



# Oregon

STATE BOARD OF EXAMINERS  
FOR ENGINEERING &  
LAND SURVEYING

670 Hawthorne Ave. SE, Suite 220  
Salem, OR 97301  
(503) 362-2666  
Fax (503) 362-5454  
E-mail: osbeels@osbeels.org

## RULES & REGULATIONS COMMITTEE

Minutes of Meeting  
October 10, 2014

### Members present:

Ken Hoffine, Chair  
Jason Kent  
Shelly Duquette

### Members absent:

William Boyd (excused)

### Staff present:

Mari Lopez, Board Administrator  
Jenn Gilbert, Executive Assistant  
Adaira Floyd, Social and Communications Media Specialist

### Others present:

Katharine Lozano, Assistant Attorney General  
Jon Dasler, David Evans and Associates (until 8:10am)

The meeting of the Rules & Regulations Committee was called to order at 8:07 a.m. in the OSBEELS Conference Room at 670 Hawthorne Avenue SE, Suite 220, Salem, OR 97301.

### Public Comment

Jon Dasler of David Evans and Associates was present to speak on Hydrographic Surveying and asked the Committee to address a related board ruling. The Committee noted that this would be addressed during the next board meeting. There was not further discussion.

### Unfinished Business

#### Discuss definition for "appurtenance"

During the previous Committee meeting on August 15, 2014, the Committee requested AAG Lozano to draft rules for consideration that incorporated the definition of appurtenance as used by the Construction Contractors Board and the Oregon Board of Architect Examiner taking into account the requirements by Building Codes. AAG Lozano mentioned doing so will not fulfill the goal requested because the architect's rule and the CCB rule work to expand the definition of what an appurtenance is for their purposes (as it falls within their licensure), whereas with OSBEELS, it is for the exemption from licensure. AAG Lozano further explained that the

Committee is looking to narrow the definition of appurtenance to make sure that life safety issues are addressed. Part of the goal would be to prohibit calling any structure an “appurtenance” just because it happened to be near an exempt structure – thereby disallowing unsuitable design work on structures that could be dangerous.

AAG Lozano referenced the Residential Structural Code for Oregon, which she explained could be used for draft language. The Residential Structure Code for Oregon features language regarding "accessory structures," where AAG Lozano suggested the Committee look to craft a definition for appurtenance. The code on accessories also features "including - but not limited to" language, helping determine what an accessory is and isn't (for example: an accessory is not a retaining wall of a certain length/height within determined bounds of safety, an accessory is not an additional home, etc.) AAG Lozano suggested this could be the type of language used to ensure that non-registrants are not able to design a structure that they can call exempt by labeling it an "appurtenance," when it is truly something that would be dangerous for a non-registrant to design.

The Committee then discussed the purpose for defining appurtenance. The Committee discussed that without defining appurtenance, this may lead to including structures that are far beyond what would be contemplated for a non-licensed individual or group by calling it an “appurtenance” to an exempt structure. Additional discussion occurred, including specific height and square footage parameters for the definition. AAG Lozano pointed out that if OSBEELS was to refer to the Oregon Residential Code section on exempt structures and accessories for parameters, the concern would be that some of the number parameters are bigger than what the Committee may prefer to see a non-registrant design. AAG Lozano suggested the idea of using the Oregon Residential Code section on exempt structures and accessories as a starting place but altering the number parameters based on what the Committee deems appropriate for the appurtenance definition.

Mr. Kent suggested that the Committee determine whether or not to keep the definition broad or start developing detailed information (parameters, materials, etc.) to lay down clear boundaries. Ms. Duquette added that in addition to size and numerical parameters, atypical structures and materials may need to be addressed. Ms. Duquette mentioned there is an existing definition of typical construction (wall studs, rafters, etc.) which may help the Committee with a starting point on addressing non-standard, atypical construction and/or structures. Referencing the existing accessory code, AAG Lozano asked the Committee questions to determine what numbers or content should be altered for the appurtenance definition. In terms of retaining walls, Ms. Duquette responded with sticking with the 4ft. height, level backfill, and not supporting any structure. Ms. Duquette clarified that length will not play a factor. AAG Lozano agreed to draft language for the definition by borrowing from the accessory structure definition in the residential code, adding parameters for retaining walls, and including the parameters would you see to exclude atypical structures.

## **New Business**

### **OAR 820-010-0505 – Biennial Renewal of Registration or Certification**

The Committee began discussing the wording of section (2), relating to the Board granting a grace period on continuing education. AAG Lozano mentioned that the language in OAR 820-015-0026 - Failure to Comply with Continuing Professional Development Requirements is not new and can be duplicated or referenced in other places where it may apply for clarity (such as OAR 820-010-0505 – Biennial Renewal of Registration or Certification). The purpose of this change would be for administrative ease in terms of the renewal process; the idea being to replicate the grace period rule requirements in a place they are likely to look. The Committee expressed concern in replacing the same rules in multiple locations. In an event that the rule was changed, future staff may not realize the rule must be changed under multiple sections. Mr. Kent and Ms. Duquette suggested referencing the actual OAR 820-015-0026 - Failure to Comply with Continuing Professional Development Requirements in the OAR 820-010-0505 – Biennial Renewal of Registration or Certification instead of placing the full rule language may be more appropriate – so that while the language in the rule may change, the reference will remain the same.

AAG Lozano summarized the different options. After discussion, the Committee approved recommending the draft language to include a brief description and a reference to OAR 820-015-0026 (ex: “to request a grace period to complete PDH, please see the OAR 820-015-0026 - Failure to Comply with Continuing Professional Development Requirements”). Chair Hoffine suggested that again mentioning the option to request a grace period in *The Oregon Examiner* may help registrants realize the opportunity.

The meeting adjourned at 8:50 a.m.