

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
BUILDING CODES COMMITTEE

January 17, 2007

Maricopa Association of Governments Office
Cholla Room
Phoenix, Arizona

COMMITTEE MEMBERS

Michael Clack, Scottsdale, Chairperson

*Dennis Dixon, Apache Junction

*Ken Sowers, Avondale

Phil Marcotte, Buckeye

*Mike Tibbett, Carefree

Mike Izzo, Cave Creek

*Alex Banachowski, Chandler

Art Swanson, El Mirage

*Peter Johnson, Fountain Hills

*John Smith, Gila Bend

Jo Rene DeVeau, Gila River Indian
Community

Ben Cox, Gilbert

Bryan Woodcox for Deborah Mazoyer,
Glendale

Ed Kulik, Goodyear

John Rae for Chuck Ransom, Litchfield
Park

Tom Ewers, Maricopa County

A-Randi Wolff for Steven Hether, Mesa

V-Bob Lee, Paradise Valley

Dennis Marks, Peoria

Tom Wandrie, Phoenix

Dennis Street, Queen Creek

Forrest Fielder, Surprise

A-Michael Williams, Tempe

Mario Rochin, Tolleson

*Lyle Murdock, Wickenburg

Bob Cooperider, Youngtown

Rus Brock, Home Builders Association

OTHERS IN ATTENDANCE

Heidi Pahl, MAG

Cheryl Mullis, Peoria

Leon Manuel, Stantec

Bob Palmer, Southwest Gas

*Those members neither present nor
represented by proxy.

A-Those members participating via
audioconference

V-Those members participating via
videoconference

1. Call to Order

The Chairperson, Michael Clack, called the January 17, 2007 meeting of the MAG Building Codes Committee (BCC) to order at 2:00 p.m.

2. Introductions

Voting member Michael Williams attended via telephone conference call. All members introduced themselves.

3. November 21, 2006 Meeting Minutes

It was moved by Bob Lee, seconded by Tom Ewers and unanimously recommended to approve the November 21, 2006 meeting minutes.

4. Call to the Audience

Leon Manuel asked if the 1991 to present selected actions of the MAG BCC booklet is being used. Bob Lee explained that it is not a paper document but an on-line resource that is available to all committee members. Heidi Pahl added that she would send the Web site address to Mr. Manuel. Leon Manuel asked why the November 2006 meeting attachments were not available on the MAG Web site. Heidi Pahl stated that all meeting attachments are available on the MAG Web site, but they can be difficult to find. She offered to send the URL to Mr. Manuel.

5. Comments From the Committee

Michael Clack said the League of Arizona Cities and Towns bulletin for January 8, 2007 has some building codes information under the heading, "Other Items of Interest." Mr. Clack read the plumbing code repeal, stating that he wanted to bring this to the attention of MAG BCC members.

Michael Clack mentioned that Heidi Pahl brought to his attention House Bill (HB) 2477 introduced by Representative Adams. Mr. Clack read HB 2477 strike through 5. He read the new section, 9-805. Bob Lee said that as Chairman of the Arizona Building Officials (AZBO) the group is having on-going discussions with lobbyists regarding various courses of action. Mr. Lee announced that on January 18, 2007 at 4:30 p.m., AZBO will hold a public meeting to discuss stakeholder's options. Art Swanson said that in reading this bill, the uniform mechanical code (UMC) is not a part of the family of I-Codes. Mr. Swanson said he personally feels that state should not mandate what he can do. Michael Clack said this is a good observation that it is not in keeping with the I-family of codes, because he is concerned with uniformity and consistency. Cheryl Mullis noted that the bill is incorrect in referring to the 2006 National Electric Code (NEC). It is the 2005 NEC.

Rus Brock said there was another bill, introduced by Representative Sinema, which states that all jurisdictions must adopt the energy code. Mike Williams said it was HB 2275 for local energy conservation codes. HB 2275 states that, cities and towns and the board of supervisors shall adopt and annually update a building energy code for residential and commercial construction that conforms to the international energy conservation code

adopted by the international code council. Forrest Fielder asked if legislation is an appropriate topic to discuss. Michael Clack said that this is just for information and each member agency should handle this information as they feel appropriate. He noted that each building official should strive to stay current with the most recent set of codes. He added that it is ultimately up to the policy makers in each jurisdiction as to which codes and what form of the codes they wish to adopt and how we should enforce codes within a municipality.

Rus Brock said the Home Builders Association of Central Arizona (HBACA) is a non-jurisdiction and lobbying agency. Mr. Brock reported that HBACA is generally opposed to statewide codes and involvement and would rather work with each jurisdiction.

Bob Lee said sometime in the past MAG BCC passed a resolution that said it was not required that sealed combustion water heaters be raised 18 inches above the floor in the garage. Mr. Lee recollected that MAG BCC passed this resolution with the understanding that the code would be changed and he said he could not find the code change. Cheryl Mullis said she believes the code has been changed and offered to research this code change and provide the information to the committee.

6. 2006 IECC Requirement for R-8 Duct

Michael Clack introduced the agenda item. Mr. Clack said the Home Builders Association of Central Arizona (HBACA) is requesting cities to adopt trade-offs to the 2006 International Energy Conservation Code (IECC) requirement for the R-8 duct. He noted that due to challenges with the R-8 duct, the City of Phoenix approved a code modification where specific trade-offs were allowed in lieu of using R-8 duct. Mr. Clack said this was an issue in Texas in 2000-2001 as they were concerned about availability and cost of the duct.

Rus Brock said this issue first came up with the city of Phoenix when they adopted the 2004 IECC Supplement. Mr. Brock said that in that version of the code, duct insulation went from a tradeoff component to a mandatory minimum of R-8 insulation. He said R-8 insulated flex duct is expensive, hard to obtain, is physically large and does not provide significant energy savings for the consumer. Mr. Brock noted that in light of the challenges with R-8 duct the HBACA requested, and Phoenix approved a code modification where specific tradeoffs were allowed in lieu of using R-8 duct. Mr. Brock referred committee members to Attachment One. He explained that the HBACA hired D.R. Wastchak, LLC to run energy calculations for multiple floor plans to demonstrate that each tradeoff item provides an equal or greater amount of energy savings. They were able to prove that the home owner gets an equal, or in most cases better, energy savings with the tradeoff. Mr. Brock said that with the help of D.R. Wastchak, LLC they were able to demonstrate to the city that no energy is lost using alternate methods. He requested that all jurisdictions adopting the 2006 IRC allow these same energy tradeoffs so there is some consistency across the Valley.

Cheryl Mullis asked for clarification on the solar heat gain SHGC of .40, stating that in her experience builders do not like this requirement as it is expensive. Rus Brock replied that it is acceptable to builders. Tom Wandrie said that city of Phoenix inspectors are checking it.

Bob Lee asked if Attachment One is available in an editable electronic version. Heidi Pahl responded that she would e-mail the document to the committee. Tom Wandrie suggested that the amendment be sent to the committee. Forrest Fielder said that he is supportive of this issue as R-8 is controversial among energy staff and poses some constructability problems. Rus Brock said that the same calculations provided to Phoenix can be provided to any of the jurisdictions. He added that some options did not make the cut and information on these options is also available. Michael Clack thanked Rus Brock for bringing this to the attention of the committee. Michael Clack said that Scottsdale builds so many custom homes that energy calculations are done on a house by house basis.

7. Regional Plan Review/MAG Building Inspectors/Plans Examiners (RPR/BI/PE) Forum Update RPR

Cheryl Mullis said that there was no meeting held since the last Building Codes Committee meeting. Ms. Mullis reported that the city of Peoria has withdrawn from the RPR program. She announced that Ben Cox will be the new RPR chairperson and that she will continue as chair of the BI/PE Forum. The committee congratulated Ben Cox in his new role.

8. Updated MAG Building Codes Committee Membership

There were no changes to Attachment Two, Committee Roster. Mr. Clack asked that any changes be forwarded to Heidi Pahl.

9. Update Survey of Code Adoption

There were no changes to Attachment Three, Code Adoption Worksheet. Michael Clack said that most cities are targeting at July 2007 as an effective date for the codes. Mr. Clack asked that any changes be forwarded to Heidi Pahl.

10. Topics for Future Agendas

Michael Clack asked committee members if they had any ideas for future agenda topics. Forrest Fielder requested a topic on regional utilities plans for permanent power to permanent locations programs. Mr. Fielder said that if the committee wishes, a speaker is prepared to make a presentation on this topic at next months meeting. Forrest Fielder also suggested that someone from the American Gas Association address the committee about new International Fuel Gas Code. Michael Clack asked if SRP or APS is enforcing the fuel gas code. Mr. Fielder replied that the International Code Council (ICC) publishes it but the committee charged with the code development process is an American Gas Association committee. Forrest Fielder suggested another topic on city of Phoenix thoughts on the NEC 2005 amendments. Tom Wandrie said he would be willing to provide that overview. Bryan Woodcox suggested a future topic on Proposition 201 that would prohibit smoking in all public places and places of employment effective May 2007. He said he would like to know how municipalities are handling this proposition in terms of changes to operating establishments to accommodate this new law.

Tom Wandrie mentioned that Phoenix had an International Building Code amendment proposal from Larry Litchfield that proposes new occupancies for I-5. Mr. Wandrie stated that he would forward this proposal to Heidi Pahl to distribute to the committee.

Tom Wandrie suggested a future meeting topic on Dooley fences as there currently is no uniformity in the Valley with the construction of these fences. Mr. Wandrie explained that Phoenix is working on a resolution for Dooley fences and would be willing to present it to the committee. Bob Cooperider said the city of Phoenix requires engineering for Dooley fencing. Art Swanson said he is experiencing difficulties with Dooley fencing.

Cheryl Mullis suggested a future meeting topic on proposition 207, and suggested that a city attorney could provide an overview and explain the impacts to cities. Dennis Marks noted that eminent domain affects commercial development and impedes it. Mr. Marks noted that he read the case studies from New York and Portland on eminent domain. He said Peoria is very concerned and is being conservative addressing this issue. Tom Ewers said all Maricopa County rezonings have disclaimers to protect them. Mr. Marks said that the primary issues are with rezoning and all development in Peoria requires waivers before development begins. Mr. Marks reported that Oregon now has \$43 billion in pending lawsuits. Mr. Marks said that Proposition 207 was poorly written when presented to the voters. Cheryl Mullis said the Governor signed this into law December 6, 2006 and it is retroactive.

11. Adjournment

The meeting adjourned at 2:55 p.m.