



STATE OF WASHINGTON

## STATE BUILDING CODE COUNCIL

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### SUMMARY MEETING MINUTES

**LOCATION:** Shoreline City Hall, Council Chambers  
Shoreline, Washington

**MEETING DATE:** March 8, 2013

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; Dave Kokot, Vice Chair; Rod Bault; John Chelminiak; Dave DeWitte; Duane Jonlin; Bob Koch; Mark Kulaas; Jerry Mueller; Dave Peden; Jeff Peterson; Steve Simpson; Eric Vander Mey <u>Staff In Attendance:</u> Tim Nogler, Managing Director; Krista Braaksma; Joanne McCaughan; Peggy Bryden <u>Visitors Present:</u> Chuck Murray, Gary Nordeen, Kraig Stevenson, Shay Weer
2. Review and Approve Agenda	The agenda was approved with the following modifications. The review the minutes of January and February will be added as 2a. Under Other Business Adult Family Homes and ADA will be discussed.
2a. Approval of Minutes <b>Motion</b>	The minutes of January 11, 2013 and February 8, 2013 were approved with a <b>motion by Duane Jonlin</b> , seconded by <b>Dave DeWitte</b> . <b>The motion was unanimous.</b>
3. Public Comment on Items not on the Agenda	<b>Kraig Stevenson</b> with the ICC reported on the upcoming ICC meetings in Dallas. He wishes the three year cycle of codes to stay as they are. He also appreciated the Executive Committee meeting on March 5, 2013.
4. Committee Reports Legislative Report	<b>John Chelminiak</b> reported the Legislature is still in session. He referred to HB1618 that SBCC put forward for a fee increase. This was changed a bit by putting it into the state budget on an annual basis rather than having it set in the RCW, which is positive. We don't want to be in a situation where we are changing the fee all the time. It is still sitting in the House Rules Committee. <b>John</b> recommends the Council to call those on this committee to see if we can move this bill forward. <b>Tim Nogler</b> reported the efficiency standards, #1017, has passed the

Executive Committee

House. The original bill included a number of fixtures. The substitute bill took out that language. If this bill were to pass the Senate we would be in rulemaking to conform to the statute. The law is pre-emptive. By putting these standards in the law it makes them statewide mandatory minimum/maximum. The state can't amend them.

**John** continued by reporting on the six year code cycle that has passed the Senate. Carbon monoxide alarms are companion bills and they have moved out of their committees, but they have not had a floor vote yet. There is a hearing coming up on SB5495. This would add representatives of small rental property owners and large rental property owners to the SBCC. We are going to weigh in on this bill. **John** feels this is a direct result of carbon monoxide alarms issue. He wonders if SBCC should take a stronger stance on this. **Mark Kulaas** agrees with **John**. **Dave Kokot** is concerned about having special interest groups on the Council. **Eric Vander Mey** wonders if there should be an expert in Green Building. **John** asks how much does the Legislature want SBCC to get into the operating of buildings. **Duane Jonlin** points out that all these groups are invited to talk with us without being represented on the Council. **Dave Kokot** feels this type of representation is appropriate at the TAG level rather than the Council level. **Ray Allhouse** is concerned about the unfunded mandate. On one hand the legislation is talking about expanding SBCC which isn't free so if they want to do this they should consider the fiscal adjustment needed to support this. **John** appreciates the comments and will use them to craft a statement to use at the hearing next Friday.

**Ray Allhouse** reported that we took quite a bit of public comment at this meeting and it was good. We will put a notice on the website requesting comment from those that didn't get to comment can do so by written comment up to the end of March. We are very interested in stakeholders' concerns on how SBCC can improve their process. The main thrust is to review our rules and bylaws. A common thread was the fairness of being heard and having adequate time to look at proposals. There was also a concern about a system of rebuttal. **John Chelminiak** said this was like a formal meeting

	<p>and we were on the listening side. We are going to have an in person meeting in May in Olympia that will be more of a round table or a workshop.</p>
<p>5. TAG Report – PV TAG</p>	<p><b>Dave Kokot</b>, chair of the PV TAG reported they have had two meetings to date. They have a good cross section of photovoltaic experts. We also have a workplan put together that the Council has reviewed. We have gone through the code language and are determining what the road blocks are. The next meeting is March 22 where we will look at what Oregon and Colorado is doing. The goal is to have this completed by May 3. <b>Dave</b> wanted to thank the City of Federal Way who opened their Mayor’s Conference Room and the mayor welcomed the TAG at their meeting. We sent them a thank-you letter for this and the TAG will be returning there for our next meeting.</p>
<p>6. Code Interpretation Requests  State Fire Marshal – Group E Automatic Sprinkler Systems</p> <p>State Fire Marshal – Occupancy Classification</p>	<p><b>Tim Nogler</b> reported on these interpretations that were looked at in February and were tabled until today. The first interpretation refers to 903.2.3 of the Building Code, Group E Automatic Sprinklers. The answer to the interpretation question is yes; as it changes the occupancy and the day care would be considered a new facility and all new facilities require the sprinklers. <b>Duane Jonlin</b> feels this is out of our purview. <b>Dave Kokot</b> said he would be willing to get something to <b>Duane</b> to explain this interpretation more clearly.</p> <p><b>Barbara McMullin</b>, with the Fire Marshal’s office, joined the meeting through the conference phone. She commented when an application is received for a daycare in a church and there isn’t a fire separation they calculate the entire area of the building. When this is calculated the occupancy load goes over 50. This requires the fire barrier or a sprinkler system. <b>Duane Jonlin</b> said he would be willing to go through the basis for the code on this, in a different venue, showing how you don’t have to count the entire occupancy of the building in the calculation. <b>Tim Nogler</b> recommends getting together with the Fire Marshal’s office to discuss this since it has been tabled at this time.</p> <p><b>Tim Nogler</b> stated this interpretation refers to a request by the State Fire Marshal and asks SBCC if sprinklers are</p>

<p style="text-align: center;"><b>Motion</b></p>	<p>required in various occupancies. <b>Tim</b> said the code is clear on the R-2 occupancies. However the third occupancy is an I-1 occupancy. The answer to the interpretation is no. The sprinkler requirements depend upon the scope of the work and the local ordinance and conditions. <b>Ray Allshouse</b> reminds Council that local ordinance must be looked at too. <b>Tim</b> said the licensing requirement may be different. More discussion was held on this by several members of the Council.</p> <p><b>Dave Kokot</b> moved to approve the interpretation. <b>John Chelminiak</b> seconded the motion. <b>Duane Jonlin</b> feels each question in this interpretation should be answered individually. <b>Dave Kokot</b> would consider a friendly amendment to drop the no in the answer. This is seconded by <b>John</b>. <b>The motion is approved unanimously.</b></p>
<p>7. 2013 Code Proposals  Tabled 2012 Proposals  New Proposals  Residential Energy Code: Furnace Efficiency</p> <p style="text-align: center;">Public Comment</p>	<p><b>Tim Nogler</b> stated five proposals were received on the Energy Code, there were also a couple of issues on the Building Code, one with the Residential Code and a number regarding the Plumbing Code.</p> <p><b>Hamilton Hazelhurst</b> with Vulcan Real Estate. We are trying to treat two high rise projects as part of the new energy code. We have observed the prescriptive path calls for 30% window/wall ratio with an exception that would allow for 40% W/R that requires a 50% daylighting factor. That objective is not achievable. Of the seven buildings we modeled only one can achieve the 50% daylighting. There seems to be a push to reduce the size of the glazing. The norm under the current code is in the range of 42-45% glazing. Under the previous code path we could get 50% glazing. We want to maintain a path of 40% glazing. We have found there is quite a bit of additional costs with the broader code change. We hope you will consider the two paths that we recommended. The other option proposed for the City of Seattle is a situation where three quarters of the building would be developed under the code's mandated U-value, but one quarter would allow a glazing value of .22. This would allow a more achievable threshold of 40%.</p> <p><b>Duane Jonlin</b> asked <b>Hamilton</b> if this is an emergency. <b>Hamilton</b> feels that it is. <b>Eric Vander Mey</b> states that he is part of this proposal and the goal is to get the proposal</p>

to the TAG to see if this is an enforceable code and clarify it.

**Kraig Stevenson** with ICC would like to address the process issues and if Council is going to enter into emergency rulemaking there are specific requirements. We need to be very careful with this. Many stakeholders have a lack of clarity on this.

**Gary Nordeen** with WSU reported when the state went into the development process of the 2012 Energy Code the feds were on board with increasing furnace efficiencies in 20 northern states to minimum of 90%. They have rescinded that due to a lawsuit. We based our efficiency ratings from 2009 to 2012 on a 90% baseline. It has dropped back to an 80% baseline from before, which messed up our point system as far as gas furnaces are concerned. There are three proposals from **Gary**. Two are joint proposals if you change the point system. He continues to explain the point variables for the three proposals.

**Chuck Murray**, with Commerce states it is important that the credits within the table mean something that is relatively equivalent, or consistent with one another. Because of the change in the baseline the furnace credit is not equivalent with the other items on the table. One proposal would see the efficiency gain over the code cycle go down. The second proposal we recommend increases the credits required for all housing to two credits. This is the alternate and it increases the efficiency and will increase the cost. The recommendation is to refer this to the TAG. Because this impacts codes that will go into effect in July this should be considered an emergency rule.

**Duane Jonlin** thanked these two for their work on these and asked **Chuck** which of the proposals put them closest to what they were before the federal change. **Chuck** said reading the letter enclosed with the proposal reflects the impacts. The first proposal changes the improvement down to 7.8. The second proposal there will be some increase in savings of 11 to 12%

**Tim** reminded the Council what their options are at this point. We can deny the proposals for further study, as rulemaking is not an option at this meeting. It is anticipated the proposals to go to the TAGs for recommendation back to the Council.

Questions were raised by Council regarding the glazing

<p><b>Motion</b></p> <p><b>Motion</b></p> <p><b>Motion</b></p> <p><b>Motion</b></p> <p><b>Motion</b></p>	<p>path being done in Seattle. <b>Duane Jonlin</b> responded to these questions.</p> <p><b>Duane Jonlin</b> moved that the five Energy Code proposals be referred to the Energy Code TAG and a meeting be scheduled for next month. The motion was seconded by <b>John Chelminiak</b>. <b>The motion passed unanimously.</b></p> <p><b>Dave Kokot</b> moved the two IBC proposals be forwarded to the Carbon Monoxide TAG for further review. <b>Jerry Mueller</b> seconded the motion. <b>Duane Jonlin</b> asked if Proposal 13-001 could be handled at the Council level. <b>Dave Kokot</b> feels the TAG should look at the proposal. <b>The motion passed unanimously.</b></p> <p><b>John Chelminiak</b> moved to have the IRC proposal be referred to the IRC TAG. The motion was seconded by <b>Dave DeWitte</b>. <b>The motion carried.</b></p> <p><b>Tim Nogler</b> said the plumbing proposals were from the Department of Health comments. There are a couple of key proposals that Council may want to consider particularly as it relates to federal law. We are recommending these go to the Plumbing TAG.</p> <p><b>Dave Kokot</b> moved these plumbing proposals go to the Plumbing TAG for review. The motion was seconded by <b>Jerry Mueller</b>. <b>The motion carried.</b></p> <p><b>Duane Jonlin</b> moved that E12-30 and E12-31 be moved to the Energy Code TAG for the aspirational code process. <b>Dave Kokot</b> seconded the motion. <b>The motion carried.</b></p>
<p>8. Local Amendments Issaquah</p>	<p><b>Tim Nogler</b> summarized for the Council what the City of Issaquah has submitted as a local ordinance. The staff recommendations are as follows: Section 16.404.040/Heat Island Mitigation. No action is necessary. Section 16.40.050/Plumbing Fixtures. State law prohibits local amendments to water conservation performance standards. Recommend the Council advise the city of this prohibition. Section 16.40.060/Diversion of Materials from Landfills. This is outside the scope of local amendments to the building code for single and multi-family construction. No action is necessary. Section 18.07.040/Setbacks. This does not amend the building code for single and multi-family buildings and no action is necessary. Section</p>

	<p>18.07.060/Building Height sets local administrative policy for measuring heights of building and structures. No action is necessary. Section 18.07.110/Accessory Structures. This does not amend the state building code for single and multi-family structures so no action is necessary.</p> <p><b>Shay Weer</b>, building inspector for City of Issaquah. We took the code language that the regional collaboration developed for sustainable regulations and took it to their city council and they decided to adopt it.</p> <p><b>Duane Jonlin</b> would like to challenge the fixture flow rate. <b>Tim Nogler</b> referred to the statute which is very specific. A letter was recommended by Council members to send to the Legislature to allow the low flow fixtures. The Council had discussion about this.</p> <p><b>Kraig Stevenson</b> with ICC speaks in support of this amendment by Issaquah. He encouraged the Council to recognize Code Creek?? by legislation that will further give SBCC an inability to respond to the needs of manufacturers, developers, builders and the cities.</p> <p><b>Dave Kokot</b> moved to approve Council's recommendation regarding the City of Issaquah. The motion was seconded by <b>Duane Jonlin</b>. There was some discussion regarding the encroachment and the plumbing fixture issue among the Council members. <b>The motion carried unanimously.</b></p>
9. Staff Report	<p><b>Tim Nogler</b> reported there is a proposed agreement with ICC for publication of the Energy Code. This will be done with their trademark and the Washington state seal. It will be posted on the ICC website as a read only document. He feels this publication might be available by the end of the year. However, there is a PDF version and it is available in the WAC.</p> <p><b>Tim</b> expressed apologies for the phone issues and stated the Web-ex has worked well.</p> <p><b>Duane Jonlin</b> asked about an interpretation request that was received regarding the definition of residential. <b>Tim</b></p>

	<p>stated this request would need to be posted on an agenda before it should be discussed and a response from legal counsel would be suggested and then Council could advise the city.</p> <p><b>Tim Nogler</b> also mentioned that he, Krista and Joanne from SBCC staff plan on attending the ICC hearings in Dallas in April bringing forward several proposals.</p>
<p>10. Other Business</p>	<p><b>Rod Bault</b> has brought an issue of Adult Family Homes in relation to accessibility to the attention of the Council. Enforcing the grab bars the local officials were finding issues getting compliance in existing single family homes that have been licensed as adult family homes. A new standard was put into effect as of March 2012. The question remains what is an acceptable level of accessibility. <b>Rod</b> would like the Council to look at this issue. In a disabled person's home it would be nice if there was a standard that could be depended on to provide the least restrictive environment for these 4500+ adult family homes. <b>Tim Nogler</b> suggested the Council have someone from DSHS give an overview of their program to allow the Council to see what our options are.</p>
<p>11. Adjourn</p>	<p>The meeting was adjourned at 1:01 p.m.</p>

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