



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

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SUMMARY COUNCIL MEETING MINUTES

LOCATION: Spokane Fire Department Training Center
1618 North Rebecca Street
Spokane, WA 99222

MEETING DATE: September 12, 2014

Agenda Items	Committee Actions/Discussion
1. Welcome and Introductions	Meeting was called to order at 10:00 a.m. <u>Members in Attendance:</u> Ray Allshouse, Council Chair; Dave Kokot, Vice Chair; Rod Bault; Paul Duffau; Duane Jonlin; Al French; Dave Peden; Jeff Peterson; Sandra Romero; Steve Simpson; Eric Vander Mey; Rep. Tana Senn; Sen. Jan Angel <u>Staff in Attendance:</u> Tim Nogler, Managing Director; Joanne McCaughan; Krista Braaksma; Peggy Bryden <u>Visitors Present:</u> G.F. Scheuerman, Lance Talley, D. Rogers, Traci Harvey, Luis Garcia, Suzanne Mayr, Doug Powell, Randy Vissia, Luke Shatto, Gregory Brown Special welcome to this facility given by Fire Chief Bobby Williams
2. Review and Approve Agenda	Tim Nogler adds item under Staff Report. The agenda was approved as modified.
3. Public Comment on Items not on the Agenda	None was given.
4. Review and Approval of June 13, 2014 Minutes	The minutes of June 13, 2014 were approved. The motion was made by Dave Peden , seconded by Steve Simpson .
5. Public Hearing on Proposed Rules	The proposed rules will be voted on in the November Council meeting then they would be established as rules. They would become permanent rules July 1, 2015. Written comments will continue to be received until October 24, 2014. There will also be another public hearing on October 10, 2014 in Olympia. Ray Allshouse gave a summary of the rules at this meeting for public testimony <u>Public Testimony</u> <u>IBC Table 2902.1, Plumbing Fixtures in Schools.</u> Tim Nogler summarized the proposed rule. It provides a footnote to the table, determining the occupant load based on a calculation which determines the number of fixtures. Gregory Brown , is the director for capital projects for Spokane Public Schools. He is also a licensed architect for Spokane Public Schools and a member of the American Institute of Architects. He thanks the Council for the opportunity to

speak. Spokane Public Schools serves over 54,000 students, with more than 3,000 employees. He manages and oversees all the capital jobs. This includes long-range planning, permitting, and construction. He wishes to express his support of this amendment to the IBC. He has been working with a special work group and in the past they have been able to give an opinion on this. They believe this amendment to the rules will benefit public school districts. Without this correction they would be required to almost double the capacity of plumbing fixtures in a school.

Denise Stephan, Puget Sound School Coalition, concurs with Mr. Brown's statement. She thanks the Council for their studied review of this matter earlier this year. They are supporting this.

IFC Sections 200 and 903.2.3, Fire Safety in School Portables. **Joanne McCaughan** summarized this item. This emergency rule is WAC 51-54A. It was to change language regarding portable classrooms. It was adopted many years ago and became obsolete as the requirements for fire safety improved. The proposal to amend the Fire Code provides immediate economic relief to school districts planning to add portable classrooms.

IFC Section 907.2.3, Fire Alarms in Schools. This emergency rule will ease a significant financial burden for small daycares and smaller limited school remodeling projects. It specifies that the occupant load can be 50 or fewer. It also specifies an emergency voice alarm is not required in Group E occupancies of 100 or fewer if manual fire alarms initiate an approved signal.

Gregory Brown, Spokane Public Schools, expressed his support for these two rule changes to the Fire Code affecting schools. The School District believes these amendments will be a safe and prudent approach to fire alarm systems and the use of school portables. They have been working closely with their local jurisdiction making sure to follow this approach over the last two years. They relocated portable buildings and added new portable buildings and have tried to ensure that they follow this approach. He is glad this proposal reflects that. This is a good use of taxpayer dollars and appreciates the Council addressing these matters.

Traci Harvey, Spokane Valley Fire Department, supports both of these emergency rules. She was part of the group that was rewriting the portable classroom rules. She noted there was so much open to interpretation, everyone was treating it differently and it was causing a lot of confusion. This confusion resulted in burdensome costs for schools. The addition of exception no. 2 was a good solution, as it lifted the sprinkler requirements for portables under certain circumstances. This gave the schools more flexibility to provide the classrooms needed to meet the increased growth of the student population, while still maintaining the safety of the students.

In terms of the fire alarm there were some new requirements coming down from the national level that had serious impacts in terms of cost. Very expensive systems were being required for small occupancies. It was noted the 2015 Code

was raising the occupancy limits, so they definitely wanted to get that into the code now so that school districts were not penalized for the next couple of years. This rule should become a permanent rule, rather than waiting for the adoption of the 2015 codes. Both of these items have a definite benefit.

Denise Stephan, Puget Sound School Coalition, concurs with the two previous speakers, particularly on the portable rule. This took quite a bit of work to get this proposed rule.

Duane Jonlin of the Council asked to make a wording change. **Tim** stated this is not the appropriate time. **Ray** suggests Duane submit the comments in writing which Duane agreed to do.

IRC R302.2, Townhouse Separation. **Tim Nogler** said this amendment to the Residential Code is for fire separation. It addresses an error that created confusion on where fire separation is between townhouse units when there is a common wall. This addresses fire sprinkler requirements.

Dave Kokot of the Council asked for clarification on emergency rules, and whether the Council needs to vote on these regularly to keep them active, and whether the time frame is current. **Tim** answered yes. When adopting an emergency rule we also enter permanent rulemaking which keeps the emergency rule in effect until the final decision is made. Emergency rules are in effect for 120 days and by adopting this, the rule remains in effect until the permanent rule process has been completed.

There was no public testimony on this item.

IRC M2302.2, Photovoltaic Solar Systems. **Tim** stated this is part of the IRC requirement for rooftop photovoltaic panel installation. There are exceptions provided in Section M2302.2.1 deeming it adequate to support the load of buildings that meet the criteria given. There are five criteria.

There was no public testimony on this item.

Dave Peden asked if written comment had been received on this. **Tim** indicated no, but we anticipate written comment by the deadline.

IRC R408.1 / IBC 1203.3, Ground Cover. This is an emergency rule reinstates a provision that requires a ground cover of 6 mil. black polyethylene for one or two family dwellings and townhouses where there is a crawl space. It was addressed differently in the 2012 code, but based on the enforcement actions it was requested to reinstate the requirement.

There was no public testimony on this item.

WSEC Residential, R403.4, Hot Water Pipe Insulation. **Krista Braaksma** indicated this updates the hot water pipe insulation and goes back to the requirement that was in effect prior to the adoption of the 2012 Code.

WSEC Commercial C202.18R, Refrigerated Warehouse; C402.4.5.2, Maximum Damper Leakage; C403.2.4.4, Damper Requirement. These are not currently emergency rules. These are items proposed through the current code development cycle that the Council felt should be heard and moved into the Code

	<p>prior to the adoption of the 2015 edition.</p> <p>The first one modifies the definition of refrigerated warehouse to give a better temperature range to help in the enforcement of that requirement.</p> <p>The second part modifies the damper language to coordinate the conflicting requirements within the model code language that we had adopted.</p> <p>The third one adds the reference in the mechanical section back to the previous damper requirement in the envelope section.</p> <p><u>Lisa Rosenow, Northwest Energy Efficiency Council (NEEC)</u>, this is regarding the refrigerated warehouse the range of 55 degrees. There has been some question about where that came from. The explanation for this is being gathered from ASHRAE 90.1.</p> <p>*****</p> <p>This completes the public testimony for this time. Comments can be submitted in writing to SBCC until October 24; another public hearing is scheduled in Olympia on October 10.</p>
<p>6. Committee Reports</p>	<p><u>Executive Committee.</u> As the chair, Ray Allshouse reported. He stated they met on September 11. They discussed legislative issues and a report on the Lean Project. Under legislative issues they discussed what is happening with the Electrical Code. During the 2014 Legislative Session, HB 2213 was proposed; it would have moved control of the Electrical Code from the Department of Labor and Industries to the State Building Code Council. The bill eventually failed. It was concluded that legislation was not required, but a work group should meet. Rep. Takko is heading up a work group in Lacey on the 29th of September. The Council did not take a position on this bill, but will continue to watch this and participate as needed. Tim will attend the meeting on September 29. Currently, L&I has control over the electrical code; and allows cities, but not counties, to administer electrical permit and inspection programs.</p> <p>The other legislative item was to modify the building permit surcharge that had been attempted multiple times since the inception of the SBCC. This fee is charged to every building permit, which is the funding source for the Council. This fee has not changed since 1989, and is \$4.50 for each permit. There is an additional fee of \$2 per additional dwelling unit where there is more than one dwelling per permit. As discussed, since the recession we have been using our reserves as we have not brought in sufficient revenue for us to stay out of a deficit. Based on current projections we will exhaust our reserves by the end of 2015. As a result the Council staff is prepared to recommend to the Governor through the Office of Financial Management that we are again pursuing legislation to increase the fee rate. Tim stated the next step will depend on the answer received from the Governor. We will be kept informed, and should have an update by the October meeting.</p> <p>Jan Angel asked for a couple years of revenue and expense reports that she could go over as a new Council member.. Al French, Council member, also requested the information. Tim said he would get those documents prepared for these</p>

members. **Al French** also asked when the fee was last increased. It never has been increased. Staff has been reduced over time from eight to four, in order to operate within the revenue received. **Al** then asked what is the system used to ensure the permits are being issued as they should. **Tim** replied that OFM gives SBCC a monthly report.

Duane Jonlin stated the King County cities have been going through a building boom and he doesn't understand why revenue is not increasing. **Jeff Peterson**, of the Council stated in his position in the industry there has been some increase in building, but there is not much buildable land. With the recession, plot development stopped and it takes quite a bit of time to restart this, maybe as long as 10 years. Also there has been a major trend toward multi-family dwellings, which generates significantly less revenue.

Duane then asked who would be a part of the electrical work group. **Tim** referred to his list stating there would be WABO, City and County Inspectors, L&I, IBEW, BIAW. SBCC is not specifically listed, but a representative will attend and provide information. Moving the Electrical Code to SBCC would have a significant impact. **Sandra Romero** of the Council asked if there would be more funding if the Electrical Code came to SBCC. **Tim** indicated funding was not addressed.

Rod Bault of the Council asked what the estimated revenue would be if the fee was raised to \$10 for commercial. **Tim** stated the estimate is that 30% of the permits are commercial making the residential 70%. The estimate is relative it is about \$150,000 to \$160,000 per year.

Dave Kokot estimated that staff time needed to support the upcoming amendments would be the equivalent of about seven staff and there are only four. He believes more staff is needed in order to do our job properly, and to make sure the codes are being maintained as they should be. This fee increase should help with this. This next year will be very daunting with the adoption of the new codes. **Jeff Peterson** added that up until recently we have been dealing with life/safety, but now we have a mandate to reduce energy; that is a time consuming and difficult mandate.

Jeff remarked that cities that do their own electrical inspections are efficient because they are able to do very small inspections that are required by the electrical code. **Eric Vander Mey** pointed out that we need to be able to hire energy consultants to do the work for the energy impact model. In the past we have depended on other organizations funding this. **Jan Angel** indicated the Executive Order has a lot mandated in it. She asked if when determining the fee increase, there was a pro forma based on what the mandates are, and what the expenses are. **Tim** stated they did and it is on the website, but he would get this information to Senator Angel. **Tim** added that the Executive Order is not considered a mandate, but a direction being given. **Ray Allshouse** stated he met with Chris Liu, the Director of DES, with Tim and pointed out to the Director the issues around electrical compliance. He seemed to understand these concerns.

Ray then reported on the Lean Project that was discussed in the Executive

Committee meeting. Council staff continues to look at our process to be more open and transparent to stakeholders and is also looking for efficiency. They have had a degree of success and we will have updates from staff. This is intended to improve our business on a day-to-day basis.

Duane Jonlin asked Tim about the Lean Process status since it was discussed in previous Council meetings. He has some serious reservations the direction we are going. **Tim** said the current status was discussed yesterday and we need to get input from Council members and stakeholders and to have a more Council driven process as opposed to a staff driven process in determining what the real problems are. We will be summarizing the mapping done so far and the hypothesis we have come up with. All of this information on this is on the website and we are updating this regularly.

Lisa Rosenow, with NEEC, comments on the compliance forms that are utilized by jurisdictions for the energy code. They conducted a survey of jurisdictions around the state regarding the usage of these forms and every jurisdiction responded they liked these forms. Maybe the Council could consider an ongoing maintenance of this tool that apparently almost all jurisdictions are requiring.

BUILDING, FIRE, & PLUMBING COMMITTEE report was given by **Dave Peden, Chair**. This committee met yesterday, September 11, where there were two main topics on the agenda. They discussed the work plan prepared by the staff for the upcoming 2015 code cycle. This itemized the specific tasks involved and applied some estimated hours with the tasks. There are a lot of hours involved. One thing to help with is to stagger the TAG efforts, particularly with the Fire and Building Code TAGs which are ready to convene meetings and get that process under way. **Tim** said the plan was to review the changes made in the model code, look at whether or not state amendments apply and then consider any new state amendments proposed by March 1, 2015. There were many changes made on the codes between the 2012 and the 2015 cycles. The Council has the authority to amend the codes; however the policy is to adopt as few amendments as possible. We have a good set of volunteers in the TAGs and we hope to distribute the workload and keep everyone engaged.

The second item on the agenda was an interpretation request from Bellevue regarding sprinklers in Type E occupancies. This involved a daycare moving into an existing church. There was a lot of public testimony on this matter. It was decided by the Committee to propose an emergency rule which modified the code language. There was a concern that the interpretation might not be an appropriate route to go. **Ray** stated the proper way to do this would be to go through actual rule-making. Specific language has not been developed yet, after this was done and published it could be discussed, possibly at the October meeting. **Dave Kokot** pointed out this refers to the same section of the code in which we are already engaged in permanent rulemaking regarding school portables. We need to make sure that this is confined in scope because we are at the latter part of the permanent rulemaking process; it could possibly be considered as a modification for that permanent rule. It did pass unanimously by the Committee to propose to

pursue an emergency rule on this particular matter. **Jeff Peterson** feels the constituent groups for the daycare and the portables for schools are extremely different and we need to be sure those that are running the daycares have the ability to get notification of this so they can bring their concerns. This change would be a large cost for very small groups. These two actions should not be tied together and get pushed through the process without notification.

Dave Kokot stated that language was read into the record at the Committee meeting yesterday, which was approved. The original wording states in the “fire area”. The original interpretation responded to the same question. That interpretation said you did have to include the occupancy. There have been specific changes to the 2012 code. The Building Code refers to one table and the Fire Code refers to a different table. So errata had to be made to get the Fire Code and the Building Code to refer to the same table.

Tana Senn wants to reiterate what Jeff said as Seattle is looking at a preschool initiative as the state is looking at expanding early learning and pre-K. Making this an emergency rule could dramatically hinder new preschools or daycare centers from opening or from being located in cost effective areas like a church. We need to look at all the unintended consequences of that.

Duane Jonlin questions the same church or school being one occupancy during the day or the week but changing to another occupancy in the afternoon or on Sunday. Dave Kokot said if the occupant load is above 50 whether it is a church or a school, sprinklers are required. If it is below 50 then a two-hour firewall is required, which is much less expensive. If a daycare goes into an existing building they must apply for a change of use permit. Also all daycares must have a certificate of occupancy.

Lance Talley with office of State Fire Marshal spoke next. Their role is to make it as easy as possible to get the daycares going and have the children in them be safe. To do that we get to a point where when we look at fire areas or where daycares are going to be put; most of the time it will require a sprinkler system because of the occupant load for that building. We can reduce that and decrease the cost of the applicant going in there by simply putting in a fire barrier. It is very reasonable to put a fire barrier in and it is cost effective. It saves the applicant a lot of money to do it that way. We are trying to reduce the fire load for the firefighters, to be able to have a safe daycare. When you look at an A occupancy and an E occupancy and there is a mixed occupancy then where can the kids go. We have a brochure we use and we work very closely with the fire departments throughout the state. With schools they are an E occupancy whether before or after school. So daycares can go in the school. The legislature put some language in there to allow that in the last couple of years. So really that’s what we are looking at. Maybe we need to go around to the different fire marshals and building officials and let them know that we understand they issue the C of O’s. We are going in for licensing purposes and maybe we need to explain exactly what our job is so we are all on the same page.

Dave Peden stated the issue is open to different interpretation. The Committee

<p>Motion</p>	<p>had a hard time answering the question on the interpretation and decided that it was best to work on the code language itself and enter it for emergency rulemaking which would open it up for further public comment.</p> <p>Dave Peden made a motion to accept the Committee’s recommendation to enter this into emergency rulemaking. Steve Simpson seconded the motion.</p> <p>Jeff Peterson asked if there would be any summary or economic data stating how many daycares are currently in compliance and how many would have to be brought into compliance based on the emergency rule. Dave Kokot said if they already have a license they are in compliance. Lance Talley stated if the occupancy went above 50 they may have to look at sprinklers.</p> <p>Tim Nogler stated staff would put together the proposed code language with the justification and include any background for the Council’s consideration on the agenda for October meeting for action.</p> <p>The motion passed.</p> <p><u>MECHANICAL, VENTILATION & PLUMBING COMMITTEE</u> The report was given by Eric Vander Mey as the chair. This Committee met yesterday, September 11, and had a two hour meeting. A review was given on an interpretation request on how to apply vestibules in retail spaces. They came to a consensus on that and moved it forward. They also discussed the Work Plan. For the Mechanical TAG there appears to be about 190 model code changes. The Energy Code, for both commercial and residential, have about 260 model code changes.</p> <p>Chuck Murray of the Washington Department of Commerce led a discussion with the focus on the 2015 Energy Code and understanding our cost/benefit process with the Energy Code. Chuck is working on a spreadsheet which will be similar to the one from last year. He will present something separate in regard to carbon which is in response to the Executive Order. He is hoping to have the cost/benefit methodology sometime around November 2014.</p> <p>The Committee then discussed the goals for the 2015 Energy Code and where we should be focusing. The Residential Code was discussed particularly the high efficiency option chapter. The overall discussion was following how we have done things, relying on code proposals to come in how the proponents are going to be looking at the other model codes. We will evaluate the ideas as they come in with the code proposals.</p> <p>In regard to the Residential Energy Code we will have to be talking about what the point thresholds are and step up the game as to how many points the single family home will have to get to be in the high efficiency options. Also identified was part of the Residential Code that does not have to comply with the high efficiency option section with the potential place that we could improve the code. There was an extensive discussion on the Commercial Energy Code. Chuck Murray mentioned there are some individuals who are working together to come up with a set of proposals for the Commercial Code. There was a discussion regarding the C406 Section that we did not adopt in the 2012 Code. The 2015</p>
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	<p>IECC has more options on the high efficiency options table that are more equally weighted between the different options. This is a good opportunity for us to key in to and advance the Commercial Energy Code. Also discussed was outcome based Energy Codes and how they could be applied in the state in response to the 2010 Dept. of Commerce Strategic Energy Plan for the state. This plan asks us to consider them and how they could be applied. The consensus was to rely on proponents to bring things forward. It is a very tricky thing to try and implement. Seattle is the only jurisdiction we know of that has something like that and the enforcement is very difficult because of the way outcome based codes operate.</p> <p>Krista Braaksma of SBCC staff is working on the integrated draft of the Energy Code which is to overlay the 260 model code changes with our 2015 model code changes with our 2012 WSEC, Krista is hoping to have a draft of that for review around November.</p> <p>The code proposal form for the Energy Code was also discussed and making some changes to it so it would be different than the other proposal forms which are more life/safety driven. The goal with the Energy Code is the 70% reduction in energy by 2031. We need to incrementally increase each three year cycle so that we get to that 70% improvement. The goal is to make the form simpler to enable editorial corrections, and not provide all the cost benefit information. It is just a correction so we will get that input to make our code more enforceable.</p> <p>Tim stated there was a legislative report submitted, as required by the law, to the legislature at the end of the 2012 process, which is posted on our website. It provides an overall look at what our goal is in making these incremental changes. It shares some of the issues we have had in making these changes</p> <p>Ray Allshouse pointed out there are new copies of the WSEC available for Council members. Dave Kokot asked when the other codes would be available for Council. Krista stated ICC is not making CD's this year and so the option is hard copy. We can order hard copies for members if they want.</p> <p>Chuck Murray of Commerce State Energy Office stated he is trying to coordinate people developing code change proposals to hopefully streamline the process. He is working with consultants funded by NEEA and some volunteers which are focusing on the Commercial Energy Code. He welcomes anyone else who would like to participate in these discussions. He is available to help with this.</p> <p>Duane Jonlin asked Lance Talley what the current regulation is regarding use of a classroom with only one exit. Lance replied that since he has been retired, he deferred to the local fire marshal who stated if you have more than five children under the age of 2 ½ there must be two exits.</p>
7. TAG Reports-Membership	<p>Tim Nogler reviewed TAG membership which was discussed at the Committee meetings. We are still in recruitment for some vacancies and we will be working with Committee and Council chairs on this. We have a good set of applicants which are posted on the website. There are still a few questions to determine before the TAG meetings convene. We will continue to report to the Council on</p>

	<p>the process in our monthly meetings.</p> <p>Eric Vander Mey indicated they discussed in the MVE Committee the potential changing the TAG process for the Energy Code. Duane is still interested in finding a way to handle the quorum issue with a large TAG. Tim indicated the Bylaws give us flexibility in handling this issue.</p>
Green TAG Report	<p>Steve Simpson as the chair reported on this. The report is posted on the website, but we will still need to have one more TAG meeting. This will be either September 26 or October 3 in order to complete this report. There still are some issues with Ch. 6. We have not reviewed Ch. 10, 11 or the definitions chapter, which would make the report incomplete. Steve thanks all the TAG members and Council staff for going through this process. The TAG is a very energetic group and there has been a lot of participation in this process. He recommends the Council read the report on the website. Ray included that this report is being influenced by what is happening on a national level at the upcoming ICC hearings in Florida.</p> <p>Duane pointed out there is an agreement to merge a few standards together such as the IGCC, the ASHRAE 189.1 and USGBC, which runs the LEED certification program. Some Council members will be at the final hearings of the IGCC next month. There is an effort is to shrink the scope of the IGCC because it is so large at this time. Tim indicated the directive from the Council to the TAG is to consider the IGCC for adoption as an appendix chapter option for local jurisdictions. The TAG has already also reviewed several other green programs available for residential. However IGCC does not cover residential construction, it is strictly commercial.</p>
8. Staff Report	<p>Tim indicated he met with the Governor’s staff where an overview of expectations, policies and procedures for the appointments to boards and commissions was given. There are 215 appointed boards and commissions and 1,548 appointed seats. They asked for all Council members to go to the Governor’s website (we will put a link on our website to theirs) to look for resources and to do the online training. The training covers many topics which boards and commissions deal with. There is concern about the Public Records Act because of the many types of media now available. This is to replace the face-to-face training that occurred in the past. This is not just for new Council members, but for all members. If Council members have questions staff will help them.</p>
9. Other Business	<p>There was no other business. The Council will meet again on October 10 in Olympia.</p>
10. Adjourn	<p>The meeting was adjourned at 12:25 p.m.</p>