welcomed to his first official board meeting of January 4, 2012. At John's second board meeting of April 4, 2012, he was nominated for membership to the Construction Industry Energy Board. He reapplied for a second four-year term and was confirmed on July 1, 2015. He served out his second term until June 30, 2019, and has continued serving as long as necessary to ensure continuity in his appointed seat. The division looks forward to his next big challenge and hopes that he will continue to always be a resource for knowledge and critical feedback as he so often has done during both meetings of the Residential and Manufactured Structures Board as well as the Construction Industry Energy Board. On behalf of the board, the division staff, and many individuals in the

community, the division thanks him for bringing his expertise and experience to Oregon by serving on the board. The division wishes to express our resounding appreciation to John, for his long-term dedication, commitment, significant contributions, and lasting support to the board. Wishing him well in his future endeavors.

John stated he was happily reminded that he had started back in 2011 and it has been an honor and a pleasure to serve on the board. He said it is very important to have these board meetings and committees throughout the state to bring technical and geographical perspectives. He also wanted to thank everyone for their support and contribution.

I. Welcome new member Jason Sawyers

Jason was confirmed on February 16, 2024, to the Residential and Manufactured Structures Board in the position representing contractors specializing in building multi-family housing for a partial four-year term. Jason will continue to serve until June 30, 2027.

Jason introduced himself and said he has been working in construction his entire life. He grew up with a concrete contractor father and took over the family business and about ten years ago got into building custom homes, multi-family homes, and apartment structures. He said his time in the home builder association is what got him involved in committees, rulemaking, and the contributions of the contractor and is what brought him here today.

II. Public comment - None

III. Reports and updates

A. Residential program update

Chief Rocco, structural program chief, informed the board the 2023 Oregon Residential Specialty Code (ORSC) became mandatory statewide on April 1, any new permit applications submitted beyond that date are going to be in compliance with that 2023 ORSC. The division has training videos available on our [web page](#) for anyone to access. It is catered to our certified local government partners but is available for anyone to access. The division will be holding a couple Q & A sessions, the division is working on getting that scheduled in May. Look for notifications coming from the division about those sessions soon.

The [Oregon Design Criteria Hub](#) is live and running on the division's web page. This was a big effort between the division's team, the administration, and Oregon State University (OSU) team. OSU used their explorer mapping tool as the basis to create an Oregon Design Criteria Hub that allows any customer to get the climatic and geographic design criteria table. It does site specific ground snow load and adjustments between the modeled elevation and the actual site elevation, it calculates all of that for you. Moving forward, in the future, once the statewide wildfire hazard map is finalized and implemented, that map will also be included in the design

criteria hub. Once the wildfire hazard map is finalized, you'll be able to access everything you need to know for designing anywhere in the state, this includes basic design wind speed, seismic design category, ground snow load, air freezing index, weathering potential, as well as the wildfire hazard designation.

B. Energy program update

Kelly Thomas, energy policy analyst, informed the board of a mechanical program update. On March 26, 2024, the division held a rulemaking advisory committee meeting for mechanical minor label program that was successful. This is a pilot program that became a phased program and now will be a statewide program for mechanical minor labels. Another update is the division has all the forms and compliance tools updated on the [energy web page](#) such as checklist, trade-off calculator and etc. The division has also included energy incentive programs which will be talked about more in depth with the 2023 Oregon Residential Reach Code (ORRC). The division will also be holding a Q & A session for the 2023 ORSC and has been working on a plan intake and inspection training. There will be a video posted on the web page and will let everyone know when that comes out.

C. Legislative update

Richard Donovan, senior policy advisor and legislative coordinator, stated the legislature concluded their short session on March 7, and in the [board packet](#) there's a write up of the bills that the division believes are important to this board. Three of them were relevant to the division. One of them is House Bill 4016 which extended the operation of the wildfire grant program that has been going on for a couple of years since the 2020 fires. This bill extended the work of that grant program through 2025. The legislature and policy makers continue to be concerned about wildfires in the state, it's generally hard to know looking ahead what will happen but at some point, there will be some broad response to wildfire but until then going to keep running this wildfire grant program. The next bill is Senate Bill 1521, Human Services Omnibus Bill, this bill deals with policies regarding human services and for people that need accommodation in their day-to-day lives. One provision that affects the division is about sprinklers, it extends an existing deadline for discussions about how to best manage sprinkler requirements in residential facilities. The final and third bill is the HAPO bill that Alana Cox will cover in further detail next.

IV. Communications

A. Housing Accountability and Production Office (HAPO) Update

Alana Cox, building codes administrator, wanted to give thanks to John Chmelir for his service on the board and appreciates his time. John asked questions and kept the division honest and called things out when they didn't make sense to him and that is what the division likes to see from the board members. It makes the division better and improves the work the division does and would encourage all board members to do the same and continue that.

Update on the HAPO Bill or House Bill 1537 is there is going to be a joint office between building codes division and the department of land conservation and development. The

purpose of the office is to remove barriers to housing production; to create a no wrong doors approach to customer service, resolve issues and disputes between contractors and local government, and to improve the development process. The division is excited to tackle this and will really lean into what the division does best, help people build safe buildings. The division has created a new housing and building safety section and the division is reorganizing our office to support that work. For this new section, there is a new manager, Tony Rocco; Tony is stepping into that promotional opportunity and will be leading that work to make it faster and easier to build housing and address the affordable housing crisis in Oregon.

The division will be doing a process improvement study that will be the first of its kind for Oregon; land use, building permitting, public works, engineering, looking at specific pieces of the process at the local government level. The division will be asking for the board's help and questions to identify challenges, solutions and implement solutions that might require rulemaking. The Housing Production Advisory Council (HPAC) really fits well with this because the division's first work that HAPO is going to be doing is implementing some of the recommendations that came out of that advisory council.

Board member Rich Fry commented that developers are all coming to the same conclusion that one of the major stumbling blocks that they are having is the wetlands. Almost every piece of property that doesn't have something built on it is considered wetlands. This needs to be addressed due to so many properties that have very few wetland plants yet they're still considered wetlands and there are no wetland banks to mitigate.

Alana Cox, building codes administrator, stated this was a topic of discussion at the HPAC and there are recommendations that are related to wetlands in the HPAC report. Alana also wanted to state that the board should consider appointing a chair and vice chair at the next board meeting, the division would like to start convening chair and vice chair meetings of all the advisory boards.

B. Housing Production Advisory Council (HPAC) Update

Chief Rocco, structural program chief welcomed Natalie Janney from Multi-Tech Engineering and asked her to introduce herself. Natalie said she was one of the members of the governor Kotek housing production advisory council and was the work group chair for the codes and design work group. The HPAC was split into five work groups: availability of land, land development, permitting, codes and designs, and workforce shortages and finance. Their goal was to come up with a list of recommendations that could be implemented to help remove barriers to housing.

Natalie stated since there was some discussion about the wetlands in Oregon, she wanted to bring up the three wetland recommendations that came out as a part of the total fifty-nine recommendations. There was one that specifically discussed mitigation, addressing that concern of wetland banks. Another addressed the concern of jurisdictions, making sure that Oregon's wetlands laws matched the federal laws. The third one was to allow

for a five-foot wetland buffer, whereas currently the state puts an automatic fifty-foot wetland buffer.

There are five recommendations that would pertain to this board.

The first recommendation would be to expand state and local capacity for plan review and site inspections for housing. If a local jurisdiction didn't have the capacity to review building plans in a timely manner, it would expand the state's capacity to provide that plan review.

The second recommendation is visitability and access to accessible dwelling units. The part of this that would impact BCD is it would require backing for grab bars in all first-floor bathrooms. This stemmed from accessibility advocates stating even though all bathrooms may not be fully accessible from an ADA standpoint there is benefit to having some accessibility features even when they can't be fully accessible. There will need to be some work with BCD because not all small bathrooms have logical places for grab bars, there will need to be a little flexibility. Another part of this recommendation is that there would be some more planning type offsets that would encourage builders to build accessible or visitable homes, however this part would not affect BCD.

The third recommendation would be to adjust condominium regulations and requirements for increased production. This recommendation came about to reduce liability for condo developers so that more condos could be developed in the state of Oregon. The main thing is to reduce the statute of ultimate repose from ten years to six years and as a part of that BCD is to develop an envelope inspection standard that could be used to help offset that protection to the condo association.

The fourth recommendation would be to expand BCD's ready build program. This would allow more types of housing that would be permitted under the ready build program. She believed it was to have a couple of building plans for a two-bedroom, single family dwelling detached; a three-bedroom detached single family dwelling; a duplex; and a four-plex apartment. There would need to be provisions in there for different types of engineering requirements for different parts of the state, but this would provide an option especially in areas with recent wildfire loss. Having the ability to have some cheaper ready plans for people to build homes faster in those areas would be helpful. BCD would need to review and consider the use of single exit stairs for residential buildings up to five floors. This is currently in line with some legislation that was passed last year, and HPAC just added to that. This would only be allowed for sprinkled buildings with no more than four units per floor. The distance requirements couldn't be more than 125 feet from the door to the stairs, operational windows are required. There is the option that the sprinklers could be upgraded from NFPR 13R to NFPR 13, but they don't know if that is necessary and would defer to the fire department experts on this. However, in local capacity for fire response in a more rural area where there are longer response times, this may not be an appropriate standard. Local approval, based on fire service capabilities, will be necessary as a statewide allowance would not account for community-specific response capabilities.

The fifth and last recommendation is updating the middle housing statutes and rules. This is where you could streamline the middle housing process a little faster. Remove the state code provision requiring a single service for each lot. You don't want to build a subdivision that has a single sewer service for each lot and then must immediately tear up the road and add additional sewer services and the other side to this is allowing multiple water meters to be served off a single water tap.

V. Appeals – None

VI. Unfinished business – None

VII. New business

A. 2023 Oregon Residential Reach Code

Ian Paik, policy analyst, introduced the item. The division is requesting the board review and provide a recommendation on the 2023 Oregon Residential Reach Code (ORRC). This 2023 ORRC is an optional set of standards designed to increase energy efficiency. All municipalities must accept the reach code when customers elect to use it, and it provides an additional efficiency compliance path for builders, consumers, contractors, and others. The intent for this year's reach code is to encourage greater use of the reach code throughout the state and removing barriers to advanced efficiency construction. On January 30 of this year, the division held a rulemaking advisory committee meeting to hear comments and questions regarding the 2023 ORRC. All the comments and questions from the January meeting, as well as any additional written public comments, were taken into consideration when the division drafted the proposed 2023 ORRC. This item does require a motion.

Motion by member Matt Lutter to approve the proposed 2023 ORRC, to go into effect July 1, 2024.

Roll call vote taken.

Aye: Gordon Anslow, Sean Blaire, Douglas Lethin, Jason Sawyers, Rich Fry, and Matthew Lutter

Nay: None.

Motion carried unanimously.

VIII. Announcements- None

IX. Adjournment

Facilitator Rocco adjourned the meeting at 10:19 a.m.

Respectfully transcribed and submitted by Kaydi Milton, policy development coordinator.

Agenda Item VIII

State of Oregon

Board memo

Building Codes Division

July 10, 2024

To: Residential and Manufactured Structures Board

From: Ian Paik, policy analyst, Policy and Technical Services

Subject: Amendments to Oregon Residential Specialty Code (ORSC) Section R310.1

Action requested:

Board review and approve proposed interim amendment to 2023 ORSC Section R310.1.

Background:

During adoption of the 2023 ORSC, a model code provision was added that has created issues for building on tight lots, and achieving increased density through development. This model language first appeared in the 2021 International Residential Code (IRC), and has since been retained in the 2024 IRC. The new language requires that when an emergency escape and rescue opening (EERO) opens to a bounded yard, an unobstructed path of not less than 36-inches in width be provided from that yard to a public way (e.g., alley or street).

During the promulgation process of the current ORSC, this minor model addition was not specifically noted as an area to be independently considered, and the implications were not highlighted for review. Particularly for townhouse construction, this language will likely require developers and other customers to include easements, covenants, or other local land-use elements in their overall design submittal. This language has already caused multiple occurrences of confusion and misapplication throughout the state, which have led to construction delays, additional costs, and misalignment with goals of achieving higher densities and broader affordability.

In order to address these inconsistencies, delays, and misalignment, an interim amendment is proposed which strikes the new model language and returns the subsection structure to the exact language that existed in the 2021 ORSC, and prior iterations. This proposed interim amendment to correct the provision is attached for reference and review.

Options:

- Approve the proposed amendment and forward to the Administrator for rulemaking and subsequent adoption, with the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources
- Amend and approve the proposed amendment and forward to the Administrator for rulemaking and subsequent adoption, with the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources
- Disapprove the proposed amendment and state reasons for disapproval, for the record.

2023 Oregon Residential Specialty Code (ORSC)

Proposed interim amendment

Changes are denoted as follows:

Blue/underline: New code language
~~Red/strikethrough:~~ Deleted code language

R310.1 Emergency escape and rescue opening required. *Basements, habitable attics* and every sleeping room shall have not less than one operable *emergency escape and rescue opening*. Where *basements* contain one or more sleeping rooms, an *emergency escape and rescue opening* shall be required in each sleeping room. *Emergency escape and rescue openings* shall open directly into a *public way*, or to a *yard* or court ~~having a minimum width of 36 inches (914 mm)~~ that opens to a *public way*.

Exceptions:

1. *Storm shelters* and *basements* used only to house mechanical *equipment* not exceeding a total floor area of 200 square feet (18.58 m²).
2. Where the *dwelling unit* or *townhouse* is equipped with an automatic sprinkler system installed in accordance with NFPA 13D, sleeping rooms in *basements* shall not be required to have *emergency escape and rescue openings* provided that the *basement* has one of the following:
 - 2.1. One means of egress complying with Section R311 and one *emergency escape and rescue opening*.
 - 2.2. Two means of egress complying with Section R311.
- ~~3. A *yard* shall not be required to open directly into a *public way* where the *yard* opens to an unobstructed path from the *yard* to the *public way*. Such path shall have a width of not less than 36 inches (914 mm).~~