



Washington State Building Code Council

Improving the built environment by promoting health, safety and welfare

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SUMMARY COUNCIL MEETING MINUTES

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

MEETING DATE: October 14, 2016

Agenda Items	Committee Actions/Discussion
1. Welcome and Introductions	<p><u>Members in Attendance:</u> Steve Simpson, Council Chair; Dave DeWitte, Vice Chair; Rod Bault; Al French; Diane Glenn; Leanne Guier; Traci Harvey; Andrew Klein; Phil Lemley; Doug Orth; Jim Tinner; Eric Vander Mey; Rep. Vincent Buys</p> <p><u>Members Absent:</u> Duane Jonlin, Sandra Romero, Robert Graper</p> <p><u>Staff in Attendance:</u> Tim Nogler, Managing Director; Krista Braaksma; Joanne McCaughan; Dawn Cortez, AAG</p> <p><u>Visitors Present:</u> David Hanson, Jed Scheuermann, Jan Himebaugh, Jan Rohila, Mike Stone, Mike Groesch, Steve Crawford, Greg Haynes, Jason Smit, Amy Brackenbury, Gabrielle Stilwater, Matthew Hepner, Dana Alexander, Barbara McMullen</p> <p>The meeting was called to order at 10:00 a.m. by Council Chair Steve Simpson. Introductions were made.</p>
2. Review and Approve Agenda	The agenda was approved as written. Tim Nogler noted that the Staff Report would include discussions on the Council budget and staffing. Joanne McCaughan stated there was also another interpretation request from Bellingham not on the agenda. The agenda was approved as modified.
3. Public Comment on Items Not on the Agenda	None offered.
4. Review and Approve Minutes	The minutes of September 9, 2016 , were approved.
5. Public Hearing Marijuana Extraction	<p>Steve Simpson opened the public hearing on the three items currently in rulemaking. He stated he would start with testimony in the room, then move on to those on the phone or WebEx who wished to testify. He asked that people refrain from repeating testimony if possible.</p> <p>Greg Haynes, Select Label Contracting, Moses Lake: I was one of the members on the TAG committee. I was reading through everything that we had worked on and made recommendations to, and I agree with just about everything on there. I thought we were working towards the part where we weren't identifying marijuana extractors all by themselves versus all other extraction facilities whether it be hops or lavender or whatever. That's a little bit concerning to some of the people in this new business to where they're being singled out somewhat and different rules are being applied to where a brewery may be being built down the street from the</p>

facility I was constructing and they're extracting hops and brewing beer using CO2 and all that. It just seems like they're being singled out a little bit. The rest of it, you know, I've built lots of things and we've always complied with the building codes and such like that. I just get a little concerned where this new industry is getting singled out in certain areas.

Emergency Voice Alarms

Mike Stone, NEMA: I am here to testify regarding our recommended code changes related to emergency communications systems in Group E occupancies. I'll be brief; I have some comments to read. We have also submitted in writing our recommendations for new language for the Washington Administrative Code, 51-50, Section 907.2.3. My comments today are meant to provide some background and context concerning this proposed language.

Several years ago this Council adopted the 2012 edition of the International Building Code and International Fire Code, including the requirement to install Emergency Voice/Alarm Communication (EVAC) Systems in new Group E Occupancies. Some in the educational community were not in favor of this requirement. As explained to NEMA, the reasons for their concern were and are 1) perceived duplication with a current Washington state law; and 2) unfamiliarity with the EVAC technology.

These concerns led to a budget proviso earlier this year that required the State Building Code Council to promulgate an emergency rule that deleted the EVAC requirement from the 2015 update to the Washington Administrative Code. Although NEMA is aware that this emergency rule will expire in June 2017, thereby restoring the EVAC requirement in the WAC, we felt that it would be appropriate to work with the educational community to find compromise (permanent) language that would address both of their concerns. The language that NEMA recommends, and which was provided through written testimony, represents the latest draft of what the mutually agreeable requirements might be. Agreement is not yet final, but we believe we are close.

In sum, the recommended language addresses the above stated concerns related to duplication and familiarity by allowing schools to choose an emergency communications system that best fits their needs. Specifically, the new language provides a choice between an EVAC system (Option 1) that is required by the 2015 editions of the International Building Code and Fire Code, or a comparable system with certain prescribed features (Option 2). Either option would allow the schools to integrate or combine the functions of an emergency communications system with the functions of a more familiar system such as a public address system. To avoid duplication, a school could also choose to integrate emergency response functions with a system required under RCW 28A.320.125 (a system developed as part of a safe school plan) or RCW 28A.320.126 (an emergency response system).

The educational community may still have some concerns about NEMA's proposal that, in the event a school chooses Option 2, it must comply with NFPA 72. Contrary to what some stakeholders may believe, NFPA 72 contains no product-specific requirements. It does, however, contain installation and performance requirements to ensure that, no matter what product is installed, it functions properly and reliably.

I won't take the time today to discuss in detail all of NFPA 72's requirements; but I would like to take some time to point out three key provisions.

1. NFPA 72 requires that emergency communication systems have an adequate primary and secondary power supply, which simply means that it

has to have a dedicated 120 volt circuit as well as battery backup. And the battery back-up has to provide 24 hours of standby power and 15 minutes of alarm power.

2. NFPA 72 also requires that the system is supervised, meaning a signal is sent to the administration if there is an error or other malfunction detected in the system. In those cases, the appropriate school personnel would be notified and they could do the proper repairs.
3. NFPA 72 contains requirements to ensure that the building occupants (i.e. students, teachers and administrators) can hear and understand broadcasted instructions no matter where they are in the school. By following the installation standard, schools will be given specific performance requirements for intelligibility and audibility to ensure that these characteristics are not lost in a real-world emergency scenario.

NEMA feels that each of these requirements is important for fire and life safety at Washington State schools. We recognize that NFPA 72 may be unfamiliar to some in the educational community as well as other stakeholders. Accordingly, NEMA is prepared to conduct educational efforts to make sure that the requirements are clearly understood, implemented and enforced. We would be glad to host a round of meetings with engineers from the educational communities around the state, fire services representatives, building inspectors and other code officials if that would be beneficial.

Thank you for your time today.

Steve Crawford, Puget Sound Schools Coalition: I am Director of Capital Projects for the Issaquah School District. Puget Sound Schools Coalition represents school districts from King, Pierce and Snohomish Counties. Our district recently approved a \$535 million bond, and other districts throughout the state have recently approved significant bond issues. We're all moving forward quickly to build new schools and provide additions and remodels to accommodate the growing population of students. In the past, the Coalition has worked with the State Building Code Council to address specific issues in the building code as applied to schools. Over the last few months we've been working with fire services on potential ways to address issues that school districts face. I think it's reasonable to say that all of us who have been involved in this process would agree that the Council should amend the provisions governing the emergency fire alarm system. We appreciate the efforts of fire services to work in a collaborative manner with the Coalition. The amendments outline the concept that there should be two paths; in other words, the code should provide at least two options and as shown designs a performance based standards which allows the flexibility to utilize the most appropriate system as a part of the safe school plan. We have also engaged in discussions with representatives from NEMA. There are a couple of things there that I think can be resolved fairly quickly. And we continue to look forward to working collaboratively to reach a culmination in this process and anticipate that many new schools will benefit from these changes and additions. Thank you again for the opportunity to testify.

[WSEC-Commercial](#)

None

The public hearing was closed at 10:20 a.m. Written testimony will continue to be accepted until October 21, 2016. Tim noted that the final decision on these items will be made at the November 18 Council meeting and any additional language changes will need to be provided by the October 21 deadline. Traci Harvey stated

	the final language for the emergency voice alarms will be put together by Friday, October 21.
6. Committee Reports <i>Executive Committee</i> <u>WAC 51-04</u>	<p>Steve said he would like to go through WAC 51-04 line item by line item, then talk about the policies and procedures as a group within the Council members, then take public comment.</p> <p>The Executive Committee was tasked with some clean up items, related to local amendments and reconsideration, after the Council review in September.</p> <p>Tim noted the process has been going on over the summer. There have been several comment periods on the various topics. The stakeholder comments, Council member comments and committee actions have been worked into the draft rule. The current draft shows proposed amendments, which will be filed for public hearing per the Council's direction today. Tim walked through the changes to the WAC. He noted the document had been renumbered throughout.</p> <p>In -010, a sentence was added stating "An objective of statewide adoption is to minimize state amendments to the model code." This was something suggested by one of our stakeholders. Part of minimizing state amendments is active participation in the national model code process to incorporate language in the model code and thus eliminating state amendments. The rest of this section is just cleanup and itemization of duties out of the statute.</p> <p>Under the Definitions section, "Supplements and accumulative supplements" was removed. This was something published by the model code organizations in the past and is no longer part of the ICC process.</p> <p>-020, Policies for statewide amendments, Tim noted this was discussed extensively at the September Council meeting and includes the new process with the two code groups based on the codes cited in RCW 19.27.031. There was a comment in Spokane regarding adding the International Existing Building Code, which is referenced in the IBC. This stand-alone code replaced Chapter 31 of the IBC. It would be included under the IBC. One of the key points in this area is "Within sixty days" of when the code is available to the public. This has been a contentious issue in the past. Representative Buys asked if it would be possible for the Council to post a notification on their website of exactly when the codes become available. Doug Orth agreed there should be some definitive date recognized. There was concern that not all of the codes would be available on the same date and how that would impact things. Tim noted the Council would be taking comments on this during the hearing process. He also noted that it did not trigger the code submittal date, but the action of the Council and TAGs to begin researching and reviewing model code changes and publishing a timeline of intended actions and deadlines. Within this section, the Council also received comment on the last sentence and what exactly it meant. It basically means the Council should consider the changes to the model codes when reviewing the code. This does work into the TAG research and reporting part of the process, but can be deleted.</p> <p>Section -025 looks at the procedure for submitting statewide amendments. The added sentence in the second paragraph was moved from -020. It's been somewhat hard to follow, although it is part of the current rule, and may need to be revised. Representative Buys felt it was somewhat onerous to limit the amendment to changes made in the model code. Tim noted that was a concern at the Executive Committee and they tweaked the language from "the previous edition" to "a previous edition" to expand the scope a bit.</p>

	<p>The Committee is proposing the five criteria shown for amendments. Item b is new, but the rest currently exist in the statute or rule. Representative Buys suggested adding “Any new measures, standards, or requirements adopted must be technically feasible, commercially available, and cost-effective to building owners and tenants” from the energy code act. Another criteria suggested by a Council member was not moved forward by the Committee. Doug felt the whole notion of limiting amendments sets up conflicts with the intent of the Council. There was some discussion with the Council’s counsel on statutory guidance in RCW 19.27.020 and 19.27.074.</p> <p>Item 2 deals with the requirement for complete information to be provided. If incomplete, the submittal will be held for 30 days and staff will work with the proponent. Doug felt it should be specific that it is one 30-day period and the clock does not start again with each piece of information submitted by a proponent. Representative Buys felt it was crucial to have proponents provide a cost benefit analysis with the proposal. Diane noted it was required by the forms but shouldn’t be taken at face value. It needs to be vetted by other concerned parties.</p> <p>New item 5 deals with the information the Council should have on hand in order to make a final determination. Tim noted that all the documentation may not be applicable to all of the proposals.</p> <p>Section -030 deals with local amendments. The change here is item 2, allowing jurisdictions to submit amendment proposals to the Council prior to their having been approved by the local governing authority. The Council debated the issue of which action should come first.</p> <p>The last section, -040, is dealing with reconsideration. This change allowing individuals other than the proponent to request reconsideration was heavily discussed at the September Council meeting.</p>
<i>Council Comments</i>	<p>Diane Glenn was concerned that the “unique” aspect of the local amendment request was removed. It is important to keep that language to retain consistency in the code from jurisdiction to jurisdiction. This was not voted on by the Council. There was some debate over the issue and the subjectiveness of what is “unique.” Dawn Cortez noted there is no similar restriction in the RCW on local amendments.</p> <p>Rep. Buys asked if there was a deadline the Council was trying to meet with the rules. Tim said there was not, other than those timelines imposed under the administrative procedures act. Steve said there was a clear call from stakeholders that this needs to be done to clarify the rules and provide better understanding by the public.</p>
<i>Public Comment</i>	<p>Jan Himebaugh, BIAW: She agrees with Rep. Buys that there should be some notice published on when the codes are available, and his suggestions on adding feasibility criteria and requirements on associated costs. She also agreed that the 30-day issue on incomplete submittals should be cleaned up. Regarding local amendments, she felt it should be difficult for jurisdictions to adopt amendments. They should be submitted as proposed state amendments if they are not unique to the jurisdictions. Jurisdictional staff can submit something to the Council that they refer to as “housekeeping” that is not. The statute already states that local amendments cannot be enforced until approved by the Council.</p>
<i>Motion</i>	<p>Doug Orth moved to file the draft of WAC 51-04 as recommended by the Executive Committee, with the modification of reinstating the “unique” clause in</p>

	<p>the criteria for local amendments in -030. Diane Glenn seconded the motion. Rep. Buys felt the language was not ready to be moved forward to public hearing. Jim Tinner suggested sending it back to the Executive Committee for further consideration. Dave DeWitte said he did not support the language with the “unique” reference.</p> <p>The motion carried, 7 to 4.</p> <p>Tim noted that staff will finalize the language and file it with the code reviser. The next possible filing date is October 19, which would provide for the first possible hearing date in the last week of November. The Council moved to hold a December 2 public hearing. Doug suggested a morning meeting time to provide time to get through all the language modifications.</p> <p><i>Bylaws</i> Steve asked if there was anyone present who wished to provide public comment on the Bylaws. There were no takers. Due to time limitations and limited Council member presence, the Council voted to table this discussion until the November 18 meeting.</p>
<p>7. Interpretation Requests</p> <p><u>City of Spokane Valley</u> (EV)</p>	<p>Tim introduced the first interpretation request from Spokane Valley, dealing with the required electric vehicle charging infrastructure in the state amendment to Section 427 of the building code. The question is if you have a multiple building complex, does the five percent requirement apply to the overall parking for the entire complex site, or apply to the parking at each building. The draft answer is for each building.</p> <p>Doug Orth disagreed with the answer and felt it should be the overall site. You’re looking at a significant cost if you’re dealing with a 20 building multi-family complex, with tenant and visitor parking at each building or at a variety of sites across the complex. Diane Glenn agreed with Doug, as did Andrew Klein.</p> <p><i>Public Comment</i> Matthew Hepner, Certified Electrical Workers of Washington, described the three types of EV charging stations. If a contractor were to install all of the stations, or infrastructure for those stations, in one location, the amount of energy required to run those would increase the sizing on your panel and increase the cost significantly. If it were spread out throughout the complex, it would be much cheaper.</p> <p><i>Motion</i> Doug Orth moved to approve the interpretation modified to state the five percent applies to the complex, not the individual buildings within the complex. Phil Lemley seconded the motion. Andrew Klein suggested a friendly amendment, to state “building site” rather than complex, which was accepted by both Doug and Phil. Tim read the redrafted answer: “The requirement for electric vehicle charging infrastructure applies to five percent of the parking spaces associated with the applicable buildings on the building site.” Steve restated the answer as “The requirement for electric vehicle charging infrastructure applies to five percent of parking spaces for the complete site.” The motion carried.</p> <p><u>City of Bellingham</u> (EV) Tim noted he did consult with the Department of Labor and Industries on the answers in this interpretation request from Bellingham, which also deals with EV infrastructure. It refers to a single, mixed use building and how the requirement applies. Is the requirement based on all the parking available or only that portion serving the addressed occupancies. The answer is only the portion dealing with the occupancies within the scope of Section 427.1. The second part deals with the electrical rooms and whether the additional service capacity is based on the five percent of parking required in 427.2 or the 20 percent of parking spaces</p>

mentioned in 427.3. The answer is the five percent required by Section 427.3. The third part asks if it is possible to design to a Level 2 station that has an amp draw lower than the stated 40 amps. The answer is no. The last part asks if it is allowed to use diversity factors or load management devices to reduce the electrical service sizing. The answer is that the electrical system can be designed per the NEC to reduce service sizing.

Motion

Eric Vander Mey moved a modification to answer number 2. There is still some confusion on the electrical room area, so a sentence should be added “In no case shall the electrical room be required to be sized for more than 20% of parking spaces.” Doug Orth seconded the motion. The motion carried.

Doug moved to approve the interpretation as modified. Diane Glenn seconded the motion. The motion carried.

[City of Kirkland](#) (WSEC-R)

Krista Braaksma introduced the interpretation request from Kirkland dealing with the additional energy credits table in the residential energy code. The question is, can a builder “double dip” on water heater installation. Obviously, if a water heater meets the energy efficiency criteria of the more stringent option 5c, they will also meet the criteria for the less stringent option 5b. Some of the other options specifically state that you can only select one. Additionally, if two water heaters are installed, do each of them get the credit. The draft answer is that, no, a single water heater can’t take both the 5b and 5c credits. However, as the code is written, there is nothing to prohibit someone from taking multiple credits if more than one water heater is installed.

The second question actually comes from the city of Olympia and seeks to clarify the scoping of Section R406. Section R406.1 limits the applicability to IRC buildings, but Section R406.2 includes R-2 buildings. Are R-2 buildings required to comply with Section R406. The answer is yes, the change to the 2015 code specifically adds requirements for R-2, although the scoping section was inadvertently missed during the revision process.

Diane Glenn said she agreed with the interpretation as written, but felt the original intent of option 5 was to provide credit for only the main water heater.

Motion

Phil Lemley moved to approve the interpretation as written. Diane Glenn seconded the motion. The motion carried.

[City of Seattle](#) (Deck Load)

Tim introduced the next request from Seattle dealing with live loads on balconies. As you will recall, the Council adopted an emergency rule to rescind the state amendment changing the live load factor from 40 psf to 60 psf. Once that emergency rule expires, the 60 lb state amendment will go back into effect. The interpretation provides a new table with values for balconies and decks based on a 60 psf requirement. Tim also noted the table has been reviewed by the local ICC chapter. This interpretation will help jurisdictions implement the 60 psf live load requirement.

Motion

Jim Tinner moved to approve the interpretation as written. Leanne Guier seconded the motion. The motion carried.

[City of Bellingham](#) (Accessibility)

The last request comes from Bellingham on accessibility for storage spaces within Group R-2 apartment buildings. If the building has Type A and B dwelling units, do storage spaces for bicycle repair and storage need to be accessible. The proposed answer is yes. Secondly, if multiple such spaces exist, do they all need to be accessible. The proposed answer is at least 25 percent, but no less than one, are required to be accessible and on an accessible route.

	<i>Motion</i>	Doug Orth moved to approve the interpretation as written. Phil Lemley seconded the motion. The motion carried.
8. Staff Report		<p>Tim stated there will be a budget line item on the November Council agenda. He provided a quick overview of the current state of the Council's budget. While we have been below two months operating costs, the revenue for July and August did increase, partially based on outreach by the State Auditor's office and some of the local jurisdictions. The agency is currently working with OFM and four other agencies to provide a temporary source of funding to see the Council through this fiscal year.</p> <p>Peggy Bryden has resigned from the Council. Her position is currently vacant and options for the position can be discussed at the November meeting.</p>
9. Other Business		Steve asked the Attorney General's office to provide some training in November on dealing with documents sent directly to Council members. The Council approved a motion as such.
10. Adjourn		The meeting was adjourned at 1:20 p.m.