



STATE OF WASHINGTON

## STATE BUILDING CODE COUNCIL

1500 Jefferson Street SE • P.O. Box 41449 • Olympia, Washington 98504  
(360) 407-9280 • fax (360) 586-9088 • e-mail sbcc@des.wa.gov • www.sbcc.wa.gov

### SUMMARY COUNCIL MEETING MINUTES

**LOCATION:** DES Building, Presentation Room  
1500 Jefferson Street  
Olympia, Washington

**MEETING DATE:** October 10, 2014

Agenda Items	Committee Actions/Discussion
1. Welcome and Introductions	Meeting was called to order at 10:07 a.m. <u>Members in Attendance:</u> Ray Allshouse, Council Chair; Dave Kokot, Vice Chair; Tom Balbo; Rod Bault; John Chelminiak; Dave DeWitte; Paul Duffau; Al French; Duane Jonlin; Mark Kulaas; Dave Peden; Jeff Peterson; Sandra Romero; Steve Simpson; Eric Vander Mey; Rep. Vincent Buys; Sen. Jan Angel <u>Staff In Attendance:</u> Tim Nogler, Managing Director; Krista Braaksma; Joanne McCaughan; Peggy Bryden <u>Visitors Present:</u> Lance Talley, Kraig Stevenson, Jed Scheuermann, Barbara McMullen, Tonia Beaver. Gary Nordeen, Chuck Murray, Mike Ferry, Rob Van Slyke, Jan Rohila, Jeanette McKague, Jim Kambeitz
2. Review and Approve Agenda	The agenda was approved with the modification of a budget presentation under Staff Report.
3. Public Comment on Items not on the Agenda	<b>Kraig Stevenson</b> , ICC, stated the IGCC 2015 process has concluded with the public hearings and on October 13 the online governmental consensus vote will be open for two weeks. Those Council members that are voting representatives and any other governmental member has an open window of opportunity. On November 15 CDPAccess will be accessible to anyone that wants to make a code change proposal to the 2018 codes in Group A. The codes are IBC, Means of Egress, Fire Safety, General Guidelines, Existing Building Code, Plumbing, Mechanical, and Fuel Gas Codes and the IRC. Those proposals are due January 12, 2015. This is an opportunity for the Council to look at the statewide amendments we adopted and consider submitting them as amendments to the ICC base codes.
4. Review and Approval of September 12, 2014 Minutes	The minutes were approved as written.

5. Public Hearing on Proposed Rules

Ray Allshouse reminded everyone that written public comments will be taken until October 24. The rulemaking meeting will be November 14, 2015 in Shoreline.

**IBC Table 2902.1:** **Tim Nogler** said this is the plumbing fixture table that sets the number of required fixtures by occupancy group. The proposed amendment addresses Group E, which provides an additional footnote that states the occupant load will be based on gross sq. ft. gross floor area for those occupancies. This will determine the number of fixtures in schools.

**Robert Van Slyke**, Director of Operations, Bethel School District. This district serves 18,000 students in 27 schools. He is testifying on behalf of the Puget Sound School Coalition. Bethel School district is a member of that coalition. The coalition urges the Council to take the emergency rule governing schools and adopt them as permanent rules. On behalf of the coalition and Bethel School he participated in a number of stakeholder meetings. At the first meeting, representatives of school districts explained how the code provisions governing portables negatively affected their ability to use portables to educate students. Others explained their concerns about modular facilities. None got what they wanted, but it was a collaborative process. We also worked on issues related to the emergency voice action system. In October, 2013 Robert testified before the Council and the TAG. He has also written in support of the emergency rule on plumbing fixtures in schools. He noted they value the collaborative approach taken in working with school districts. This emergency rule has enabled them to site portables for students this school year and has allowed architects to move forward with the design process for new schools. On Thursday we received word that a member of the Council proposed edits governing the portables. Language drafted by a committee is often not a model of clarity; however the text was a result of balancing the interests of various parties. We would urge the Council to adopt the text of the emergency amendment as the text of the permanent rule. As we move forward on implementation and as the need arises the stakeholder group could be reconvened to work on text changes as needed. Therefore we urge the Council to adopt each of the emergency rules as permanent rules. Thank you again for working with school districts on interpreting and applying the IFC and IBC. We are jointly committed to promoting the health and safety of our students and staff.

**IFC Section 200, 903.2.3 and 907.2.3** **Tim Nogler** stated this is the language relating to school portables. Section 200 is the definition chapter; a definition of a 'cluster' was added to reflect more accurately what is currently installed; the definition of 'portable school classroom' was modified for clarification

Modification of Section 903.2.3 provides an additional exception that allows for an occupant load over 50 up to 98 where two exits are provided; one exit must be accessible. In addition the cluster area has been increased from 5,000 to 6,000 sq. ft. to reflect what schools are actually installing. This rule came from the TAG. State law requires that school buildings must be sprinklered if there is an occupant load of 50 or greater. However, an exception is provided for school portables. This amendment will define how that exception for portables applies.

**Dave Peden** asked about the change in the proposal Mr. Van Slyke mentioned.

**Tim** stated in the Committee meeting in September, Duane Jonlin suggested an idea on improving the language in this section. There was concern what that language might be and whether there would be an opportunity for comment based on the amendment. Staff has shared the changed language with the Schools Coalition and they are suggesting, based on the testimony, that SBCC maintain the language proposed here by the TAG. The Council could consider any additional changes through the next round of process and review.

**Rep. Vincent Buys** commented on his frustration as a legislator, when there is something very specific or very obvious, such as portables are exempted. Then the rulemaking process, our agency, disregards the legislative intent. If the legislative statute is clear it should stay clear.

**Jim Kambeitz** with WSAFM. When this topic came up originally we were meeting to provide recommendations to the Council for the 2012, as different school districts were handling this differently with regard to portables. This made for a lot of confusion. There was much discussion about why a portable should be less protective than a school built on a foundation. We put sprinklers in based on an occupant load of 50. Recognizing that the school district had additional challenges, we originally made the recommendation to the Council that portables receive sprinklers after 50 occupants. When the school districts shared the many obstacles they have especially with existing portables on the property that are moved around. The TAG went back and addressed this and found a reasonable approach that would handle the majority of all portables that are double wide and when you calculate the occupant load based on the square footage of the most common size it would still be under the 98 occupant load and not have to install sprinklers. However, they would have to have an additional means of egress. The Fire Marshals support this original language.

**IRC, Section R302.2. & Section M2302.2.** **Tim** stated there are a couple of provisions open in the IRC for revision at this time. This first proposed rule provides for fire separation based on whether or not there is a sprinkler system installed in the townhouse. This is consistent with the 2015 IRC. A one-hour common wall is allowed if there is a sprinkler system installed, and a two-hour common wall is required if there is not, in the townhouse.

The second item is in the mechanical section of the IRC having to do with installation of roof top solar panels. The exception is provided to set a threshold and below this an engineering report is not required. The roof is considered structurally adequate under the conditions given. This provision was based on

	<p>some local amendments allowing these systems under the threshold as a permanent exception.</p> <p><b>Kraig Stevenson</b> of ICC, would like to speak regarding R302.2. The 2015 IRC is consistent with the recommendation and the common wall separating townhouses now must be rated for 2 hours, when automatic sprinklers are not installed in townhouses.</p> <p><b><u>IRC R408.1 &amp; IBC 1203.3 Ground Cover</u></b> <b>Tim Nogler</b> said this replaces language in a previous code to require 6 ml. black poly ground cover in a crawl space. This was required under the previous Residential Code. However that amendment was dropped with the adoption of 2012 IRC, based on how 2012 code treats vapor retarders and ground covers and the classification they developed.</p> <p><b>No Public Comment</b></p> <p><b><u>WSEC Residential R403.4, Hot Water Pipe Insulation</u></b> <b>Tim</b> reviewed this stating that based on product availability the R4 was not the typical product and it was reasonable to revise the code to reflect what is available on the market, that being R3.</p> <p><b>No Public Comment</b></p> <p><b><u>WSEC C202.18R Refrigerated Warehouse</u></b> <b>Tim</b> said this amendment clarifies the definition of refrigerated warehouse. <b>Eric Vander Mey</b> gave the description of this term. He said that NEEC brought it to the attention of SBCC what temperatures to apply and which categories are freezers or coolers. We are just verifying those temperatures.</p> <p><b>No Public Comment</b></p> <p><b><u>C402.4.5.2, Maximum Damper Leakage</u></b> <b>Tim</b> stated this amendment is based on a Pierce County interpretation. The interpretation refers to the model base code in terms of inconsistency with specifying what class of motorized dampers are required to meet what leakage. This error was corrected in the 2015 code.</p> <p><b>No Public Comment</b></p> <p><b><u>C403.2.4.4, Damper Requirements</u></b> <b>Eric</b> stated this section was added to correlate with the last section, because Damper Requirements are in the envelope section they are not in the mechanical chapters. The mechanical engineers are looking at the mechanical chapters and not seeing the reference back to the envelope chapters.</p> <p><b>No Public Comment</b></p> <p><b>Public Comment will be accepted until October 24, 2014 in a written format.</b></p>
6. Committee Reports	<p><b>BFP Committee.</b> <b>Dave Peden</b> reported the Committee met October 10 and addressed a few items, including sprinklers in Group E, Daycare Centers. In the Spokane meeting we had a request to modify an existing emergency rule, which happens to be in the same section as the school portable issue, 903.2. The Committee came to the Council recommending they make a modification to this same section of code. It was to change words from “occupancy” to “fire area”.</p>

<p>7. TAG Reports</p>	<p>Tim reported to the Committee that state staff recommended that we not change the current emergency rule. Now the recommendation to the Council is to <u>not</u> modify as previously recommended. <b>Tim</b> stated the section is already open for proposed rulemaking so it is filed on the State Register by the Code Reviser as a proposed rule. What the Council requested in September was to adopt an emergency rule at this meeting. We were advised by the Code Reviser’s office we would have to repeal or revise or refile the proposed rule on portables. Since that section is already open in order to modify it as an emergency rule, staff would have had to retract the proposed rule on portables. In the discussion there was concern how the two would interact under the same section. Therefore the recommendation for the Council is to table the issue of “occupancy” or “fire area” until the permanent rulemaking in that section is concluded. Then we could file a permanent rule with the Code Reviser and open that section back up again to consider any necessary changes at the January, 2015 meeting.</p> <p><b>Dave Peden</b> moved the Council table the emergency rule for sprinklers in Group E, Daycare Centers until January, 2015. <b>Dave Kokot</b> seconded the motion. <b>The motion was unanimous.</b></p> <p><b>Dave Peden</b> stated the Committee also reviewed and approved an interpretation from the City of Tacoma regarding alterations to existing buildings and removing elevators and ramps in terms of accessibility.</p> <p>Also discussed was a proposal from the City of Spokane; it will be put on the next BFP agenda. <b>Tim</b> said this followed another interpretation (13-05) for Clallam County indicating that the intent of the Council was not to require fire sprinklers in lodging houses. These are B&amp;B type facilities in homes that are owner-occupied, with five or fewer guest rooms. As defined they are considered one and two family dwellings with the provision under the IRC that they be sprinkled. This interpretation stated it was not the intent to sprinkle. With subsequent discussions the Council kept this provision in the code through rulemaking. The interpretation is therefore no longer valid and has been removed.</p> <p>With the City of Spokane’s request the Committee is again addressing the same issue. Spokane’s request would modify that section to say if a lodging house has one or two guest rooms it doesn’t need sprinklers. If there are three to five guest rooms sprinklers are needed. Spokane wanted an emergency rule to address this. Based on the action that had just been taken on the previous interpretation, the Committee wanted further deliberation.</p> <p><b>Jan Angel</b> asked what the rule is on B&amp;Bs at this time. <b>Tim</b> stated B&amp;Bs are called lodging houses in the code and they are defined as five or fewer guest rooms in an owner occupied residence. With this they are able to qualify for a one or two family dwelling with the provision they would be sprinkled.</p> <p><b>Dave Peden</b> said the Committee also discussed the Building Code TAG and the Fire Code TAG which have meetings later this month.</p> <p><b>Green TAG. Steve Simpson</b> reported on this TAG. They had a meeting on the same day as the ICC hearings which made it hard to conduct business. They did</p>
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not have a quorum and did not go through the rest of the chapter review. Some modifications were made to the report. There is one meeting scheduled to review the remaining chapters which are 6, 10 and 11. That meeting is scheduled for October 31. A full report will be given to the Council in November.

**Tim** stated the Council directed the TAG to review Green Codes that were available and specifically the IGCC to consider adoption for local consideration. Adoption as an appendix chapter would not be effective unless adopted locally. SBCC is looking at the 2012 IGCC and there will be a 2015 IGCC soon. We are anticipating that the IGCC will look significantly different in that the organizations are consolidating efforts to generate a Green Construction Code.

**Kraig Stevenson** with ICC stated the IGCC as it exists is an overlay code that is helping governments that want to choose enhancements for sustainability and higher levels of energy efficiency, water use and material use, etc. Having said that, he recognizes that ASHRAE 189.1 is another path. LEED through USGBC is also moving in the same direction to improve sustainability. Recognizing that IGCC is an overlay code it can be a step towards these other documents. ICC will be working with USGBC and their LEED document and the IGCC code to consolidate so the path to meet these requirements is much easier.

8. Staff Report

**Tim Nogler** presented a budget report to the Council. We do have a request for a fee increase in to OFM. The Governor's office is considering it for the Governor's budget. SBCC fee is set is statute; it is \$4.50 per building permit, plus another \$2 for added residential units in multi-unit residential buildings. The revenue history was shown to the Council. It shows a peak in 2007 and a decline through 2013 with a slight increase in fiscal year 2014. This slide gives the monthly revenue in fiscal year 2014. It is a quarterly requirement in the statute. The cities and counties remit quarterly to the State Treasurer's Office. We have a variety of response rates among jurisdictions. Some are very consistent in remitting the figures every three months. SBCC can get reports that show city by city and county by county for tracking purposes. There are 180 cities that have building departments that remit permit fees. If the city doesn't have a building department they work with the county. As is shown the allotment is \$610,000 a year. This is how much the agency is authorized to appropriate. That allotment budget is based on the appropriation amount. The actual revenue is quite a bit less this fiscal year than what the allotment would be. In each expenditure category SBCC spent less than what was allotted for a total of \$524,448 in fiscal 2014. The primary part of the budget is salaries and benefits. Goods and services includes rent for office space. Interagency services mainly refers to IT services. The variance in the revenue shown dropped about \$212,524 in this fiscal year.

**Senator Angel** asked where the budget breakouts could be found. **Tim** indicated the Fiscal Office has the breakouts and he will send them to Sen. Angel.

The monthly average of \$43,704 is pretty consistent. The spike in September was for the low numbers in July and August. This was a compensation for those that were under-charged. The fund balance which is fiscal year 2010 was up over \$1 million and now in fiscal year 2014 we are down closer to \$200,000. It should be

a reduction every year. In fiscal year 2012 we had an overpayment in the fund and we needed to reimburse this amount to the city. At the end of this fiscal year SBCC has about a month of operation in the balance with the fee set as it currently is. This is based on our projection of what the housing permits will be. The purpose of the fee increase would be to maintain our appropriation level and continue to operate at the level we have been operating at without having to look at further cutbacks.

**Sandra Romero** asked if the \$4.50 is a flat fee for every type of permit or is the amount based on the complexity of the building. **Ray Allshouse** answered yes it is a flat fee, with the exception of apartment/condo buildings. Therefore a home improvement would be \$4.50 and a very complex industrial building would also be \$4.50.

**Tim** stated the proposal at the Governor's office would make a distinction between residential and commercial. It would be \$5.50 for residential and \$10 for commercial.

**Senator Angel** asked if the fund balance history is like a major bank account the actual numbers come out of. **Tim** answered yes. **Ray** also reported SBCC is dependent on the jurisdictions to do the math correctly because all we see are the deposits. This caused information about an overpayment of over \$300,000 to SBCC to be delayed.

**Tom Balbo** asked Tim how the budget shortfall will impact the SBCC activities, i.e., items they will not be able to complete. Also what necessary activities were never addressed due to lack of funding? **Tim** stated SBCC has met the goal of adopting the current codes. So far we haven't fallen behind. Tim indicated he would get the information to Tom Balbo as requested.

**Jeff Peterson** asked Tim if the economy was to improve significantly, at what point would the fund balance be capped. **Tim** stated SBCC doesn't have a cap and that is not proposed at this time. He stated he is responsible for the budget with the budget office and reports out to the full council. **Jeff** thinks it would be appropriate if we were going to change our expenditures beyond what SBCC has now that some form of counsel be given to staff. **Tim** said that would be essential. We have discussed the cost/benefit analysis and the financial analysis of the code changes and SBCC continues to want to improve in this area. This could also mean funding our own economic analysis and engineering analysis to back that report. We are currently relying on outside parties, people that propose code changes, to provide us with that information

**Sen. Angel** stated with the local jurisdictions hurting so badly, if we did get a really strong building year, and if a cost increase to permitting happened, would it be appropriate to have a discussion about allocations going back to local jurisdictions.

**Ray** said the issue we all need to be aware of is when someone applies for a permit, they also pay the surcharge. It is a pass-through and there are administrative costs. This is one of the reasons the counties/cities only have to

pay SBCC quarterly. The quarterly fee is measured in \$100's.

Al French said that SBCC serves as an advisory body to the legislature and without our function then the legislature would have to provide that function some other way, which means either they adopt a way or the function doesn't get accomplished. This will cause a ripple effect on the industry. The alternative is not being able to adequately fund this function. This will cause consequences and it just seems that maybe this needs to be part of the conversation. **Tim** agrees with Al, stating SBCC was originally an advisory council. After going through several cycles, the legislature decided to create SBCC as a rulemaking authority. This also asks the question about what it would take at the administrative level. The Electrical Code is adopted through L&I as an agency adoption. There is an advisory council for the department head who has the rulemaking authority. **Ray** said if the Building Code Council staff ceased to function, the building code would not change so it would be whatever is there. So we know that as model codes proceed other standards go up and it will start to frustrate many of the stakeholders because now we don't have a code that is keeping up with requirements. Not very much of the money received from permits ends up with SBCC. It is a small demand on a jurisdiction.

**Eric Vander Mey** states SBCC also has both state and federal goals for the energy code that must be complied with. Right now we don't have the means to meet the state goals as far as providing the analysis. SBCC is very challenged at this point and we are relying on other entities to do this study.

**Tim** continued the staff report saying a message has been sent out in regard to the SBCC staff Lean project. Staff needs participants in a survey to help identify their problem areas. This will allow us to work through to the root cause. Staff is therefore asking who within the Council's constituent groups would be willing to participate so we can get that list together for this survey. Council's previous suggestion has been to involve the members as to what the problems are and this is the staff's suggested answer to that request.

Tim then reminded the Council of the online training on the Governor's website. This is under boards and commissions where there is a link for this required training. This link is also posted on SBCC's website.

All TAGs have been appointed and they are on the website. A couple of TAG meetings are scheduled for later this month.

**Ray** asked about Council members' terms coming up. **Tim** reported we have 15 members and every year there are five members who have terms come up. John Chelminiak, representing cities is leaving; Tom Balbo is leaving representing contractors; Ray Allshouse's term is up and we will be working with WABO to find a replacement. There are two more who need to decide if they want to go for the second term, they are Jeff Peterson and Sandra Romero.

**John Chelminiak** asked for an update on the constituent group meetings we had talked about. Tim replied we did identify a range of issues at the constituents meeting. Then SBCC went into a Lean Project to identify what our code



	<p>development process is and where the choke points are. Many questions have been raised about the TAGs, particularly for the Energy Code. <b>Duane Jonlin</b> states he would never consider the TAGs deliberations as wasted time or wasted effort. He feels that at the last cycle we had great people at the table and all the proposals got better as the process went along. Why should we have all these experts get together if we are not going to make something better.</p> <p><b>Duane</b> asked about the progress of the Energy Code document. Krista is working on mechanical provisions at this time. She believes it should be available by the end of the month.</p>
9. Other Business	<p><b>Eric Vander Mey</b> mentioned for newer Council members a good document to download and get up to speed on the Energy Code is the report sent to the Legislature for the 2012 Code. It is found under featured links on the home page of the SBCC website.</p> <p><b>Tim</b> stated at the request of Washington Realtors &amp; Business Association, he will be a part of a presentation on Executive Order 14-04 as it relates to energy efficiency and what SBCC's part of it is.</p> <p>Sen. Angel will not be at the November meeting; neither will Dave Kokot, Sandra Romero or Rep. Vincent Buys.</p>
10. Adjourn	The meeting was adjourned at 11:40 a.m.