

MINUTES OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
BUILDING CODES COMMITTEE

September 19, 2012

Maricopa Association of Governments Office  
302 N. 1<sup>st</sup> Ave  
Chaparral Room  
Phoenix, AZ

COMMITTEE MEMBERS

Michael Williams, Tempe, Chair

Randal Westacott, Avondale

Phil Marcotte, Buckeye

\*Mike Tibbett, Carefree

Mike Baxley, Cave Creek

A-Mike DeWys for Martin Perez, Chandler

Mary Dickson, El Mirage

\*Jason Field, Fountain Hills

Larry Taylor, Gilbert

Tom Paradise, Glendale

Ed Kulik, Goodyear

\*Chuck Ransom, Litchfield Park

Tom Ewers, Maricopa County

A-Steven Hether, Mesa

Bob Lee, Paradise Valley

A-Dennis Chase for Dennis Marks, Peoria

Julie Belyeu, Phoenix

Dustin Schroff for Michael Clack, Scottsdale

\*Dale Crandell, Tolleson

\*Rick DeStefano, Wickenburg

A-Jim Fox, Youngtown

Jackson Moll, Home Builders Association

Sharon Bonesteel, Salt River Project

OTHERS IN ATTENDANCE

Jami Garrison, MAG

Steve Gross, MAG

Blaine Miller, Office of Energy Policy

Trisha Ekenberg, GUEP

Ken Kirschmann, Southwest Gas

Rob Runge, Phoenix

Joel Dickinson, SRP

David Felix, SRP

\*Those members neither present nor  
represented by proxy.

**A**-Those members participating via  
audioconference

1. Call to Order

Michael Williams, Chair, called to order the September 19, 2012 meeting of the MAG Building Codes Committee (BCC) at 2:00 p.m.

2. Introductions

Voting member Dennis Chase, Mike DeWys, Jim Fox, and Steven Hether attended via telephone conference call. All members and guests introduced themselves.

3. August 15, 2012 Meeting Minutes

Bob Lee made a motion to approve the August 15, 2012 minutes. Mike Baxley seconded the motion, and the motion passed unanimously.

4. Call to the Audience

There were no comments from the audience.

5. Comments From the Committee

Bob Lee said that the AZBO Education Institute will take place October 15-19. He said there will be a lot of new classes, and encouraged members to register. He said that the International Code Council (ICC) Annual Business Meeting (ABM) is taking place in Portland from October 18-28. He said that for the ICC ABM it is important to register as a representative of a jurisdiction in order to have full voting rights at the code hearings. He also said that the Arizona Department of Emergency Management (ADEM) held a roll out for disaster recovery framework. He said that ADEM is putting together a shareholders' meeting. He said that he will be at the meeting representing building officials, but would appreciate additional participation.

Randal Westacott said he attended a training class on Manuals J, S, and D. He said it was very informative and showed what to look for in the 2012 codes. He thanked SRP for sponsoring the class. Michael Williams said that he also attended the class, and thanked SRP for putting it on. He said that the ACCA has the Manual J video on their website. Sharon Bonesteel said that SRP was glad they were able to put on the class. She said that SRP believes this will be a key piece in making sure that mechanical units are properly sized for residential structures to ensure the best energy efficiency. Michael Williams said that one thing that came out of the class is retrofitting of air conditioning units and the associated ductwork.

Tom Paradise asked if Randal Westacott had gotten answers about pad certifications. Randal Westacott said that he had sent out an email asking how people would view a subdivision that has been sitting for several years, and now someone is ready to build on the lots that are existing. He said that he received a lot of responses, and many people said that asking for a new pad certification would be a good practice. Bob Lee pointed out that that Reference Number 31 on the Building Code Amendments and Standards list deals with this issue. He said that the committee had previously voted to require a current pad certification report for each single family lot at the time of footing inspection. Larry Taylor said that Gilbert requires a time limit to be put on the pad certification. He said that some engineers are comfortable with including an indefinite time limit, while others give a specific number of days. Randal Westacott said the

shorter time frames are often for pads that will have post-tension slabs, and the engineers usually like for pre-wetting to be done within a recent period before the work is done on the lot. He said the consensus was that a new pad certification should be done. He said that he also asked if a new soils investigation should be done. He said that most people said to see if there was an expiration date on the original soils investigation. He said that he's going to check the soils investigation through Engineering, and require a new certification at the foundation stage.

## 6. Arizona Rooftop Solar Challenge

Blaine Miller gave a presentation on the Arizona Rooftop Solar Challenge. He said that the Governor's Office of Energy Policy (OEP) received a grant from the US Department of Energy with the goals of identifying best practices in permitting, net-metering and interconnection, planning and zoning, and financing, as well as adoption of best practices like online permitting, reduction in solar access barriers, and providing additional solar financing options. He said OEP is partnering with the City of Flagstaff, City of Phoenix, City of Tucson, ASU Global Institute of Sustainability and Sustainable Cities Network, and AZ SmartPower. He said that ASU has sent out a number of surveys to different cities regarding permitting and zoning practices related to solar. He said that the goal is to create a more uniform process across the state. He said that they want to reduce the time it takes to install solar facilities and the work involved, and allow contractors to know what the requirements are regardless of local jurisdiction. He said the grant runs through February, and currently focuses on gathering information and best practices. He said there will be a phase two, which will focus on implementation. He said that the eventual goal will be to have state-wide online permitting for solar equipment.

Blaine Miller said that for the implementation process, they are working with the utility companies, who are interested in how the process can be streamlined for contractors. He said that eventually they would like for this process to be online, as well.

Blaine Miller said that among the deliverables they need to have by the end of the grant in February are: adoption of an online system in 5 jurisdictions that allows for over-the-counter and same-day permit review; a roll-out of a form of solar financing in 3 jurisdictions; and model language for planning/zoning and solar access, with 5 jurisdictions modifying codes to enhance solar development. He said that if these goals are achieved they hope to score well enough to apply for the phase two grant. He said there is a financial aspect to the program, as well. He said Phoenix has been successful with a \$25 million leasing program. He said that they will use that as a model for the rest of the jurisdictions in the state. He summarized the program by saying that the main goal is the make it simplified, easy, and quick to install solar on residential and small commercial.

Tom Ewers said that Maricopa County has already achieved most of the goals of the program. He said that most jurisdictions in the county are probably already doing these things. Blaine Miller said that they may be doing these things, but the goal is to make them the same across jurisdictions. He said that they sent out a survey to determine the differences in implementation between different cities. He said that they hope to get the phase two grant to help jurisdictions implement an online system, and that they have a company in Tucson that is working on software that could be used by smaller jurisdictions.

Bob Lee said that Paradise Valley will probably wait for the software to be finished, rather than create their own system. He said that he wouldn't want to have a different process for everything. He said that their intention is to take the software and process and use it for other

projects, as well as solar. Blaine Miller said that other jurisdictions have done the same thing. He said that solar installation is much simpler than other things, like installing a pool, for example. Bob Lee said that in Paradise Valley they have a 24 foot height limit, and adding a solar array to a house near that limit could be denied for violating the height limit. Blaine Miller said that this is one of the zoning issues they are trying to address.

Sharon Bonesteel said that this issue is so new that planning and zoning departments haven't addressed it yet. She said that a number of jurisdictions are updating their master plans, and suggested that the OEP write some language that could be adopted as part of the new plans. Blaine Miller said that they are working on something like this.

Michael Williams asked if the OEP has worked on standard electrical plans for houses. Blaine Miller said they have, and that will be part of the online permitting process. Sharon Bonesteel recommended not getting caught up trying to make a system that works for everything. She said simply creating a system where most residential solar installations can be handled online is a great accomplishment. Blaine Miller said that this is why they'll have two phases of the grant, to allow beta testing with a number of different types of jurisdictions in the first phase.

#### 7. MAG Building Code Amendments and Standards Book

Michael Williams said that next on the agenda was the building codes amendments and standards book. He said that the first discussion item will be Item 7, and that Sharon Bonesteel had done some research on this item. Sharon Bonesteel said that she looked at what the initial source of the problem was that created a need for this item. She said that problem appeared to be unmetered lights installed on private property. She said she reviewed SRP's standards, and their electrical service specifications. She said the standards state that most local jurisdictions have regulations that require that the property owner obtain approval from the local jurisdiction prior to energizing the load side. She said that on the subject of SRP getting permits, SRP maintains that they are not subject to having to get permits. She said that SRP proposed updated language specifying that it is the responsibility of the property owner to obtain permits and inspections from the local jurisdiction. She said that SRP cannot support the item as previously written.

Tom Ewers said that there are statutory exemptions for work by public utility companies. He said that the proposed update says what local codes already say. He suggested that this item may be no longer needed. Sharon Bonesteel said that SRP would accept that the document is not needed, or the wording that has been proposed.

Michael Williams said that the proposal could go either way and have the same effect. He said that the proposed language makes it clear the owner has to obtain the permits, while the existing language has some ambiguity as to who get the permits.

Tom Ewers made a motion that Item 7 be included as Historic. Ed Kulik seconded the motion.

Randal Westacott asked if this item was initial created because electrical service was turned on without proper permits. Michael Williams said that is correct. He said that, despite the current codes addressing the issue, it might be a good idea to incorporate the SRP suggested language to make the statement in the code clear. He said to avoid confusion it might be a good idea to keep the proposed language. Sharon Bonesteel said that it is better to have a clear MAG standard than to rely on the code alone. She encouraged the inclusion of the proposed language. Dennis Chase asked if utility companies could agree to not energize until appropriate permits are approved.

Sharon Bonesteel said that the SRP process is that when a customer requests service, SRP provides service, and that, where appropriate, they ask if appropriate permits have been obtained. She said that it is not SRP's intention to energize where it is unsafe. She said that if the committee wants to make it clear, they could reference the SRP ESS standard in the section.

Mike Baxley asked where the lights in question would be installed – on the utility side or after the meter on the customer side. Michael Williams said that there would be no meter in these situations, and it is on private property and owned by the utility.

Rob Runge said that Phoenix has had agreements with SRP and APS for this type of work. He said the agreements consider each light pole to be a service. He said there is a utility portion up to the point of the service disconnect, which is typically an inline fuse. He said downstream of that falls under the jurisdiction of the city, so a permit is required if it is on private property. Michael Williams said that there was a standard developed with Phoenix in the lead that follows this description. He said the issue was that there was not a single service disconnect. He said the option was given to have the service point at each pole with a hand hold that used tamper-resistant screws and ground each light pole. He said that cities that accepted that standard would issue a permit for that installation for however many poles were on the site. He said that in those situations in Tempe the owner obtained the permits. He said he would be concerned if permits were not issued because there would be no record of what standard they were installed to. Sharon Bonesteel said that she does not have that agreement. She said that if she could get a copy of the agreement and the City of Phoenix standard she would do further research to find their current status. Rob Runge asked to clarify the position of SRP, saying it sounds like SRP isn't saying a permit is not required, but that the property owner, and not SRP, should obtain the permit. Sharon Bonesteel said that the issue is not whether or not a permit is required, but if SRP is required to get the permit. Michael Williams said that the standard he referenced earlier is a technical document that has specific requirement for installation.

Bob Lee said that a few years ago a company came to Paradise Valley and installed 43 unmetered cell phone nodes in town right-of-way (ROW), some of which were in SRP territory. He said that SRP never agreed to them being unmetered, but APS did agree. Afterward, APS said that they would not allow unmetered installations anymore. He said that he might agree with the motion that the language is no longer necessary.

Dennis Chase said that in the last six months, in APS territory, they have had some irrigation pedestals that have been unmetered.

Tom Paradise asked to clarify what the update proposed by SRP is. He said that the proposed text indicates that SRP would not be required to obtain a permit, and that the burden would be on the property owner to comply with all requirements of the local jurisdiction. He said that every local jurisdiction requires a permit and inspection for a light installation, and asked if SRP would need to see an approval by the local jurisdiction to power a light pole or would they simply power the light when asked by the property owner. He asked how SRP will know when the light has been properly inspected. Sharon Bonesteel said that the department that handles energizing these types of installations typically gets an email from the local jurisdiction that it is clear and ready to be energized. Tom Paradise said that typically power is not turned on unless there is that clearance from the local jurisdiction. He asked if the language needs to specify that a clearance is required, or if a new policy for this is even necessary, as it is covered by the local building codes. He said that he believes this language is no longer needed.

Sharon Bonesteel said that the original language says that the utility company installing lighting is required to obtain permits. She said that SRP's position is that they are exempt from having to get permits. She said that if this is no longer applicable, then SRP would accept that. She said that if the committee wishes to clarify the position, she suggested that the language be broadened to include electrical services, pedestals, lighting, or any electrical item as subject to permits and specify that the property owner is responsible for obtaining any required permits.

Tom Ewers said that Maricopa County has some subdivisions with private streets, so street lights are directly serviced by the utility company, but he doesn't think it's still done.

Tom Paradise asked for the motion to be read again. Tom Ewers restated the motion that Item 7 be included as Historic. Bob Lee said he would be more comfortable if he knew that the utility companies were not going to energize anything without an inspection downstream of the service disconnect. Tom Ewers said that might be grounds for future discussion, but with regard to the specific Item 7, the committee could vote to move it to Historic and then discuss other things in the future. Tom Paradise said that this particular item would not necessarily prevent things from getting energized without inspection. He said that the original item required a permit to be obtained, but that current codes already require that, so this item is no longer needed as written.

Sharon Bonesteel referred to the last sentence of the electrical service specification, which says "if no jurisdictional authority exists, SRP must receive a certificate in lieu of electrical clearance, including the notarized signature and license number of the qualified electrical contractor stating that the facility meets the National Electric Code (NEC) requirements prior to receiving SRP's electrical service." She said that this is a strong statement in SRP's standard policy that requires a permit or a notarized statement from the contractor. She said that this could provide backup that if a permit was required and not obtained, at least SRP has the statement from the responsible contractor. Michael Williams said that the issue was that these installations do not meet the NEC, so they cannot be certified as meeting the code. He said that they don't have a main point of disconnect or six main disconnects. He said that is why the standard was created originally – in lieu of meeting the NEC the standard could be used. Tom Ewers suggested that a future discussion should be about that specific standard and if it should be adopted as a MAG standard. Michael Williams asked how many of these types of installations SRP is installing. Sharon Bonesteel said that she could find out, but does not know.

Michael Williams called for a vote on the motion to include Item 7 as Historic. The motion passed unanimously.

Michael Williams said that the next discussion item will be Item 10, and that Randal Westacott had done some research on this item. Randal Westacott said that he had reviewed the current Pima County earthen wall and straw bale construction codes and found a number of housekeeping issues to update. He said that the earthen wall regulations would be an addition to the IRC. He said there are some references to IBC section 21.14, which is a new section that Pima County added to the IBC for commercial earthen structures. He said he recommends adopting section 21.14 in its entirety. He said for straw bale construction there were a few minor references that needed to be corrected.

Bob Lee made a motion to update Item 10 to a final version and bring it back to the committee for a final vote. Tom Ewers seconded the motion. The motion passed unanimously.

Michael Williams introduced Item 19 and Item 20, and said that Sharon Bonesteel researched both items. He said that the two items were regarding residential and commercial solar photovoltaic installation. He said that the representatives from the OEP wanted to take the items back to their group for further research and provide comment at a later meeting. Sharon Bonesteel said that she put her solar contacts at SRP in touch with the OEP, so that they could work together to provide a comprehensive document that addresses the current issues. Bob Lee made a motion to table Item 19 and Item 20 to allow the OEP to provide their comments. Randal Westacott seconded the motion and the motion passed unanimously.

Bob Lee asked about Item 16, which he had updated and sent to Scott Wilken prior to the meeting. Michael Williams said he had not seen an update. Bob Lee suggested that it could have been sent after the agenda was finalized. He said that Item 16 was regarding when Southwest Gas needs to relocate a gas meter, and the original document did not have a specific distance that a meter could be moved without a permit. He said that the standard used to be 10 feet. Ken Kirschmann said that his understanding is that the distance was 20 feet, which is the length of one single stick of straight pipe that can be added. Bob Lee said that he would update the document to reflect 20 feet and allow no elbows or bends in the pipe.

8. Updated MAG Building Codes Committee Membership

Jami Garrison said that Rick DeStephano has retired from Wickenburg. She said that staff is working to get his official replacement appointed to the committee.

9. Update Survey of Code Adoption

There were no updates.

10. Topics for Future Agendas

Tom Paradise asked if other jurisdictions have seen interest in the Ecotality electric vehicle charging stations. Bob Lee said that Paradise Valley has issued several permits and they may install a charging station at Town Hall. Mike Baxley said that Cave Creek has issued several, and has three stations at Town Hall. Dustin Schroff said that Scottsdale has issued dozens of residential and commercial permits. Tom Paradise said that Glendale has had some residential permits, but no commercial permits. Michael Williams said that Tempe has had some commercial permits. Randal Westacott said that the car dealerships in Avondale have some. Dennis Chase said that Peoria has had some commercial stations and some at city facilities. Tom Paradise said that he wasn't asking for this to be discussed at a future meeting.

Michael Williams said that the next scheduled meeting conflicts with the AZBO fall meetings and will be cancelled, and the next date conflicts with Thanksgiving. Bob Lee made a motion to hold the next meeting on November 14, 2012. Phil Marcotte seconded and the motion passed unanimously.

11. Adjournment

Randal Westacott made a motion to adjourn. Ed Kulik seconded the motion and the motion passed unanimously. The meeting was adjourned at 3:29 pm.