

Notes from the Oregon Fire Sprinkler Coalition Regarding Appendix P

Building Codes Division
Public Meeting
January 28, 2008

The meeting was chaired by Andrea Simmons of Building Codes Division (BCD). She presented the history of the evolution of Appendix P and how the homebuilders and fire service representatives were charged to discuss the differences in the appendix and return to the Residential Structures Board (RSB) with a consensus. The two groups worked out some of the appendix language, but a consensus was not reached in several areas. The Board voted to move the appendix forward with the homebuilders' language. The public meeting was to hear testimony from other interested parties. Andrea asked that the testimony be organized into sections representing areas of conflict. The Residential Code adoption process is well on its way for April 1, 2008. The Appendix P process is separate and BCD anticipates it will be July 1 for it to be adopted.

Pat Bridges (Oregon Home Builders Association) presented more detailed background information on Appendix P. Eric McMullen added that the document the fire service submitted was a dual proposal with both homebuilder and fire service language. The fire service language is consistent with the national proposal that is going forward to Palm Springs.

The scope of the residential sprinkling project: is the Urban Growth Boundary (UGB) appropriate scoping mechanism to require sprinklers? What dwellings are most important to be covered by the fire sprinkler provisions?

Pat Bridges explained that the scoping language used by the homebuilders was to address testimony provided by the fire service in the high growth areas. The governing body responsible for the UGB in the Portland tri-county area has agreed to expand the boundary, most recently in areas like Bethany and Damascus. The most significant impact of the expansion is a lack of adequate services to meet the growth demand. The homebuilders established that any new development outside the original UGB would be the area that would require fire sprinklers. The question from the fire service was what about those areas inside the boundary that have not been developed. Pat stated that the majority of that land has been developed and the approval of that land has become difficult to adhere to, sometimes 2-3 years to get through the development process. So the homebuilders penned language that would require all jurisdictions, when they adopt the appendix, to have a five year period within the original UGB, after which all new subdivisions would be required to be sprinklered. The homebuilders are prepared to offer an amendment to their scoping provision that would require any city that expands its boundary by annexation would be required to have sprinklers in that expanded area of future urbanization. Their intent is to cover the UGB expansion with this amendment. This would exclude all in-fill. The five year moratorium would apply to all new development.

Eric McMullen of the Oregon Fire Marshals Association explained that the fire service would rather not see any limitations within the scope language. As it is, it would be difficult for jurisdictions to

adopt the appendix. The fire service believes this would apply only to added areas around the UGB, basically eliminating all of rural Oregon. It would restrict those areas without a UGB. Eric quoted statistics on the number of buildable lots within the UGB from a sampling of Oregon cities.

Eric talked about the exceptions:

- #1) There is no 1972 UGB. The language would need to be changed to reflect when the UGB came into existence.
- #2) The fire service offered three lots or less for five years, beginning on the date that BCD adopts the appendix, possibly on July 1, 2008. The homebuilders language starts the time when the local jurisdictions adopt the appendix, which creates a lack of consistency, ie, different time frames for each city.

Andrea opened the meeting up for further discussion and testimony.

Scoping Language discussion

Genoa Ingram (Executive Director of Oregon Fire District Directors) testified in support of the fire service language identified in the scope of the appendix.

Tim Birr (retired division chief, Tualatin Valley Fire and Rescue) testified on the challenges facing fire service today in urbanized areas, some of which are getting to the scene of the fire, especially in areas where there are narrow streets (written testimony submitted).

Randy Simpson, Chief Deputy, State Fire Marshal, endorsed the fire service language to allow local jurisdictions the decision to have control over their fire protection needs (written testimony submitted).

Jim Schwager of Portland Fire and Rescue testified on existing city boundaries that may have substandard fire service response. The appendix would be a tool to protect these lots already platted.

Chuck Day (Adair Homes) testified, clarifying that he was testifying not representing any board or panel, on the scope of affordability housing. Installation of residential fire sprinklers would have a negative impact on housing for those who need it most. He stated that the needs addressed were those centered around the Portland area needs. The scoping language does not appear to address the affordability issues in small towns and communities (written testimony submitted).

Don Minor (Manufactured Housing Association) asked Andrea if this proposal would apply to manufactured dwellings. Andrea replied that it would not include manufactured homes, that the discussion has centered around site built construction. Don stated that in previous legislative sessions, work had been done to include sprinklers in manufactured home construction. Their efforts had been thwarted because of the requirement of qualified installers and inspections. He asked that there be clarification on whether this appendix does or does not apply.

Chuck Day added that if there is a need for residential sprinklers, it should be applied to all types of housing, and that manufactured housing should not be exempted from those requirements. He felt it

is not within the scope of the RSB, but it is within the scope of authority of the state and BCD. In Chucks' opinion, if this Appendix passes as written, tax bases would erode and other revenues would need to be generated to make up for the loss.

Pat Bridges clarified the initial scoping provisions would apply to all areas in the expanded UGB. The exception would be all new subdivisions required to be sprinklered after five years from the adoption by the local jurisdiction. He agreed that would be an inconsistency, but that the fire service came forward and demanded this be a local option, so the homebuilders agreed. The fire year moratorium starts at the state level.

Earl Diment (Portland Fire) offered a rebuttal to Chuck Day on affordable housing. He indicated that low income households and seniors are at greatest risk of home fires because of behavior. Addressing behavioral changes will typically change fire behavior. Earl referred to a report that specifically addresses sprinklers versus affordability for housing. He will send a copy of that report to BCD for distribution.

Dave DeHarrport (RSB) commented that this proposal would not extinguish the existing fire code, but would be an addition to the existing code. He wanted to clarify that the homebuilders attempted to address the potential growth areas by creating the language of UGB.

Terry Williamson made comments on affordable housing, representing manufactured housing.

Buzz Bonser, representing Manufactured Homebuilders Northwest, said that while the adoption of Appendix P may not be intended to effect manufactured housing, any proposal would affect their industry. He wanted more specific language in the proposal that would address local authority accordingly. He believes the language should affect the manufactured housing industry and is in favor of this proposal, but not satisfied with the position.

Andrea summarized the two positions on the scoping language. She asked if there might be another mechanism to scope the issue as discussed. Chuck suggested it be scoped more explicitly to eliminate replacement dwellings, remodels or additions to existing structures. Also, it should be scoped to eliminate all lots of record inside and outside UGB, being more specific.

James Bela from Oregon Earthquake Awareness commented on the fire service response time and was in favor of local jurisdictions having the option of adopting the Appendix. He stated he was concerned about the loss of water due to earthquakes and fires following.

Location of sprinklers

Andrea introduced the next issue as outlined by the fire service and homebuilders language in Appendix P: Assuming sprinklers are required, where should sprinklers be located in a residential structure? Should bathrooms smaller than 110 sq. ft and closets smaller than 24 sq ft, garages and attics be required to have sprinklers?

Eric explained that this is the only area of contention in the installation standard of the appendix. The original proposal had no threshold at all, these areas were eliminated. As a middle ground, the

fire service proposed the language as submitted. The rest of the proposal looks like NFPA 13D, which is the national standard. The fire service would like to get as close as possible to language that looks like national standard. The fire service suggested these exceptions.

Pat Bridges added that the homebuilders had compromised to accept the fire service language.

Andrea asked where the square footage figures had come from. Eric responded that it came from the national standard.

Chuck Day pointed out that he did not want Oregon to do something in anticipation of what could happen at the national model code level. Eric stated if this comes to fruition at the national level, Oregon would already be on board. If it does not happen, at least fire service would be assured it was a consideration at the national level.

Jim Schwager asked to clarify item 2, which exempts crawl spaces and closets that do not contain fuel fire appliances and item 6, closets that are 60 square feet or less.

Terry Williamson said the manufacturing housing industry, if included in this proposal, would like to see consistency with other surrounding states. The industry sends manufactured structures into other states.

James Bela addressed the location of sprinklers, being in favor of sprinklering attics, garages, and crawl spaces.

Local jurisdictional fees

Pat Bridges explained the homebuilders language has the ability to design a prescriptive multi-purpose system depending on the number of variables related to that system. One is the water meter pressure loss, the other the amount of rise from the source to the structure. The maximum meter on the water meter size is $\frac{3}{4}$ inch. But the line capacity servicing the line from the meter to the house can go to one inch. What the homebuilders have done by their language is to limit the ability of the local jurisdiction to adopt this appendix if they attempt to apply system development charges (SDC).

Eric agreed that this needs to be addressed and they are working in that direction. Chuck Day does not understand how the building code could be addressing what water purveyors are doing. He feels they do not have that authority.

Kevin Henway, Hillsboro Water Director, believes SDC fees in Appendix P is an authority question that does not belong in the building code. In his written testimony, Kevin points out that this would create conflict between agencies. The revenue impact is substantial (written testimony submitted).

Amanda Rich from the Special Districts Association of Oregon (SDAO) said they do not have an official position on Appendix P or the local adoption, however they do support fire districts. Their concerns are whether BCD should be addressing local water utility fees and their ability to charge system development fees. They are in support of the City of Hillsboro's position. SDAO has

started a work group with League of Oregon Cities, State Fire Marshal's Office, local water utilities, and local fire services that are specifically addressing the issue of water utility system development charges and how they impact the installation of home fire sprinkler systems. Amanda stated she felt this adoption would create difficult conflicts and that water development fees should be eliminated from this discussion.

Dave clarified that this provision does not regulate SDC charges. The only thing this provision does is not increase the SDC going from a different size meter required for a sprinkler system. It has no restriction on what a water purveyor can charge. Affordability needs to be addressed.

Pat Bridges made a comment that several years ago, the homebuilders met with OSFM, water purveyors, local fire chiefs, and Local 290, attempting to iron out these issues. In the interim, no progress has been made, so the homebuilders made a decision to put this issue on the table.

James Bela suggested a more equitable fee structure could be implemented based on the volume of water consumed in the event of a fire. If activated, the sprinkler system would use less water than if it had to be fought with a hose.

Andrea asked if there were any other topics related to Appendix P that needed to be discussed. Eric addressed AP103.1.1 in the original proposal which was negotiated in access and water supply trade-offs. If specific trade-offs come with sprinklering, the fire service has agreed to add a new section to the fire code. Sprinklered residential developments of 30 units or more would be allowed to have one way in and out. An exception was requested in urban wildland interface areas for single access. Even if all units were sprinklered, there would need to be a second access. Eric asked for this language to be brought back to the proposal.

Chuck asked if Eric had that language. Pat objected to the terminology, it should be consistent with the requirements in the body of the code and should refer to the wildfire hazard areas. Eric explained that the problem is not with this exception, but with the current code which uses inaccurate terminology by referring to wildfire hazard areas and the Oregon Department of Forestry criteria refers to wildland hazard zones. So, it is an issue with semantics that could be cleaned up for consistency.

Chuck made a point on behalf of Adair Homes that they oppose ANY local adoption or ability of any local authority to adopt any version of Appendix P. He feels that would make the codes in Oregon become more fragmented as individual communities either adopt this appendix or not. Their other objection to any version being adopted is the tremendous impact that local adoption can have and is such that BCD should not defer this to a local process. It should be dealt with at the state level.

Andrea stated that all written testimony submitted will be reviewed and taken into consideration. The next step in this process is that BCD will take all testimony under advisement and carefully analyze these issues. They will develop a proposal based on discussions and will determine what the document will look like. It will be presented to the appropriate boards with a July, 2008 adoption date anticipated. They will be working with the Residential Structures Board at the April meeting. BCD will post the proposed language on their web site as part of the board packet.