

Oregon Update

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News from the State

Jon Chandler

If you've been following our legislative emails and website posts, you know that there's a fair amount of unpleasant stuff being done this session. Not a lot that singles us out directly, but a whole lot that affects business generally – and if you check our website (www.oregonhba.com), you'll find a report giving you all the details. At the time of this writing, the legislature is heading at a dead run towards the first of several internal deadlines, so we won't know for sure which bills are still alive for another week or so.

But for this month's column, I thought I'd talk about some of the good things that have happened so far.

- The two bills that would have repealed our no-voting-on-annexation bill from last session have both died. Hearings were held, but no action taken – there was simply no appetite for revisiting that issue.
- We were successful in derailing a couple of very bad bills – one that would have allowed SDCs for disaster resilience and one that would have reopened the old school SDC fight.
- Our bill to set up a task force to revisit SDC law moved out of committee unanimously, which is always a good sign.

But the most important bill we've been working on is [HB 2007](#); this is one of the Speaker's priority bills, dealing with increasing housing production, and we have been working with Speaker Kotek's staff and 1000 Friends to come up with what I think is going to be one of the best pieces of pro-housing legislation that we've ever developed.

It's still early, so we don't know for sure how much of the bill is going to survive the process, but having it be one of the Speaker's take-home bills dramatically increases the chances that it will make it, of course.

Key components are:

- Requiring cities and counties to process affordable housing (defined in the bill) permits in 100 days, without slowing down other permit processing.

- Directing (and funding) the Department of Land Conservation and Development (DLCD) to analyze what the average development timeline is and to develop ways to reduce barriers and to speed up the approval process for consideration by the 2019 legislature.
- Dramatically tightening up the existing Clear & Objective standard requirement by saying that cities and counties cannot deny an application if it complies with the C&O standards OR if the application would have been approved but for design review problems.
- Closes the "surplus housing" loophole that Corvallis and other cities have been using by making it clear that clear and objective standards applies to all housing, including mixed use, not just "needed" housing or housing on the jurisdiction's buildable lands inventory.
- Limiting the ability of cities and counties to reduce density below the zoned density, unless necessary for health and safety reasons.
- Prohibiting the use of historic district designations from being used to reduce density or prevent infill and redevelopment.
- Require cities and counties to allow Accessory Dwelling Units and duplexes as outright uses in every single family zone.
- Allowing religious organizations to build affordable housing on their land.

As you might imagine, the cities – particularly the city of Portland – are screeching like mashed cats about this bill, but I don't think they have much of a case to make. This bill will make it easier to develop and build more housing, affordable and market-rate, and that's what the cities say that they want...which means that arguments based on local control aren't likely to get very far.

Like I said, it's still early in the process, but I think we have an excellent chance of getting a pro-home building bill out of this session. Stay tuned.

Green Building

Howard Asch

A Matter of Balance and Comfort

According to the National Comfort Institute around half of the new HVAC systems being installed have comfort issues or don't operate as efficiently as they should. The Energy Star program says that incorrect installation of HVAC systems can reduce efficiency savings by up to 30 percent.

Complaints range from temperature variations from room to room, inconsistent air flow from registers, condensation from high humidity or excessive dust in some areas. These all occur because the system is not correctly balanced.

Incorrect balance can also cause greater pressures in some areas which will push the conditioned air through gaps in the air barrier; and lower pressure in other areas which will suck in outside air. The house can be both pushing air out and pulling it in at the same time. That can happen even if the duct work is properly sealed.

The solution to making an HVAC system operate efficiently and comfortably starts with using the Air Conditioning Contractors of America Manual J to correctly design the system to get all the parts sized right. Rule of thumb is not adequate to get the right air flow to each room at the right pressure and temperature.

The installed system needs to be tested to assure the right amount of supply air is entering each room and that the return air system is taking all the air out of each area that was supplied to it. This will require equipment such as balometers and manometers to measure air flow and static pressures.

Fans need to be adjusted to yield proper air flow. Ducts should be checked to be sure they do not leak. The proper filters should be used.

A properly balanced system allows the equipment to operate at its highest efficiency and save the customer money. It reduces drafts, cuts temperature variations and solves condensation problems from higher humidity levels in some rooms. Proper air flow will reduce the amount of dust carried in the air. Attention to these details will leave the customer satisfied and comfortable and reduce energy costs.

Codes Update

Howard Asch

New Alternate Construction Standards

Some builders and developers have had the local fire department insist that residential sprinkler systems be installed when a building site did not meet fire code standards for access or water supply. A Uniform Alternate Construction Standard issued by Building Codes Division has removed the decision for what to do when access and supply is not adequate from the fire department and placed the responsibility with the local building official and provided specific alternatives to be allowed.

This standard gives authority to the building official, not the fire official, to apply alternatives when the fire official has determined the water supply or emergency vehicle access is not adequate. The building official must consider the advice of the fire official, but the decision of which alternatives will be allowed rests solely with them. An example when this would apply is a lot with a narrow driveway or excessive slope so that fire equipment cannot access the building.

There are six options the building official can choose from. These are the only options available. The building official can require any one, or a combination of options which in his opinion will provide a reasonable alternative to proper access or water supply. A builder or developer can request a particular option, but the building official will determine whether or not to accept the requested option.

The options available are:

- Installing a NFPA 13D (residential) fire suppression system.
- Install a partial NFPA 13D (residential) fire suppression system.
- Installing additional layers of 5/8" type-X gypsum board.
- Compartmentalizing the dwelling with fire-resistant rated assemblies to limit spread of fire.
- Installing fire-resistive exterior wall and roof coverings.
- Providing fire separation that complies with the standards of the Oregon Department of Forestry Wildland-Urban Interface rules.

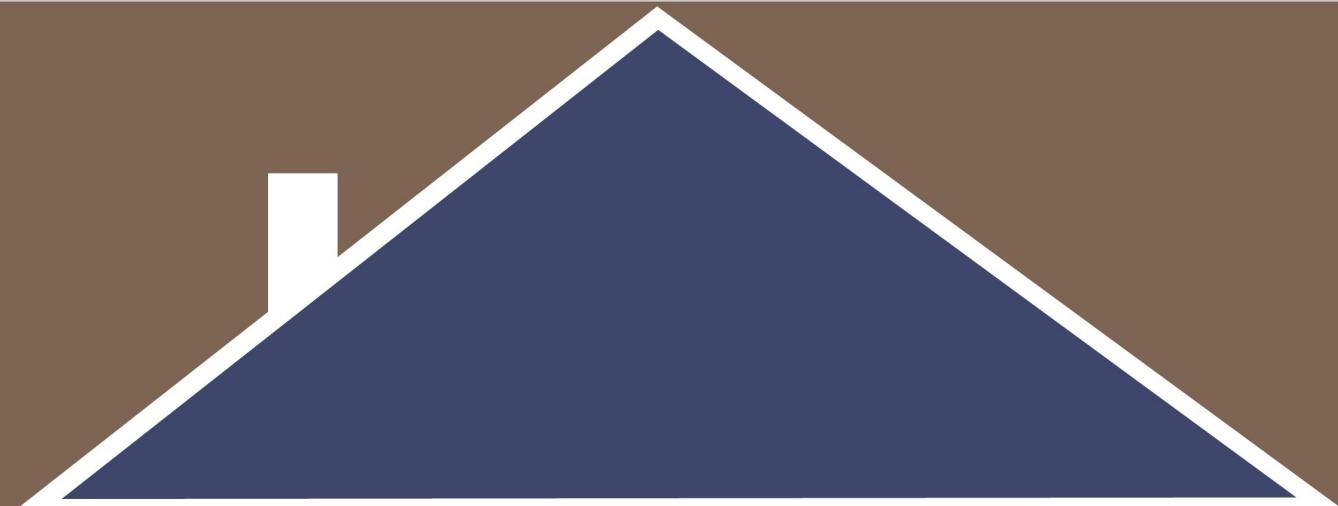
It is not clear what may constitute a partial NFPA 13D fire suppression system, what areas need additional 5/8" type-X gypsum board or what needs to be compartmentalized to meet the intent of these options so it will be

necessary to work out a plan with the building official. This should be done at the design phase to prevent problems at plan review.

The options are available for any lot of record created on or after January 1, 2002. The building official must also have provided notice that they intend to allow these Uniform Construction Standards and provide it in conjunction with any land use application. It may behoove you to contact the building official and encourage them to provide this notification if they have not already done so to allow use of the alternatives. If they have not, the building may be required to comply with fire code access and water supply requirements.



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A graphic of a house outline in white, blue, and brown colors, serving as the background for the event details.

OPEN HOUSE

Thursday, May 11
5:30 - 8:00 PM

OHBA New Office
2075 Madrona Ave SE ~ Salem

SPECIAL GUEST: DEAN MON
Third Vice Chairman of NAHB Board

**Join us for food, drinks, conversation & a tour of the new
Home Builders Association building!**

**RSVP: gharville@oregonhba.com or
503-378-9066 Ext. 4**