

STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

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SUMMARY COUNCIL MEETING MINUTES

LOCATION: Shoreline City Hall, Council Chambers

17500 Midvale Avenue Shoreline, Washington

MEETING DATE: November 8, 2013

Agenda Items	Committee Actions/Discussion
1. Welcome and Introductions	Meeting called to order at 1:00 p.m. Members in Attendance: Ray Allshouse, Council Chair; Dave Kokot, Vice Chair; Tom Balbo; Rod Bault; Dave DeWitte; Paul Duffau; Duane Jonlin; Mark Kulaas; Dave Peden; Jeff Peterson; Sandra Romero (ph); Steve Simpson; Eric Vander Mey Staff In Attendance: Tim Nogler, Managing Director; Krista Braaksma; Joanne McCaughan; Peggy Bryden Visitors Present: Pete Crow, Chris Herman, Jeff Randall, Suzanne Mayr, Bob Eugene, Grace Yuan, Ryan Fujiwara
2. Review and Approve Agenda	The agenda was approved as written.
3. Public Comment on Items not on the Agenda	Grace Yuan on behalf of Puget Sound School Coalition addressed the Proposed Work Plan. The Work Plan is proposing the school district issues raised at the October Council meeting be dealt with in March. We have concerns about this timeline. Ryan Fujiwara, executive director of support services at North Shore School District and also representing the Coalition which represents schools in Pierce, King and Snohomish Counties. He believes that SBCC made great strides with addressing the code interpretation on school portables and plumbing fixtures. Today we ask the Council to consider the following:
	 To direct the technical work group who is reviewing the portable issues and the 2012 amendments to consider starting work in January 2014 and not March. The reason for this is many of our districts are already going through the process of siting portables. We are already working with manufacturers on schedules, working with jurisdictions on permits and believe that we may be out in front prior to the work group already making some of these changes. The Coalition would like to request a separate advisory committee including school district representation be established to collaborate and

4. Review and Approval of September 20 and October 18, 2013 Minutes	educate the work group. This advisory committee would be one forum to address concerns raised by many of the districts throughout the state. 3. Consider looking also at the emergency alarm voice activation system. There are some discrepancies between the code language and legislative language in SB 5197 that should be coordinated. That legislation also created the school safety committee out of OSPI with representatives from the fire safety and operations committees to design model policies for school districts associated specifically with new construction and significant renovations. Our concern is that we may have duplicate or multiple systems in a school dealing with the same issue. Unless these issues are addressed in early 2014, we are going to be in a difficult position as we go into design and development of new schools. Ryan stated one of the biggest concerns in the Coalition is to do it right the first time. Dave Kokot thanked them for coming in. There was an effort to get an emergency rule in place for today's meeting which didn't occur. The 2015 Fire Code has already been approved by ICC and one of the communities in Eastern Washington is going propose an emergency rule to revise the fire alarm requirements. Mark Kulaas moved the minutes of September 20, 2013 be approved. This motion was seconded by Tom Balbo. The motion was approved unanimously. Steve Simpson moved the minutes of October 18, 2013 be approved. This motion was seconded by Tom Balbo. The motion was approved unanimously
5. Final Rulemaking Lodging House Sprinklers	Tim Nogler summarized Lodging House Sprinklers. The proposed amendment would add the language that sprinklers would be required only where required by local ordinance. This is an amendment to what is in the base model code. It was intended to be adopted with the 2012 IRC as recommended by the TAG, but was not included in the final rulemaking last year.
Motion	Dave Kokot made a motion to reject the Lodging House Sprinkler amendment. The motion was seconded by Duane Jonlin. Dave Kokot was surprised there were no comments supporting the TAG's recommendation for this. The comments received were opposed to adoption. This is already an exception to the code. If sprinklers were removed then this entire exception should be removed because it has already been given one exception to it. We need to move this back into the IRC. Duane Jonlin is concerned about the language "where required by local ordinance," because every jurisdiction could end up with a different rule and it makes it difficult for contractors and designers to understand what the rule is. Paul Duffau is concerned about renovations; we are talking about older structures. We are probably going to see people delaying other safety improvements they could make, if they are also facing a \$10-20,000 sprinkler installation on top of the other improvements. He would prefer to leave it in the hands of the local jurisdictions rather than go ahead with this motion. The motion to reject the lodging house sprinkler amendment carried with

	one opposed.
Two-Family Dwelling Separation	Tim Nogler stated this was to address the protection of structural support in a two dwelling unit. There is also a correction to Table R302.1(2) as part of this proposal. The additional language allows for construction not to be fire resistant rated under the exception where the automatic sprinklers or smoke alarms are provided in the upper and lower units.
Motion	Jeff Peterson moved to accept the two family dwelling separation rule. Steve Simpson seconded the motion. The motion carried.
PV Installation	Joanne McCaughan reported on the special TAG for Photo Voltaic issues in the Fire Code. The Council did not adopt Section 605.11 of the Fire Code during the adoption of the 2012 IFC.
Motion	Dave Kokot made the motion to adopt the proposal. This was seconded by Steve Simpson.
	Dave Kokot gave some background, stating the TAG consisted of representatives from the solar industry and the fire service. They did an excellent job of coming together and creating consensus on nearly every piece of the proposed rule except one. That was the one issue the public testimony focused on. We know the PV TAG is not done, as there will be more changes coming in the 2015 edition of the codes; in addition, there is an element of education that has to occur for this code and any future codes.
Modification of Motion to adopt	Dave Kokot proposed to change the wording in Exception #5 to read as follows: The total combined roof area measured in plan view of the structure is less than 1,500 sq. ft. and the total combined area of the solar arrays does not exceed 33% measured in plan view of the total combined roof area of the structure and where a minimum of 18-inch unobstructed pathway is provided along each side of the horizontal ridge. This is very consistent with several jurisdictions. This is a better place to start with the TAG next year. Duane Jonlin seconded the motion. Mark Kulaas seconded the modification.
	Dave Peden is concerned that we are changing something that is controversial pretty dramatically and have not heard public testimony on this change. Dave DeWitte asked Dave Kokot for the rationale for the parameters he chose. Dave Kokot said one of the biggest concerns of the fire service is to have access to do vertical ventilation in residential settings. The 1,500 sq. ft. roof area is an average for a one story house or a two story 3,000 sq. ft. house. Permits will need to be submitted for PVs. Duane Jonlin thinks 1,500 sq. ft. is too small; he doesn't see how 33% is better than 40% in this. Vast areas of roofs will be covered in the future. We don't want to put limits on renewable energy. Jeff Peterson agrees with Duane on this. If you look at the size of a house where a big portion of the lower floor is going to be a garage, then a typical house will be 2,000 sq. ft. Dave Peden asks why we need Exception #5. Dave Kokot said the PV industry brought this into the TAG. This is a starting point. Dave DeWitte asks what the industry thinks of the 1,500 sq. ft. Jeff Randall responded for the industry, and

noted that **Dave Kokot** stayed as neutral as possible during the TAG deliberations. Jeff clarified that these issues aren't terribly complex. If you can imagine hip roofs, they are hard to get solar panels on. These are the kind of roofs where some percentage of roof would be helpful. If you can imagine a house with just a couple of roofs pointing the right way they are awkward to work with. The building itself could be big, but there is only one part that is good for PV because the rest is pointing the wrong way or there might be a tree. The area limitation might be handled better with the array size. The 10,000 sq. ft. was discussed in just 20 minutes. Jeff Randall feels that 3,000 sq. ft. would be better than 1,500 sq. ft.

Duane Jonlin asked if we used Dave Kokot's proposal as a guideline for how we set this up. You mention that 3,000 sq. ft. would meet your criteria, what else would you do to the proposal? **Jeff Randall** said he would prefer the language that Boulder, Colorado uses; it is also used in Oregon. That is, where a solar array will measure 1,000 sq. ft. or less, rather than less than 1,500 sq. ft., of roof area in plan view. But if you felt more comfortable defining a roof area plan view limit, he thinks bigger than 1,500 sq. ft. would be preferable because a lot of the area we are trying to do solar on isn't that big. We aren't looking at the whole building; there is only one part we can use for solar. The advantage of the Colorado standards is they'll look at it from the other dimension as long as the solar array isn't getting bigger than this size and it is less than 33% of the roof. **Dave Peden asks** is this a 500 sq. ft. array? **Jeff** replied in plan view we are looking at it from straight above. The 500 sq. ft. would be a small system now that prices have dropped.

Dave DeWitte asked if **Dave Kokot** would amend his amendment to limit the size of the array as opposed to the roof size. **Dave Kokot** said he would accept that amendment. He said he would accept the 18-inch pathway as proposed by BIAW. This would cap it at 500 sq. ft. system.

Jeff Randall said we don't have a lot of jurisdictions that have dealt with 33% vs. the 40% or many jurisdictions that have analyzed the impacts of the fire codes. He feels that about 60% of their projects would be impacted so we are trying to come up with an escape valve. The number that Oregon and Colorado have come up with is 12 inches. The 40% would be better, but he did put the 33% in his comment letter because he was afraid the entire thing would be thrown out. He still hopes this will be modified. Duane suggests that we modify this further to put the 33% back to 40% with the language that is on the board. Dave Kokot does not consider that a friendly amendment. The TAG knows they are not done and we need to do this in interim steps. He is trying to achieve a good balance to start this process. We are all still learning, there was misinformation on both sides.

Mark Kulaas states as a representative of city governments he represents fire fighters as well. The testimony of the Fire Chief in Spokane Valley was very compelling. He has to look at the life safety of the fire fighters. He concurs with Kokot.

Ray Allshouse repeated the proposed amendment of Section 605.11.3.2,

	exception #5: These requirements shall not apply to roofs where the total combined area of the solar array does not exceed 33% as measured in plan view of the total roof area of the structure, where the solar array will measure 1,000 sq. ft. or less in area, and where a minimum 18 inches of unobstructed pathway shall be maintained along each side of any horizontal ridge. The amendment passed unanimously.
Main Motion	The Council then voted on the main motion. The motion passed unanimously.
CO Alarms	Tim Nogler stated this was a fairly minor amendment to both the Building and Fire Codes and adds to the exceptions for the Dept. of Corrections including work release facilities. These would be treated the same as the other exceptions, i.e., R-2 college dorms, hotels and DSHS-licenced boarding homes.
Motion	Dave Kokot moved the Council accept this amendment as written. Steve Simpson seconded the motion. The motion passed unanimously.
Plumbing Code	Krista Braaksma stated the majority of the changes to the plumbing code were coordination issues with the Department of Health and their drinking water program. There are changes to certified backflow assembly tester, some changes in the language in differentiating a device versus an assembly. There is some added language in Chapters 16 and 17. The substantive portion of the rule is the lead content change. It is intended to mirror federal regulations that go into effect January 4 that lowers the allowable lead content for potable water piping. There was quite a bit of testimony on this issue. Dave Peden asked if there was any phase in on this piping. Steve Simpson stated there was a three year phase in; the federal law was adopted in 2011
Motion	Steve Simpson made a motion to approve the Plumbing Code changes. Eric Vander Mey seconded the motion.
Modification of	Steve Simpson proposed to modify the rule as follows: modify Section 604.11 to
Motion to adopt	reflect language adopted by IAPMO for better consistency with the federal lead regulations and address typographical errors in the discovery of cross connection sections in both Chapter 16 and 17. Eric Vander Mey seconded the modification.
	Eric stated the first change is to reflect the UPC model code changes that were recently voted on by IAPMO. Jeff Peterson asked about the discovery of cross connection with homes that are using a sprinkling system connected to a domestic water system; would the fire system be shut off at the meter upon discovery of the cross connection? Steve said the answer is yes. Krista said this is a Dept. of Health standard. Duane asked what the state's obligations were regarding the lead content? Steve stated we must at a minimum meet the federal regulations. The amendment passed.
Main Motion	The main motion passed unanimously
Energy Code	Krista Braaksma summarized, stating there were two main issues in the Energy Code. There is the changing of Climate Zone 6 into Climate Zone 5 for both residential and commercial buildings. The other issue was adding an additional

Motion	path to achieve 40% vertical glazing in buildings and the associated changes to allow that. Duane Jonlin made a motion the Council approve the rule for the Energy Code. The motion was seconded by Steve Simpson. The motion was approved unanimously.
6. Consideration of Possible Emergency Rules Pipe and Duct Insulation	Tim Nogler stated in the last meeting there was an interpretation request on the pipe insulation requirement. The discussion involved the practicality of meeting the pipe insulation requirements and as part of that discussion it was suggested that we may consider amending the Energy Code to reflect the practical reality. The Council also received a request from a constituent to consider an emergency rule to remove the requirements for pipe insulation for hot water systems as well as the mechanical piping systems and the duct insulation. This reduces the hot water insulation down to R-3 and specifies the application where you would be required to provide that insulation and then reduce the mechanical system piping from R-6 to R-3. Third was changing the duct insulation to supply ducts to R-8 and adding in all other ducts shall be insulated to a minimum of R-6. This is what is currently found in the 2012 IECC.
Motion	Jeff Peterson made a motion the Council match the IECC requirements for service hot water system insulation. The motion was seconded by Paul Duffau. Duane Jonlin stated he would not want to put all these specifications in the code, but he would support going to R-3 insulation because no one seems to carry R-4. He believes the rest would be doing a disservice by allowing portions of the system to not be insulated for the next few years. Dave Peden asked about concerns regarding the structural stability of the building. Jeff answered that the interpretation took care of that issue. It would be best to put the interpretation in the rule change. Dave Peden agrees with Duane if we are relaxing the rules, granted they may have been ignored, but are we taking things out that have been in there for a long time. That seems dangerous to do. Jeff feels we should be consistent with the IECC and the more we deviate from that the more people will be confused. The Council voted on the motion which was 4 to 4 with 3 abstentions. The motion failed for lack of 8 votes.
Motion	Duane Jonlin made a motion that R-4 requirement for the hot water insulation be changed to R-3. The motion was seconded by Paul Duffau . The motion carried unanimously.
Ground Cover	Tim Nogler said this was an amendment discussed at the last meeting. There was consensus that this needs to go back into the code. It was removed from the Energy Code because vapor barrier requirements were moved by ICC into the Building Code and the Residential Code. This amendment would place back the requirement for a 6 mil black ground cover. Krista said staff had received many requests asking that the word "black" be reinstated in the code. The reason is that daylight can get through clear plastic and growth will occur.
Motion	Paul Duffau made a motion the Council accept the rule as written on an

	emergency basis. Jeff Peterson seconded the motion. The motion carried.
7. Committee Reports	Eric Vander Mey reported the MVE Committee met on November 7, 2013 to
MVE	discuss two items, the outcome based code proposals and the aspirational code.
	Mike Fowler, the proponent of the outcome based code proposal, withdrew his two proposals from 2012 which had been previously tabled. There was a lengthy discussion on the replacement outcome based energy proposal made by Mike Fowler. We reviewed the scope of this. There was public comment on this proposal. The overall committee recommendation was to disapprove the proposal at this point. Mike was proposing this outcome based energy code would apply on a voluntary basis as part of the aspirational code. The Committee thought, as part of the aspirational code, the Committee and the Council really need to set up the framework for a discussion of how outcome based codes could be utilized in the state and before we add something to the code. The Council should go through a discovery process and research how we could apply outcome based codes and identify the barriers, challenges and benefits. We are encouraging the proponent to continue to participate in the aspirational code process.
	Duane Jonlin states looking at the proposal it allows an EUI energy use index of 80.6. That is considerably higher than a code compliant WSEC building. These numbers were based on the 2003 database. This is lower than code performance.
	We really want to keep Mike Fowler and his people involved in this. We don't
	know who would voluntarily sign up to do this now and we don't want to develop
	code that is going to have little usage. We need to really step carefully into the outcome based codes and make sure there is some incentive for people to utilize this path. We need to work with utilities and others to figure out the best way to implement this in the state. Dave DeWitte had the impression this was an amendment to the Energy Code, not an aspirational code. Jeff Peterson states at the top it reads as part of the aspirational code. It is meant to be a section of the Energy Code that is part of the aspirational code that is voluntary.
	Mike Fowler stated he would like to correct a comment that was made in the Committee meeting yesterday. The outcome based proposal does not allow a less efficient building code. This proposal overlays the existing code. It is impossible for it to be less than the building code is. It requires documenting your energy use is below a set budget. All buildings would have to comply with the energy code the way it is written. Once the building is operating there is a three year window that has to demonstrate that. There is some confusion because it is based on the 2003 index file and the 70% reduction and our state goals are a 70% reduction from our 2006, but basically this budget has built into it a cushion on top of what should be an energy code compliant building.
Motion on Outcome Based Code Proposal	Eric Vander Mey moved the Council disapprove the proposal for rulemaking at this time and encourage the proponent to revise the proposal and address the issues that were brought up by the Committee. Jeff Peterson seconded the motion. The motion carried.
Aspirational Code	The MVE Committee also had a lengthy discussion on the Aspirational Code and

	how that would be moved forward. There was also public comment on this. The overall consensus was to meet again in December to discuss how we will develop the scope of the Aspirational Code. The residential vs. the commercial sections of the code were discussed and where it would be best suited to have an aspirational code. The Committee discussed getting the utilities involved. There were discussions about utility structures and how Oregon is different than Washington and Massachusetts. We saw two main paths and we want this to be a tool for people to use, not just create more code. The two main ways it could be utilized would be to have local jurisdictions adopt it, similar to what Seattle does. The other way would be to work it into a utility incentive program. The plan presented by Council staff is for them to perform research and bring back information. We want to take time to do this the right way. The next step is discussing what the scope of what the aspirational code would consist of in more detail and set up a framework to then feed into that. The other item discussed was whether this would be a code developed by proponent proposals or by staff doing research in conjunction with, for example, the Dept. of Commerce and utilities. This would be more the internal research type approach and leaning on other entities that helped with the Oregon Reach Code.
Executive Committee Process Improvement	Ray Allshouse reported on the Executive Meeting. The main discussion was about process improvement and the forums that are to be planned for 2014. They feel there should be four to five Council members at these forums to represent SBCC and there should be about five meetings throughout the state. They also discussed the proposed update to the code cycle presented in Spokane. Representative Takko, who was at our public meeting in May, has put SBCC on the agenda for a Legislative Hearing on November 22. The Council will have 15 minutes to summarize what SBCC does and it would be good to have a few members of the Council there to represent us. A slide presentation is to be given by Ray and Dave Kokot. Tim Nogler will be in attendance as well.
8. Model Code Reports IAPMO/ICC	Steve Simpson reported on the IAPMO Conference in Kansas City. He said it was a very good conference and the training was great. The main topic of the education classes was saving energy. Ray Allshouse asked if there were any code changes. Steve answered no, they are still in the first round of two hearings. Duane Jonlin gave a quick report on the ICC Conference. This is the Group B hearings for IRC, fire and energy codes. It was a brutal several days. Ray Allshouse said we put forward a number of Washington State amendments. It is an important piece of our involvement and charter to carry forward what we think is important. Considering our budget and time limitations we haven't always had the people we wanted attend these meetings. Tim Nogler said the Group C hearings start in January.
9. 2014 Work Plan/Calendar	Tim Nogler laid out the Work Plan, noting that during the 2014 Session, which lasts through March 14, there will be Legislative Committee meetings every Thursday at 1:00 as needed to discuss any bills that pertain to SBCC. January through June, Community Forums are to be scheduled through the Executive

	Committee to consider process improvements as well as methods of evaluating technical, economic, and policy impacts on code amendments. During March the Council will review any proposed state amendments received by the March 1 deadline, and from June to December the staff will review the 2015 model codes. The Aspirational Energy Code will be developed from January through September by staff, the Energy TAG, the MVE Committee and the Council. Throughout the year, the Green Building TAG will develop recommendations on how to integrate Green Building concepts into application of the code. There will also be special TAG meetings through March and April to develop amendments to fire/building codes for school portables, etc. The staff responds to daily requests from building and fire officials, architects and engineers and the general public with various code questions. They also participate in model code processes as time permits.
	Dave Peden asked about the status of the SBCC budget since the fee increase did not pass. Tim stated while permits are up, we can't ignore our funding concerns and in a future meeting it might be appropriate to update the Council on this. Dave Peden wonders if we have the funding to do the additional work discussed. Tim indicated the House budget had the fee increase in it, but the Senate did not concur with this so it did not pass. However, our revenue has recently increased significantly and the fund balance is adequate to continue to operate over this biennium. The Council meeting calendar was discussed, and Tim noted this must be filed with the Code Reviser's Office for publication in the register. These meetings are generally the second Friday of the month.
Motion	Steve Simpson moved to approve the SBCC meeting calendar. Tom Balbo seconded the motion. The motion was passed unanimously.
10. Staff Report	Tim Nogler informed the Council that Bob Koch has stepped down from the Council due to his schedule. The Council will be looking for a replacement. Tim also reminded some there are a few Council members that need to reapply if they want to serve another term. Tim also mentioned SBCC has a finalized contract with ICC to publish the Energy Code.
11. Other Business	Dave Kokot expressed appreciation to the Staff on behalf of the Council.
12. Adjourn	The meeting was adjourned at 3:55 p.m.