



STATE OF WASHINGTON
DEPARTMENT OF ENTERPRISE SERVICES
1500 Jefferson, Olympia, WA 98504

Washington State Building Code Council

Improving the built environment by promoting health, safety and welfare

SUMMARY MEETING MINUTES

LOCATION: Dept. of Enterprise Services, Presentation Room
Olympia, Washington

MEETING DATE: July 13, 2012

Agenda Items	Committee Actions/Discussion
1. Welcome and Introductions	Meeting called to order at 10:00 a.m. <u>Members in Attendance:</u> Ray Allshouse, Council Chair; Tom Balbo; Rod Bault; John Chelminiak; David DeWitte; Ron Fuller; Duane Jonlin; Bob Koch; Dave Kokot; Mark Kulaas; Jerry Mueller; Dave Peden; Jeff Peterson; Steve Simpson; Eric Vander Mey <u>Staff In Attendance:</u> Tim Nogler, Managing Director; Joanne McCaughan; Peggy Bryden <u>Visitors Present:</u> Martin Casey, DES Assistant Director; Marion Newton, DES Finance Dept.; Jan Rohila; Jim King; Chris Van Daalen; Gary Allsup; Rodney Schauf; Pete Crow; Nancy Bernard; Bob Eugene ; Chris Edmark; Kim Drury
2. Review and Approve Agenda	Agenda approved as modified adding Budget Review after Item 4. Under Other Business an item from Energy TAG Report that Eric will address.
3. Public Comment on Items not on the Agenda	None was offered.
4. Review and Approve Minutes of June 22, 2012.	Minutes of June 22, 2012 were approved as written.
4a. Budget Review	Tim Nogler referred to the handout which reflects an overview of the 2011-13 Biennium Budget. The revenue forecast is little over \$1,000,000. This review is set in statute which is \$4.50 for each building permit plus an additional \$2 for every additional unit in a multi-residential unit building. The projection for the biennium is under the estimated revenue by \$45,000. Part of the issue is an overpayment from one of the jurisdictions. Expenses are a little over the estimated amount for the biennium. Over the course of the biennium we are looking at \$106,593 deficit. This does not include the attorney general fee for recent lawsuit. To date that figure

	is \$80,000 which would come from the fund balance. The indirect and the agency charge is 23% of total program charge which is based primarily on the number of FTE, office space, charges for computers, administrative costs, etc.
Discussion by Council Members	Duane Jonlin questioned that permit fees had not changed in 18 years. Tim replied that is correct. There was a fee study done in the late 90's, but we never did introduce legislation. It takes a bill to increase the fees. John Chelminiak asked if the idea is to draw down the fund balance rather than attempt to make cuts. Tim said we would have to do both. Duane asked the process of asking legislature for a fee increase. Tim said the Council has the authority to make an agency request along with significant support for it. We would probably have to do a fee study again. Marion Newton reported the indirect costs were not calculated and are not in the expenses; however the projection includes those. Duane expressed concern as the Council will need to hire professionals to do cost benefit analysis. Martin Casey reported requests of this sort would be due by September.
Public Comment	Kim Drury feels many would be sympathetic to a change after many years without an increase in fees and many would be willing to work with legislators for this.
5. CO TAG Report	Dave Kokot reported the CO TAG met twice to review the requirements of the RCW as directed by the legislative action and the 2012 IFC CO requirements. He referred to a handout that needs some changes, but stated they are not significant and can be done through the public testimony process. The TAG acknowledged the legislative direction of CO alarms installed upon the sale of homes. It is the law and we must abide by that. In order to accommodate the enforcement of this we have modified the wording where inspections of CO alarms are occurring when permits are required.
Discussion by Council Members	Eric pointed out a couple of editorial recommendations. Under the IBC section it refers only to dwelling units and not sleeping units and we have an exception that exempts sleeping units which needs to be modified to include both. In the IBC section there is a definition of what an attached garage is, it is not an exception and that language needs to be contained in both exception 1 and 2.
Motion	Dave Kokot moved the recommendations of the CO TAG be forwarded to regular rulemaking and incorporated in the public hearing in September. John Chelminiak seconded the motion. The motion carried.
6. Economic Workgroup Report	Ray Allshouse reported he chaired the meeting which met on July 10, 2012. Small business impact statements were

Residential Code Statement	<p>presented by staff and the recommended adjustments to the statements were made and are in the Council’s packet. Tim reported the statements are required to be filed with the proposed rule where the agency determines there is more than a minor cost impact and where there is a disproportionate impact on small businesses as compared to large businesses. These are then published on the state register and there would be opportunity to comment on these documents.</p> <p>Each statement was reviewed starting with the Residential. Tim stated the IRC TAG met with Ray Allshouse as the chair looking at the significant changes in the IRC Code. The majority of the changes were for editorial reasons and clarification of the code without significant cost impact. There isn’t a disproportionate impact based on the adoption of this rule.</p>
Comments by Council Members	<p>Duane expressed concern about adult family homes and compliance with the ADA referring to grab bars and asked staff to ensure we are not violating some standard. Tim stated staff would follow up on this.</p>
Public Comment	<p>Chris Edmark, the proponent, stated adult family homes are not home based businesses, they are actually residences.</p>
Motion	<p>Steve Simpson made a motion that this statement as edited be filed with the proposed rules for the IRC. The motion was seconded and carried.</p>
Building Code Statement	<p>Tim reported the Building Code had a TAG group chaired by Dave Peden with approximately 160 significant changes to review. This cycle was the most detailed review done to date. A number of issues need to be addressed per the proposed rule; however the changes were for clarification of the code. There were major changes for egress. The TAG did not find disproportionate impact on small business with the IBC. A sample of the amendments and new provisions were addressed; such as fire service elevators, combustible projections, wired glass, vertical and lateral flame propagation, and photovoltaic modules/shingles. Also listed were the businesses that were impacted and jobs created or lost.</p>
Motion	<p>Dave Peden made a motion that this statement be filed with the proposed rule for the IBC. Jerry Mueller seconded the motion. The motion carried.</p>
Fire Code Statement	<p>Joanne McCaughan reported the fire code had a TAG chaired by Dave Kokot where about 66 significant changes were reviewed. Only about 7% resulted in more than a minor increase in the cost of construction. The proposals are believed to be job neutral. There could be</p>

	<p>some temporary jobs if luminous path markings are adopted. WAC 51-54 would change to WAC 51-54A for greater efficiency. The adopted statements will add clarity to the code. CO alarms were looked at as was luminous egress path markings with an emergency rule on the books currently. Photovoltaic (PV) systems were discussed in Chapter 6 and were not adopted. A special TAG will be created to discuss this. The overall impact would be positive because the IFC has been completed reorganized. Some of the highlighted items included: removing lockdown drills; clarification of commercial kitchen hoods; fire sprinklers in basements was modified; both options for luminous path markings will go forward to the public hearings.</p>
Comments by Council Members	<p>Duane asked about the PV TAG and would they strike all rules and then wait to the 2015 code cycle to implement PV code rules. Joanne said they could be put into place sooner, but they won't adopt them with the current cycle. The Council could take action later under an expedited rule.</p> <p>Duane then asked about the lockdown drills. Dave Kokot replied school districts have this in their master planning. John Chelminiak asked if we are taking into rulemaking both for and against the path marking. Joanne replied yes so there could be public testimony. John asked if we would cover the economic impact of these path markings. Dave Kokot responded this was addressed in a TAG meeting and through the public hearing the Council will hear this cost information.</p>
Fire Code Statement (continued)	<p>Joanne said in terms of jobs created or lost, it would likely be job neutral.</p>
Comments by Council Members	<p>Dave Peden asked if these reports were on small business economic impact, why we are identifying other costs. Tim said the first step is to identify any costs and then to look at whether it is disproportionate to small businesses versus large businesses.</p>
Motion	<p>Dave Kokot made a motion that the Economic Impact Statement proposed for the IFC be filed with the proposed rule be approved. Steve Simpson seconded the motion. The motion carried.</p>
Plumbing & Mechanical Statements	<p>Tim reported the Economic Workgroup recommended the abbreviated statement be filed with the proposed rule indicating there is not a disproportionate impact with an explanation of the TAG work done for the Plumbing and Mechanical Codes.</p> <p>Steve Simpson, as TAG chair, reported the Plumbing Code TAG looked at a couple of cost benefits to small business for remodeling that would help homebuilders.</p>

Motion	Steve Simpson made a motion to submit the abbreviated statement for the Plumbing Code and send it to public hearing. Eric Vander Mey seconded the motion. The motion carried.
Mechanical Statement	Eric Vander Mey , as TAG chair, reported on the Mechanical Code stating the TAG reviewed the International Mechanical Code, International Fuel Gas Code, NFPA 54, and NFPA 58. Through the TAG process it was determined that most of the changes were editorial in nature. There were no changes causing disproportionate impact to small businesses.
Motion	Eric Vander Mey made a motion to move the Mechanical Code, the Fuel Gas Code, NFPA 54 and NFPA 58 forward with the abbreviated statement. Steve Simpson seconded the motion. The motion carried.
Energy Code Statement	Duane Jonlin was the TAG chair for the Energy Code and reported they had a terrific TAG. He referred to an Appendix to the statement where cost impacts are shown, but none appear to be disproportionately impacting small business. The TAG went through the base 2012 IECC to identify where the state code was more stringent and brought those requirements in. Then the 171 proposals were reviewed by the TAG and about one half were accepted. The first three pages of the Appendix show more than minor cost impact. The following five pages show things that were more than editorial, but had an impact on the energy savings or the cost of construction, but they did not involve significant impact. Duane feels a professional cost estimator needs to evaluate these items. Some proposals were not accepted because it was felt they would not be cost effective.
Comments from Council Members	Dave Kokot commented on the large amount of work done by the Energy Code TAG and compliments Duane in his leadership of this. Mark Kulaas is supportive of getting professional help in doing the cost estimation.
Motion	Duane Jonlin moved the Council accept the Energy Code Small Business Impact Statement be filed with the proposed rule. The motion was seconded by John Chelminiak . The motion carried.
7. Green Building TAG	Tim Nogler referred to the Green Building Work Plan in the Council’s packet noting the date is June 11, 2010 which was approved by the Council then. The TAG has been established, but not convened. The work plan also states the TAG will review “Green” standards, codes and programs. The prior TAG chair is no longer with the Council so the chair position is vacant. Ray Allshouse reminded Council there was public comment recently by TAG members. He asked if any Council members would

	<p>be interested in being this TAG chair. As no Council members expressed interest, Ray Allshouse appointed himself as Green Building TAG chair. He then asked staff to take the necessary steps to convene a meeting.</p>
Public Comment	<p>Kathleen Petrie with the City of Seattle expressed thanks for allowing Green TAG to convene attempting tasks that have been outlined. Several jurisdictions in the Puget Sound Region are working together to identify priorities and move forward together.</p> <p>Chris Van Daalen is with the NW Eco Building Guild. His group has been working with Olympia and others in the Puget Sound Region to look at the IGCC. A symposium is scheduled for July 20 to look at the IGCC to see if there would be support for it locally. Flyers for this symposium were distributed.</p> <p>Bob Eugene of UL asked when the Green Building TAG may meet. Ray said the Council will publish that information at the earliest possibility.</p> <p>Pete Crow of IAPMO. His organization looks forward to working with the Green Building TAG to put forward the best ideas available between all of the codes.</p>
8. Report to Legislature on Energy Goals	<p>Tim Nogler said this progress report is required by law by December 31, 2012. The question is what process will Council use to produce the report and what will be the content. Council did recommend the MVE Committee convene and look at the definition of cost effective and the difference between residential and non-residential. Chuck Murray, Dept. of Commerce, has offered to help with the report. Tim feels it would be good to come up with a draft for the committee first. The purpose of this report is to show the progress on the reduction of energy use in buildings by 2030.</p>
Comments by Council Members	<p>Mark Kulaas stated Council could incorporate in this report the difficulties in achieving this goal. Eric feels part of the report is to solidify the Council's stance and what the recommendations are. Duane feels the report should show our intended course and that each code cycle would need to be 14% better than our last cycle in order to arrive at the 2030 goal. Then give an explanation of why we are short this time. Followed by what is available in the future. Tim said staff has enough direction to come up with a first draft working with the MVE Committee and Commerce.</p>
9. Staff Report	<p>Tim Nogler reported staff is working with the Code Reviser's office on filing the documents for the adoption we have been discussing. Based on the timeline, our public hearings are scheduled for September 14 and 21. In order to meet that we have to have the final documents to file for the proposed rule by August 1. We have</p>

	advised the Code Reviser if we don't make the August 1 deadline we will have to adjust the hearing dates.
8. Other Business	Eric Vander Mey reported there were two 2011 code amendments proposed to the Energy Code that were not reviewed by the TAG. They are both editorial changes. The first, 11-006, is adding a footnote to the peripheral edge table of the Energy Code. The second, 11-026, is adding a section to the daylight zone definition regarding atriums. It is recommended that both be moved forward.
Motion	Eric Vander Mey made a motion to forward proposals 11-006 and 11-026 into the 2012 State Energy Code. Duane Jonlin seconded the motion. The motion carried.
Other Business (continued)	Duane discussed the financial state of SBCC more. He feels we should try to get an increase in the permit fee for non-residential construction started for the September deadline.
Motion	Duane Jonlin moved the Council ask legislature for an increase in permit fees for non-residential to \$8. The motion was seconded by Tom Balbo . Dave Peden said he is in support of this, but with it being a code revision year is the timing right. Tim replied it is feasible if staff asks for assistance from the agency. The amount of effort put in reflects the chance of success. Getting the legislature to act often takes more than one session. While it is a budget session in 2013, the timeframes are short. John Chelminiak stated a fee that hasn't increased since 1989 does strike as odd, however we have managed. Do we need to go to \$8? Duane asked staff what the ratio of residential to non-residential would be. Tim said he didn't know and would have to do research on that Ron Fuller feels the bigger problem is that the fees are in statute. We should go to the legislature and say this is what it costs to do business and this is what our fees need to be to break even, keep the fund balance where it needs to be, but give us the authority to raise or lower fees as necessary. That way it could be done in a rule process. Dave Kokot stated fees need to be increased, but we need to have justification for that. We need to consider the fees are coming from permit fees, which are built into local ordinances which would require another legislative process.
Amended Motion	Ron Fuller amended the motion by asking staff to prepare preliminary numbers for Council to look at and have them report back at the next meeting to justify the increase. Duane would consider that a friendly amendment as long as a Council meeting could be held before the deadline. Tim recommended convening the Legislative Committee

	to determine what the study needs to be. Tom Balbo seconds the amended motion. The motion passed as amended.
9. Adjourn	The meeting was adjourned at 12:30 p.m.

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