



OREGON FIRE CODE Joint Policy Bulletin

A collaborative service to provide consistent and concise application of Oregon's fire prevention and life safety regulations.

Date: October 28, 2016

Initiating: Joint Policy Bulletin No. 0001

Subject: Uniform Alternate Construction Standard (UACS) for One- and Two-Family Dwellings

Code Reference: OAR 918-480-0125

Advice: Since the UACS rules can only be set into motion after you *officially determine an inadequacy* in fire apparatus access road and/or firefighting water supply requirements, it is important to work diligently and resolve issues before handing remediation authority over to the building official. At this time, we recommend all fire agencies participate in land-use application review and approval processes. If strict compliance with the fire codes and standards is not practical for a project, work with developers to find solutions without placing requirements on the actual construction of the building. Explore acceptable alternates outside of the building structure envelope. Because it is out of our scope, we must avoid requiring options that can only be mitigated through a new construction feature. Once you officially make a determination of inadequacy, the building official has the authority to choose the UACS alternate.

If you must officially declare an inadequacy, thorough documentation to the applicant and building official will be key. We suggest the following language:

A determination has been made that this project does not meet (*announce the deficiency – fire apparatus access and/or firefighting water supply*) as required by (*cite the code reference*). In accordance with OAR 918-480-0125, we advise the building official to apply the following Uniform Alternate Construction Standard(s): (*list one or more of the options listed in 4a-4e*).

The fire code official has the authority to recognize alternative and equivalent methods and materials of design relating to access and water supply as outlined in Section 104.9 of the 2014 Oregon Fire Code. Only the building official can place additional requirements on building construction. However, the OAR states; *when the building official intends to allow one or more of the UACS at the time of building permit application, the building official shall give consideration to the advice of the fire code official*. We recommend that you document, in writing, the specific fire code violation and recommend to the building official which one, or combination, of the UACS listed in OAR 918-480-0125(4) are acceptable to you as alternative to strict compliance.

Background: Previous OAR language allowed for a much different process to reach a satisfactory conclusion. Though the change reaffirms the authority of the fire code official to determine compliance with access and water supply requirements, it also outlines a specific list of alternate construction features for the building official to choose from to address the deficiency.

Fire apparatus access and the availability of water are absolutely essential for firefighting and rescue operations. In the event of a fire or life-threatening medical emergency, fire personnel must be able to reach the scene as quickly as possible. Once on scene, fire and emergency responders must have adequate space to deploy equipment. In an emergency, a few seconds literally can mean the difference between life and death. The Oregon Fire Code requirements pertaining to emergency access and water supply were written to support the fire department in responding quickly and safely to all occupancies in a community.

In the development of residential lots of record, created on or after July 2, 2001, fire departments are strongly encouraged to carefully review availability of access and water supply to the site in conjunction with land-use planning and development approval. Land-use planning and zoning are governmental functions critical to public safety, including fire protection. Fire departments must be involved in the early stages of all land-use development processes to facilitate fire code compliant designs. To do so, fire departments must be a participant providing a coordinated examination with the planning and engineering departments, so as to advise potential land-use applicants of fire code regulations.

The purpose of fire code standards for apparatus access and water supply is to establish minimum requirements providing a reasonable level of life safety and property protection, as well as safety to firefighters and emergency responders.

Contacts: If you have questions or are in need of further information, contact David Mills at 503-934-8204, david.mills@state.or.us or John Patterson at 541-826-7100, johnp@jcf3.com.

References:

Oregon Administrative Rule 918-480-0125
Oregon Revised Statute 478.920
Oregon Revised Statute 478.610
2014 Oregon Fire Code Section 104.9
2014 Oregon Fire Code Section 503
2014 Oregon Fire Code Appendix D
2014 Oregon Fire Code Section 507
2014 Oregon Fire Code Appendix B

Attached: BCD Notice of Permanent Rule, dated October 1, 2016, Uniform Alternate Construction Standards for One- and Two-Family Dwellings.



Notice of Permanent Rule
October 1, 2016

Uniform Alternate Construction Standards

Purpose of the rule:

This rule implements the uniform alternate construction standards required by Oregon Revised Statute 455.610. The new standards are in response to the department of justice's determination that the previous rules were legally insufficient. This new rule replaces the previous rules.

Citation:

Adopt: OAR 918-480-0125.

Repeal: OAR 918-480-0100, -0110, -0120.

These rule changes become effective October 1, 2016.

Effect of the rule:

These rule changes create a legally sufficient alternate construction process appropriate for ORS 455.610. The process allows a fire official to make a determination whether there is inadequate water supply or access for a lot. Once the determination has been made that a site has inadequate water supply or access, a building official can provide notice of intent to allow the use of the uniform alternate construction standards. Notice must be given in conjunction with the approval of a land use application. Once a building official has provided notice, it is in the building official's sole discretion to determine which, if any, uniform alternate construction standards are to be used to address the issues of inadequate water supply or access. A notice of intent to allow the use of the uniform alternate construction standards does not require a building official to use them. However, the only way a building official may use the uniform alternate construction standards is by providing the notice of intent in conjunction with the land use approval. Additionally, regardless of a building official's notice of intent to use the uniform alternate construction standards, a customer will still have the choice to comply with the locally adopted standards for water supply and fire access.

These rule changes incorporate changes based on feedback received from the public hearing and replace the temporary rules that became effective June 28, 2016.

Contact:

If you have questions or need further information, contact Richard Rogers, Chief Building Official, at 503.378.4472, or richard.rogers@oregon.gov.



Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

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I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on Upon filing, by the
Department of Consumer and Business Services, Building Codes Division 918
Agency and Division Administrative Rules Chapter Number
Holly A. Tucker (503) 378-5331
Rules Coordinator Telephone
PO Box 14470, Salem, OR 97309-0404
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To become effective 10/01/2016 Rulemaking Notice was published in the August 2016 Oregon Bulletin.

RULE CAPTION

Uniform Alternate Construction Standards for One and Two Family Dwellings

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

918-480-0125

AMEND:

REPEAL:

918-480-0100, 918-480-0110, 918-480-0120, 918-480-0125(T)

RENUMBER:

AMEND AND RENUMBER:

Statutory Authority:

ORS 455.610

Other Authority:

Statutes Implemented:

ORS 455.610

RULE SUMMARY

These rule changes are in response to updated legal guidance on the appropriate interpretation and implementation of ORS 455.610. The new rule implements the uniform alternative construction standards for one and two family dwellings required under ORS 455.610.

Holly A. Tucker

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Rules Coordinator Name

Email Address

918-480-0125

Uniform Alternate Construction Standard for One and Two Family Dwellings

(1) For lots of record created on or after July 2, 2001, if the building official intends to allow one or more of the Uniform Alternate Construction Standards at the time of building permit application, triggered by fire official determinations of inadequate apparatus access or water supply, the building official must:

(a) Provide at least a general notification of the intent to allow such Uniform Alternate Construction Standards; and

(b) Provide such notification in conjunction with the approval of a land use application under ORS 197.522.

(2) The building official, acting in conformance with these rules, may choose to apply one or more Uniform Alternate Construction Standards after a determination by a fire official with authority over water supply and apparatus access, that the water supply, apparatus access, or both are inadequate at a site. A building official shall give consideration to advice of the State Fire Marshal or local fire official that does not conflict with this rule, but shall retain the authority to make final decisions. Decisions to consider a Uniform Alternate Construction Standard and the selection of one or more Uniform Alternate Construction Standards by a building official are final.

(3) A Uniform Alternate Construction Standard is not a Statewide Alternate Method.

(4) Uniform Alternate Construction Standards for One and Two Family Dwellings. Uniform Alternate Construction Standards are limited to one or more of the following fire suppression and fire containment components:

(a) Installation of an NFPA Standard 13D fire suppression system;

(b) Installation of additional layers of 5/8 inch, Type-X gypsum wallboard;

(c) Installation of fire-resistive compartmentalization of dwellings to limit the spread of fire by use of fire-resistant building elements, components or assemblies. Fire-resistance ratings shall be determined in accordance with the **Oregon Structural Specialty Code**;

(d) Installation of fire-resistive exterior wall covering and roofing components; or

(e) Provide fire separation containment in accordance with the default standards as set forth in the Wildland-Urban Interface rules adopted by the Oregon Department of Forestry (see OAR 629-044-1060).

(5) When unique site conditions exist on a lot or when installation of a full NFPA Standard 13D fire

suppression system is impractical due to substantially increased local system development charges, a building official may accept installation of a partial NFPA Standard 13D fire suppression system in conjunction with one or more of the Uniform Alternate Construction Standards listed in subsections (4)(b) through (e) of this rule.

Stat. Auth.: ORS 455.610

Stat. Implemented: ORS 455.610

Hist.: BCD 7-2016(Temp), f. & cert. ef. 6-28-16 thru 12-24-16