



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: December 5, 2022		Subject: Resolution No. 3015 A Resolution of the City of Wilsonville adopting the structural specialty code and the mechanical specialty code and repealing all prior Resolutions that previously adopted a structural specialty code or mechanical specialty code Staff Member: Dan Carlson, Building Official and Amanda Guile-Hinman, City Attorney Department: Building/Legal	
Action Required		Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input checked="" type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments: N/A	
Staff Recommendation: Staff recommends Council approve the consent agenda.			
Recommended Language for Motion: I move to approve the consent agenda.			
Project / Issue Relates To:			
<input type="checkbox"/> Council Goals/Priorities:	<input type="checkbox"/> Adopted Master Plan(s):	<input checked="" type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

Whether to adopt the proposed state building code and state mechanical code, as amended or supplemented, as part of the City of Wilsonville Building Code, as currently provided in Wilsonville Code Chapter 9. Resolution No. 3015 concerning adoption of the building code and mechanical code is attached hereto as **Attachment A**.

EXECUTIVE SUMMARY:

The Oregon Building Codes Division (“BCD”) is responsible for adopting a consistent and uniform set of construction codes that are effective statewide pursuant to Oregon Revised Statutes (ORS) 455.020(1). These codes contain technical provisions and administrative provisions.

With regard to technical provisions, jurisdictions are not permitted to adopt more restrictive local codes than are within the scope of ORS 455.020 and the adopted statewide codes. With regard to administrative provisions, under ORS 455.020(4), jurisdictions may enact regulations for locally administering the state building code.

In December 2019, Council approved an entirely revised Wilsonville Code Chapter 9, entitled Building Code, to provide for effective local administration of the state codes. In addition, Chapter 9 authorizes adoption of state building codes through Council action via resolution. This provides the flexibility and nimbleness to more readily adopt revised technical building code standards as they change at the state level.

On October 1, 2022, two (2) new state codes became effective. Due to printing delays, the state BCD is providing a grace period until April 1, 2023 to use either the old 2019 codes or new 2022 codes. After the grace period expires, the new codes are mandatory. Council is being asked to approve a resolution to adopt the new building code and mechanical code in alignment with the state effective date.

1. Overview and Resolution No. 3015 – Adoption of Residential Building Codes

There are numerous statewide building construction codes adopted by BCD. The state BCD generally adopts building codes on a three (3) year code change cycle. Because there are a large number of codes, reviewing and updating all codes every three years would be a monumental task, so BCD and its respective advisory boards review the codes on a staggered schedule.

On October 1, 2022, BCD adopted the following codes statewide:

- 2022 Oregon Structural Specialty Code (OSSC)
- 2022 Oregon Mechanical Specialty Code (OMSC)

While October 1, 2022 was technically the effective date for each code, delays in the printing process for code books has prompted BCD to enact interim rules that allow for an implementation grace period until April 1, 2023.

The outreach to stakeholders for statewide code changes was robust at the state level. This included a number of industry and trade groups. The state is providing online training free of charge on the code changes. This training will be available online for any interested party. Building staff have been reaching out locally to make contractors and designers aware of the changes. The following links on the BCD website are to summaries of the proposed code changes:

- [2022 Oregon Structural Specialty Code \(340 Pgs\)](#)
- [2022 Oregon Mechanical Specialty Code \(108 Pgs\)](#)

Recently, the state BCD clarified its statutory authority to regulate codes for the construction of certain items. Items that BCD said it could not regulate were left as reference only in the codes with the caveat that jurisdictions would have to locally adopt provisions to administer and enforce. For example, BCD said the statewide code adoption does not apply to the regulation of demolition, retaining walls, fences, and dangerous buildings, to name a few. Staff and Council went through a similar add-back exercise with the previous code adoption process in 2020 and 2021. Staff have reviewed the online version of the proposed state codes and is suggesting the add-backs noted in **Attachment A, Exhibits 1 and 2**, for local adoption. Where relevant, these are also consistent with the commercial codes and residential codes which were previously adopted by Council via resolutions 2779 and 2926 respectively.

Resolution No. 3015 (Attachment A) adopts two (2) codes that are applicable to Wilsonville pursuant to Chapter 9, Sections 9.300, 9.310, and 9.330. Resolution No. 3015 adopts the 2022 Oregon Structural Specialty Code (OSSC) and the 2022 Oregon Mechanical Specialty Code (OSMC), as amended and supplemented.

EXPECTED RESULTS:

Establishes local Building Code adoption for commercial building and mechanical codes.

TIMELINE:

If adopted, Resolution No. 3015 would become effective at the December 5, 2022 Council meeting. The resolution acknowledges the state’s grace period for use of either the 2019 or 2022 building code and mechanical code, and further that the grace period expires April 1, 2023, after which, the 2022 building code and mechanical code are exclusively effective.

CURRENT YEAR BUDGET IMPACTS:

N/A

COMMUNITY INVOLVEMENT PROCESS:

The outreach to stakeholders for statewide code changes was robust at the state level. This included a number of industry and trade groups. The state is providing online training free of charge on the code changes. This training will be available online for any interested party. Building staff have been reaching out locally to make contractors and designers aware of the changes.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

Providing the local regulations will ensure that structures continue to meet accepted safety standards and ensure consistent application of the codes with neighboring jurisdictions.

ALTERNATIVES:

Adopt the statewide code for local administration, or turn the local building program back to the state for state administration, which is not recommended.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

- A. Resolution No. 3015
 - Exhibit 1 – Structural Specialty Code
 - Exhibit 2 – Mechanical Specialty Code