

WSR 17-03-045**EXPEDITED RULES****DEPARTMENT OF HEALTH**

(Nursing Care Quality Assurance Commission)

[Filed January 9, 2017, 10:04 a.m.]

Title of Rule and Other Identifying Information: WAC 246-840-302 ARNP designations, certification, and approved certification examinations, correcting the term "certified" nurse specialist.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Carole Reynolds, Department of Health, Nursing Care Quality Assurance Commission, Washington State Nursing Commission, P.O. Box 47864, Olympia, WA 98504-7864, AND RECEIVED BY April 3, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In WAC 246-840-302 (1)(d) the initialism CNS is incorrectly defined as "certified nurse specialist." The correct definition should be "clinical nurse specialist." The commission proposes to correct the error by using the correct terminology. The change aligns the rule with the language in WAC 246-840-010, the industry standards, and the original intent. The anticipated effect is to reduce confusion.

Reasons Supporting Proposal: Expedited rule making is appropriate for amending a rule to correct a typographical error without changing the rule's effect. The correction assures that the rules match the industry standards as originally intended.

Statutory Authority for Adoption: RCW 18.79.110, 18.79.160.

Statute Being Implemented: RCW 18.79.110, 18.79.160.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Nursing care quality assurance commission, governmental.

Name of Agency Personnel Responsible for Drafting: Carole Reynolds, 111 Israel Road S.E., Tumwater, WA 98501, (360) 236-4785; Implementation and Enforcement: Teresa Corrado, 111 Israel Road S.E., Tumwater, WA 98501, (360) 236-4708.

January 6, 2017

Paula R. Meyer, MSN, RN, FRE
Executive Director

AMENDATORY SECTION (Amending WSR 16-08-042, filed 3/30/16, effective 4/30/16)

WAC 246-840-302 ARNP designations, certification, and approved certification examinations. (1) ARNP designations recognized by the commission include:

- (a) Nurse practitioner (NP);
- (b) Certified nurse-midwife (CNM); ~~((and))~~
- (c) Certified registered nurse anesthetist (CRNA); and
- (d) ~~((Certified))~~ Clinical nurse specialist (CNS).

(2) An ARNP must maintain current certification within his or her designation(s) by a commission approved certifying body as identified in subsection (3) of this section. An ARNP license becomes invalid when the certification expires.

(3) To be eligible for licensure as an ARNP, an applicant must pass an examination from one of the following certifying bodies within the ARNP's specialty designation:

- (a) For NP designation:
 - (i) The American Academy of Nurse Practitioners;
 - (ii) The American Nurses Credentialing Center;
 - (iii) The National Certification Corporation;
 - (iv) The Pediatric Nursing Certification Board;
 - (v) The American Association of Critical Care Nurses;

or

- (vi) The Oncology Nursing Certification Corporation.

(b) For CNM designation, the American Midwifery Certification Board.

(c) For CRNA designation, the National Board of Certification and Recertification for Nurse Anesthetists.

- (d) For CNS designation:

- (i) The American Nurses Credentialing Center;
- (ii) The American Association of Critical Care Nurses;

or

- (iii) The Oncology Nursing Certification Corporation.

(4) An ARNP recognized in more than one designation must obtain and maintain education, training, and practice in each area.

WSR 17-03-055**EXPEDITED RULES****DEPARTMENT OF REVENUE**

[Filed January 10, 2017, 9:38 a.m.]

Title of Rule and Other Identifying Information: WAC 458-20-100 Informal administrative reviews, explains the department of revenue's informal administrative review process for petitions related to the assessment or collection of taxes.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU

MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Leslie Mullin, Department of Revenue, P.O. Box 47453, Olympia, WA 98504-7453, email LeslieMu@dor.wa.gov, AND RECEIVED BY March 20, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 458-20-100 is being amended to reflect the change in the physical address of the division that conducts the informal administrative reviews.

Copies of draft rules are available for viewing and printing on our web site at dor.wa.gov.

Reasons Supporting Proposal: To update rule with current contact information.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Statute Being Implemented: RCW 82.32.160 and 82.32.-170.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Leslie Mullin, 6400 Linderson Way S.W., Tumwater, WA, (360) 534-1589; Implementation and Enforcement: Marcus Glasper, 6400 Linderson Way S.W., Tumwater, WA, (360) 534-1615.

January 10, 2017

Kevin Dixon
Rules Coordinator

AMENDATORY SECTION (Amending WSR 16-06-013, filed 2/18/16, effective 4/1/16)

WAC 458-20-100 Informal administrative reviews.

(1) **Introduction.** RCW 82.01.060(4) requires that the department "provide by general regulations for an adequate system of departmental review of the actions of the department or of its officers and employees in the assessment or collection of taxes." RCW 82.32.160 allows taxpayers to petition for correction of taxes, interest, or penalties assessed by the department. RCW 82.32.170 allows taxpayers to petition for a determination as to whether a refund request was properly denied. Under authority of these statutes, the department provides an informal, nonadversarial administrative review of these actions. The department will make such determination and resolve matters as may appear to the department to be just and lawful under its statutory authority. The department's administrative review is designed to be an expeditious and less costly means of review as compared to the costs of an independent review by the board of tax appeals (BTA) or a refund action in superior court.

Before requesting review, taxpayers are encouraged to request a supervisor's conference when they disagree with an action proposed by the department. Taxpayers should make their request for the conference with the division of the department that proposes to issue an assessment or take some other action in dispute. Supervisor's conferences can frequently resolve issues prior to the informal administrative review explained in this rule.

(a) **Departmental actions subject to informal administrative review under this rule.** Actions subject to the department's informal administrative review include, but are not limited to:

- (i) An assessment of tax, interest, or penalties;
- (ii) The denial of a refund, credit, or deferral request;
- (iii) The issuance of a balance due notice or a notice of delinquent taxes, including a notice of collection action; and
- (iv) The issuance of an adverse ruling on future liability from the taxpayer information and education (TI&E) section.

(b) **Departmental actions subject to formal administrative appeal.** The informal review provided under this rule should be distinguished from a formal administrative appeal subject to the Administrative Procedure Act (chapter 34.05 RCW). A person may submit a formal administrative appeal of certain actions by the department. Refer to the following rules for information regarding the actions for which the department conducts formal administrative appeal proceedings:

- (i) WAC 458-20-10001 for information regarding an appeal of:
 - A revocation of a certificate of registration (tax registration endorsement) under RCW 82.32.215;
 - (ii) WAC 458-20-10002 for information regarding an appeal of:
 - Log export enforcement actions pursuant to chapter 240-15 WAC; or
 - Orders to county officials issued under RCW 84.08.120 and 84.41.120;
 - (iii) WAC 458-20-10003 for information regarding an appeal of:
 - A departmental request to the liquor and cannabis board to suspend, not renew, or not issue a spirits license as defined in RCW 66.24.010 (3)(c);
 - (iv) WAC 458-20-10004 for information regarding an appeal of the assessment of:
 - The one-time business license application fee or annual renewal application fee in RCW 59.30.050 (3)(a);
 - The annual registration assessment fee in RCW 59.30.-050 (3)(b); or
 - The delinquency fee in RCW 59.30.050(4);
 - (v) WAC 458-20-10202 for information regarding an appeal of:
 - Matters relating to the denial or revocation of reseller permits; or
 - (vi) WAC 458-20-273 for information regarding an appeal of:
 - The denial or revocation of a renewable energy system certification; or
 - The denial or revocation of a manufacturer's certification of a solar inverter, solar module, wind generator blade, or stirling converter qualifying as made in Washington state.
- (2) **How are informal reviews started?** A taxpayer starts a review of a departmental action by filing a written petition. A petition must be sent to one of the following:

DORARHAdmin@dor.wa.gov

or

Administrative Review and Hearings Division
Washington State Department of Revenue

((1025 Union Avenue S.E., Suite 101))
 6400 Linderson Way S.W.
 P.O. Box 47460
 Olympia, Washington 98504-7460

or

Fax: 360-534-1340

(a) **Information required in a petition.** A form petition is available on the department's web site at <http://dor.wa.gov> or upon request from the administrative review and hearings division. Taxpayers may use the form petition or prepare one of their own. The taxpayer or its authorized representative must sign the petition, which must contain the following information:

(i) The taxpayer's name, address, registration/UBI number, telephone number, fax number, email address, and contact person;

(ii) If represented, the representative's name, address, telephone number, fax number, and email address;

(iii) Identifying information from the assessment notice, balance due notice, or other document related to the action being reviewed;

(iv) The amount of tax, interest, or penalties in controversy, and the time period at issue, however, if, in the case of a denied refund request, the amount of interest or penalties is not known, the amount of the tax in controversy;

(v) The type of review requested (see subsection (4) of this rule);

(vi) Whether the taxpayer requests an in-person hearing in Olympia or Seattle, a telephone hearing, or no hearing; and

(vii) A description of each issue or area of dispute and an explanation why each issue or area of dispute should be resolved as the taxpayer requests. To the extent known or available, a taxpayer should cite applicable statutes, rules, other public guidance issued by the department, and case law that support the taxpayer's position. The taxpayer should also submit with the petition documents supporting the taxpayer's position, including:

- Contracts and invoices previously requested and not provided; or
- Documents not previously provided that the taxpayer believes substantiate the taxpayer's claims.

(b) **Incomplete petition.** If a petition does not provide the required information identified in subsection (2)(a) of this rule, the department will notify the taxpayer in writing that the petition is incomplete and not accepted for review. The notice will provide a period of time for the taxpayer to provide the required petition information. If the requested information is timely provided, the petition will be treated as timely filed and accepted for review.

(c) **Authorization required for taxpayer's representative.** If a taxpayer is represented, the taxpayer must have on file with the department a confidential tax information authorization (CTIA) for that representative. Without a CTIA on file, the department cannot share confidential taxpayer information with the representative.

(3) **To be timely, when must a petition be filed or an extension requested?** A taxpayer must file a petition with the department within thirty days after the date the departmental action has occurred.

(a) The department may grant an extension of time to file a petition if the taxpayer's request is made within the thirty-day filing period. Requests for extensions must be in writing. A petition or request for extension is timely if it is post-marked or received within the thirty-day period.

Requests must be in writing to either the email or mailing address noted in subsection (2) of this rule.

(b) The department will not grant an extension of time to file a petition for review of a denied refund that would exceed the time limits in WAC 458-20-229 (Refunds). As explained in WAC 458-20-229, a request for a refund of taxes paid must be filed within four years after the close of the calendar year in which the taxes were paid.

(c) The department will notify taxpayers in writing when a petition is rejected as not timely.

(4) **What are the different types of informal reviews?** The agency conducts four different types of informal reviews.

(a) **Mainstream review.** This is the most common type of review. A review is treated as a mainstream review unless it fits within (b) through (d) of this subsection.

(b) **Small claims review.** When the tax at issue in the review is twenty-five thousand dollars or less and the total amount of the tax plus penalties and interest at issue is fifty thousand dollars or less, the review will normally be assigned as a small claims review, unless the complexity of the issues requires assignment to another category.

The department will issue an abbreviated written determination in a small claims review. This determination is the final action of the department.

(c) **Executive level review.**

(i) If a review involves an issue of first impression (one for which no agency precedent has been established) or an issue that has industry-wide significance or impact, a taxpayer may request that the review be considered at the executive level. The request must specify the reasons why an executive level review is appropriate. The department will grant or deny the request and will notify the taxpayer of that decision in writing. If granted, the director or the director's designee and a tax review officer will conduct an executive level hearing. The department, on its own initiative, may also choose to consider a review at the executive level.

(ii) Following the executive level hearing, the department will issue a proposed determination, which becomes final thirty days from the date of issuance unless the taxpayer files an objection to the proposed determination within that thirty-day period. Objections must specify mistakes in law or fact contained in the proposed determination, and should also provide legal authority as to why those mistakes necessitate a change to the proposed determination. Unless an extension is granted, objections must be postmarked or received by the department within thirty days from the date the proposed determination was issued. The department will issue the final determination, which may or may not reflect changes based on the objections. Although rare, the tax review officer and the director's designee, in consultation with the director, may grant a second executive level hearing on the objections. The determination in an executive level review is the final action of the department.

(d) **Tax rulings issued by TI&E section.** Review of a tax ruling is limited to the documents and records reviewed by TI&E and any written statements included with the petition. This review is limited to correcting an error that occurred in the course of the tax ruling process. A written determination will be issued following review of all timely submissions without a hearing. The determination is the final decision of the department. It is not eligible for reconsideration and not appealable to the board of tax appeals under RCW 82.03.130 (1)(a) or 82.03.190.

(5) **The review process.** The department will acknowledge receipt of the petition and identify the tax review officer assigned to the review.

(a) **Role and responsibility of tax review officers.** Tax review officers are attorneys trained in the interpretation of the Revenue Act, public guidance issued by the department, and precedents established by prior rulings and court decisions. The department's tax review officers are employed by the department to determine whether the appropriate departmental procedures and interpretations of law have been correctly applied to the issue(s). They are responsible for providing a departmental (not independent) review. This responsibility includes additional research about the taxpayer's activities related to the tax issue under review when necessary.

(b) **Scheduling.** The department will notify the taxpayer or taxpayer's representative of the time and place for the review hearing, if any, and establish timelines for the submission of additional documents and written arguments. Before a submission date has passed, the taxpayer may request an extension, which the tax review officer may grant at the tax review officer's discretion. If a taxpayer fails to comply with a scheduling letter or any extension, the tax review officer may dismiss the petition or decline to consider arguments or documents submitted after the scheduled timelines. A tax review officer may also contact the taxpayer to clarify or narrow issues or request more information as needed for the orderly resolution of the case.

(c) **Taxpayer requests to provide additional materials.** If a taxpayer asks to submit additional documents or written arguments after the deadlines established in the scheduling letter, or any extension thereof, the taxpayer must explain why they could not have been submitted in a timely manner. The tax review officer has the discretion to allow late submissions by the taxpayer. If additional documents or written argument is allowed by the tax review officer after the hearing, they must be submitted within thirty days of the hearing. The tax review officer has the discretion to allow additional time for submitting additional documents or further fact-finding, including scheduling an additional hearing, as necessary in a particular case.

(d) **Informal review hearings.** The hearing is an opportunity to discuss the documents and arguments submitted and to clarify the reasons why the taxpayer believes it is entitled to receive the requested relief. No record is made of the hearing. The hearing is not open to the general public. Any person attending the hearing is not placed under oath. The tax review officer has the discretion to decide the case without a hearing if legal or factual issues are not in dispute, or the taxpayer fails to appear at a scheduled hearing or otherwise fails to

respond to inquiries from the department. The taxpayer may appear personally or may be represented by an attorney, accountant, or any other authorized person. All hearings before a tax review officer are conducted informally and in a nonadversarial manner.

(e) **Issuing a determination.** Following the hearing, if any, and review of all materials, the department will issue a determination consistent with the applicable statutes, rules, other public guidance issued by the department, case law, and department precedents. The tax review officer will notify the taxpayer of this decision in writing.

(f) **Additional information or research identified by the department.** The tax review officer may identify additional facts or novel legal arguments not previously communicated to the taxpayer. In this event, the tax review officer will provide the taxpayer with an opportunity to respond.

(g) **Determination is final decision by the department.** The determination is the final decision of the department and is binding upon the taxpayer unless a petition for reconsideration is timely filed by the taxpayer and accepted by the department. All determinations issued by the department, except those issued for a review of a TI&E tax ruling (subsection (4)(d) of this rule), are appealable to the board of tax appeals (BTA) or, alternatively, the Thurston County superior court. See subsections (8) and (9) of this rule for additional information.

(6) **Request for reconsideration.** If a taxpayer believes that an error has been made in a mainstream determination, the taxpayer may, within thirty days of the issuance of the determination, petition in writing for reconsideration of the decision. Only determinations issued from mainstream reviews are subject to reconsideration. The request for reconsideration must specify mistakes in law or fact contained in the determination and should also provide legal authority as to why those mistakes necessitate the reconsideration of the determination. Any new documents and explanations must be included with the petition.

The department may grant or deny the request for reconsideration. If the request is denied, the department will send to the taxpayer written notice of the denial and the reason for the denial. The denial is then the final action of the department. If the request is granted, although rare, the tax review officer may hold a reconsideration hearing or a determination may be issued without a hearing. A reconsideration determination is the final action of the department.

A taxpayer may request an executive level reconsideration when the determination decided an issue of first impression or an issue that has industry-wide impact or significance. The request for executive reconsideration must also specify the reasons why executive level review is appropriate. Any new documents and explanations must be included with the petition. The department will grant or deny the request and will notify the taxpayer of that decision in writing.

(7) **Settlements.** At any time during the department's review process, the taxpayer or the department may propose to compromise the matter by settlement. A taxpayer interested in proposing settlement of a dispute must submit a written offer to the department to the address noted in subsection (2) of this rule. The taxpayer or its authorized representative must sign the offer. A settlement offer may be made with the

review petition or at any time during the review process. All documents needed to evaluate the offer must be submitted with the offer.

(a) **When will the department consider an offer?** Settlement may be appropriate when:

(i) The issue is nonrecurring. An issue is nonrecurring when the law has changed so future periods are treated differently than the periods under appeal; or the taxpayer's position or business activity has changed so that in future periods the issue under consideration is changed or does not exist; or the taxpayer agrees to a prospective change;

(ii) A conflict exists between precedents, such as statutes, rules, other public guidance issued by the department, or specific written instructions to the taxpayer;

(iii) A strict application of the law would have unduly harsh consequences which may be only relieved by an equitable doctrine; or

(iv) There is uncertainty of the outcome if the matter were presented to a court.

(b) **When will the department not consider an offer?** Settlement is not appropriate when:

(i) The same issue raised by the taxpayer is being litigated by the department;

(ii) The taxpayer presents issues that have no basis upon which relief for the taxpayer can be granted or given. Settlement will not be considered if the taxpayer's offer of settlement is simply to eliminate the inconvenience or cost of further negotiation or litigation, and is not based upon the merits of the case;

(iii) The taxpayer's only argument is that a statute is unconstitutional; or

(iv) The taxpayer's only argument is financial hardship. If a taxpayer claims financial hardship, the tax review officer may refer the matter to the department's compliance division.

(c) **The closing agreement.** If the taxpayer and the department reach agreement, a settlement is concluded by a closing agreement signed by both the department and the taxpayer as provided by RCW 82.32.350. A closing agreement is binding on both parties as provided in RCW 82.32.360. A closing agreement has no precedential value.

(8) **Appeals to board of tax appeals.** A taxpayer may appeal a denial of a petition for correction of an assessment under RCW 82.32.160 or a denial of a petition for refund under RCW 82.32.170 to the board of tax appeals. The BTA also has jurisdiction to hear appeals taken from department decisions rendered under RCW 82.34.110 (relating to pollution control facilities tax exemptions and credits) and RCW 82.49.060 (relating to watercraft excise tax). The BTA does not have jurisdiction to hear appeals from determinations involving rulings of future tax liability issued by TI&E. See RCW 82.03.130 (1)(a) and 82.03.190. A taxpayer filing an appeal with the BTA must pay the tax by the due date, unless arrangements are made with the department for a stay of collection under RCW 82.32.200. See WAC 458-20-228 (Returns, remittances, penalties, extensions, interest, stay of collection).

(9) **Thurston County superior court.** A taxpayer may also pay the tax in dispute and petition for a refund in Thurston County superior court. The taxpayer must comply with the requirements of RCW 82.32.180.

WSR 17-03-100

EXPEDITED RULES

BUILDING CODE COUNCIL

[Filed January 17, 2017, 9:42 a.m.]

Title of Rule and Other Identifying Information: Chapter 51-54A WAC, making corrections to the 2015 International Fire Code, as adopted in Washington state.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 41449, Olympia, WA 98504-1449, AND RECEIVED BY March 20, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Editorial corrections to chapter 51-54A WAC, the 2015 Washington State Fire Code as listed: WAC 51-54A-007, 51-54A-0105, 51-54A-0202 [not included in this filing], 51-54A-0405, 51-54A-0508, 51-54A-0605, 51-54A-0903, 51-54A-0907, 51-54A-8100 and 51-54A-8200; and adding new WAC 51-54A-5307.

Reasons Supporting Proposal: After adoption and publication of the 2015 Washington State Fire Code, chapter 51-54A WAC, errors and omissions of an editorial nature were discovered; these must be corrected to ensure consistent enforcement of the Code. Regarding new section WAC 51-54A-5307, this section was proposed and sent to public hearing in 2015, with no comment received. During the recent implementation period it was discovered that this section was inadvertently deleted from the final rule-making document. This section should be adopted without further consideration to ensure public safety.

Statutory Authority for Adoption: RCW 19.27.074.

Statute Being Implemented: RCW 19.27.074.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: State building code council, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Joanne T. McCaughan, 1500 Jefferson Street, Olympia, WA 98504, (360) 407-9279; and Enforcement: Local jurisdictions enforce the codes.

January 6, 2017

Steve Simpson
Chair

AMENDATORY SECTION (Amending WSR 16-05-065, filed 2/12/16, effective 7/1/16)

WAC 51-54A-007 Exceptions. The exceptions and amendments to the International Fire Code contained in the provisions of chapter 19.27 RCW shall apply in case of conflict with any of the provisions of these rules.

Codes referenced which are not adopted through RCW 19.27.031 or chapter 19.27A RCW shall not apply unless specifically adopted by the authority having jurisdiction. The 2015 International Wildland Urban Interface Code is included in this code as Section ~~((8100))~~ 8200 with amendments found in Appendix Chapter N.

The provisions of this code do not apply to temporary growing structures used solely for the commercial production of horticultural plants including ornamental plants, flowers, vegetables, and fruits. "Temporary growing structure" means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention. A temporary growing structure is not considered a building for purposes of this code.

The provisions of this code do not apply to the construction, alteration, or repair of temporary worker housing except as provided by rule adopted under chapter 70.114A RCW or chapter 37, Laws of 1998 (2SSB 6168). "Temporary worker housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy, and includes "labor camps" under RCW 70.54.110.

The manufacture, storage, handling, sale and use of fire-works shall be governed by chapter 70.77 RCW and by chapter 212-17 WAC and local ordinances consistent with chapter 212-17 WAC.

AMENDATORY SECTION (Amending WSR 16-03-055, filed 1/16/16, effective 7/1/16)

WAC 51-54A-0105 Permits.

SECTION 105 SCOPE AND GENERAL REQUIREMENTS

~~((105.1.1 Permits required. Any property owner or authorized agent who intends to conduct an operation or business, or install or modify systems and equipment, which is regulated by this code, or to cause any such work to be done shall first make application to the fire code official and obtain the required permit.))~~

105.6.4 Carbon dioxide systems. An operational permit is required for carbon dioxide systems having more than 100 pounds of carbon dioxide.

105.6.4.9 Marijuana extraction systems. An operational permit is required to use a marijuana/cannabis extraction system regulated under WAC 314-55-104.

105.7.19 Marijuana extraction systems. A construction permit is required to install a marijuana/cannabis extraction system regulated under ~~((WAC 244-55-104 [WAC 314-55-104]))~~ WAC 314-55-104.

105.7.20 Underground supply piping for automatic sprinkler system. A construction permit is required for the installation of the portion of the underground water supply piping, public or private, supplying a water-based fire protection system. The permit shall apply to all underground piping and appurtenances downstream of the first control valve on the lateral piping or service line from the distribution main to one foot above finished floor of the facility with the fire protection system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

- EXCEPTIONS:
1. When the underground piping is installed by the aboveground piping contractor.
 2. Underground piping serves a fire protection system installed in accordance with NFPA 13D.

AMENDATORY SECTION (Amending WSR 16-03-055, filed 1/16/16, effective 7/1/16)

WAC 51-54A-0405 Emergency evacuation drills.

405.1 General. Emergency drills complying with the provisions of this section shall be conducted at least annually in the occupancies listed in Section 405.2.1 or when required by the fire code official. Drills shall be designed in cooperation with the local authorities.

405.2 Frequency. Required emergency drills shall be held at the intervals specified in Table 405.2 or more frequently where necessary to familiarize all occupants with the drill procedure.

405.2.1 Group E occupancies. The occupancy shall conduct at a minimum the following drills during the year:

1. One drill using the school mapping information system.
- EXCEPTION: Day cares not colocated on a school campus.
2. Three fire evacuation drills.
 3. One shelter-in-place drill.
 4. Additional drills shall be as required by RCW 28A.320.125.

Table 405.2

Fire and Evacuation Drill Frequency and Participation

Group or Occupancy	Frequency	Participation
Group A	Quarterly	Employees
Group B ^b	Annually	All Occupants
Group B ^{b,c} (Ambulatory Care Facilities)	Annually	Employees
Group B ^b (Clinic, outpatient)	Annually	Employees
Group E	Monthly ^{a,c}	All Occupants
Group F	Annually	Employees

Group or Occupancy	Frequency	Participation
Group I-1	Semiannually on each shift	All Occupants
Group I-2	Quarterly on each shift ^a	Employees
Group I-3	Quarterly on each shift ^a	Employees
Group I-4	Quarterly on each shift ^a	All Occupants
Group R-1	Quarterly on each shift	Employees
Group R-2 ^f	Quarterly on each shift	Employees
Group R-2 ^d	Four Annually	All Occupants
High-rise buildings	Annually	Employees

- a In severe climates, the fire code official shall have the authority to modify the emergency evacuation drill frequency.
- b Emergency evacuation drills are required in Group B buildings having an occupant load of 500 or more persons or more than 100 persons above or below the level of exit discharge.
- c Emergency evacuation drills are required in ambulatory care facilities in accordance with Section 403.3.
- d Emergency evacuation drills in Group R-2 college and university buildings shall be in accordance with Section 403.10.2.1. Other Group R-2 occupancies shall be in accordance with Section 403.10.2.2.
- e Day cares collocated on a Group E campus shall participate in emergency drills occurring on the campus.
- f Applicable to group homes licensed by the state of Washington. Emergency evacuation drills for assisted living facilities and residential treatment facilities licensed by the state of Washington are required to meet the requirements of Group I-1.

405.4 Time. Drills shall be held at unexpected times and under varying conditions to simulate the unusual conditions that occur in case of an emergency.

405.5 Recordkeeping. Records shall be maintained of required emergency evacuation drills and include the following information:

1. Identity of the person conducting the drill.
2. Date and time of the drill.
3. Notification method used.
4. Staff members on duty and participating.
5. Number of occupants participating.
6. Special conditions simulated.
7. Problems encountered and corrective actions taken.
8. Weather conditions when occupants were evacuated.
9. Time required to accomplish complete evacuation, or shelter-in-place.

405.6 Notification. Where required by the fire code official, prior notification of emergency evacuation drills shall be given to the fire code official.

405.7 Initiation. Emergency drills shall be initiated in accordance with Sections 405.7.1 through ~~((405.7.3))~~ 405.7.2.

405.7.1 Fire evacuation drills. Where a fire alarm system is provided, emergency evacuation drills shall be initiated by activating the fire alarm system. The fire alarm monitoring company shall be notified prior to the activation of the fire alarm system for drills proposed and again at the conclusion of the transmission and restoration of the fire alarm system to normal mode.

EXCEPTION: Drills conducted between the hours of 9:00 p.m. and 6:00 a.m., in assisted living facilities, group homes, and residential treatment facilities licensed by the state of Washington.

405.7.2 Shelter-in-place drills. Shelter-in-place drills shall be initiated by the shelter-in-place alert signal, generated by an alerting system in accordance with Section 907.5.2.

405.8 Accountability. As building occupants arrive at the assembly point, efforts shall be made to determine if all occupants have been successfully evacuated and/or have been accounted for in the shelter-in-place.

405.9 Recall and reentry. The recall signal initiation shall be manually operated and under the control of the person in charge of the premises or the official in charge of the incident. No one shall reenter the premises until authorized to do so by the official in charge.

AMENDATORY SECTION (Amending WSR 13-04-063, filed 2/1/13, effective 7/1/13)

WAC 51-54A-0508 Fire command center.

508.1.2 Separation. The fire command center shall be separated from the remainder of the building by not less than a 2-hour fire barrier constructed in accordance with Section 707 of the International Building Code or horizontal assembly constructed in accordance with Section ~~((712))~~ 711 of the International Building Code, or both.

AMENDATORY SECTION (Amending WSR 16-03-055, filed 1/16/16, effective 7/1/16)

WAC 51-54A-0605 Electrical equipment, wiring and hazards.

605.11 Solar photovoltaic power systems. Installation, modification, or alteration of solar photovoltaic power systems shall comply with this section. Due to the emerging technologies in the solar photovoltaic industry, it is understood fire code officials may need to amend prescriptive requirements of this section to meet the requirements for firefighter access and product installations. Section 104.9 Alternative materials and methods of this code shall be considered when approving the installation of solar photovoltaic power systems. Solar photovoltaic power systems shall be installed in accordance with Sections 605.11.1 through 605.11.2, the *International Building Code* and chapter 19.28 RCW.

~~((605.11.1 Access and pathways. Roof access, pathways, and spacing requirements shall be provided in accordance with Sections 605.11.1.1 through 605.11.1.3.3.~~

EXCEPTIONS: 1. Detached, nonhabitable Group U structures including, but not limited to, parking shade structures, carports, solar trellises and similar structures.

2. Roof access, pathways and spacing requirements need not be provided where the fire chief has determined that rooftop operations will not be employed.)

605.11.1.1 Roof access points. Roof access points shall be located in areas that do not require the placement of ground ladders over openings such as windows or doors, and located at strong points of building construction in locations where the access point does not conflict with overhead obstructions such as tree limbs, wires or signs.

605.11.1.2 Solar photovoltaic systems for Group R-3 buildings. Solar photovoltaic systems for Group R-3 buildings shall comply with Sections 605.11.1.2.1 through 605.11.1.2.5.

EXCEPTIONS:

1. These requirements shall not apply to structures designed and constructed in accordance with the *International Residential Code* (~~(1.1.1 Roof access points)~~).
2. Residential dwellings with an approved automatic fire sprinkler system installed.
3. Residential dwellings with approved mechanical or passive ventilation systems.
4. Where the fire code official determines that the slope of the roof is too steep for emergency access.
5. Where the fire code official determines that vertical ventilation tactics will not be utilized.
6. These requirements shall not apply to roofs where the total combined area of the solar array does not exceed thirty-three percent 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 eighteen inches unobstructed pathway shall be maintained along each side of any horizontal ridge.

605.11.1.2.1 Size of solar photovoltaic array.

1. Each photovoltaic array shall be limited to 150 feet (45,720 mm) by 150 feet (45,720 mm). Multiple arrays shall be separated by a 3-foot wide (914 mm) clear access pathway.

2. Panels/modules shall be located up to the roof ridge where an alternative ventilation method approved by the fire code official has determined vertical ventilation techniques will not be employed.

~~(605.11.1.2.2 Hip roof layouts. Panels and modules installed on Group R-3 buildings with hip roof layouts shall be located in a manner that provides a 3-foot wide (914 mm) clear access pathway from the eave to the ridge on each roof slope where panels and modules are located. The access pathway shall be at a location on the building capable of supporting the firefighters accessing the roof.~~

EXCEPTION: These requirements shall not apply to roofs with slopes of two units vertical in 12 units horizontal (2:12) or less.

~~605.11.1.2.3 Single ridge roofs. Panels and modules installed on Group R-3 buildings with a single ridge shall be located in a manner that provides two, 3-foot wide (914 mm) access pathways from the eave to the ridge on each roof slope where panels and modules are located.~~

EXCEPTION: This requirement shall not apply to roofs with slopes of two units vertical in 12 units horizontal (2:12) or less.

605.11.1.2.4 Roofs with hips and valleys. Panels and modules installed on Group R-3 buildings with roof hips and valleys shall not be located closer than 18 inches (457 mm) to a

hip or a valley where panels/modules are to be placed on both sides of a hip or valley. Where panels are to be located on only one side of a hip or valley that is of equal length, the panels shall be permitted to be placed directly adjacent to the hip or valley.

EXCEPTION: These requirements shall not apply to roofs with slopes of two units vertical in 12 units horizontal (2:12) or less.)

605.11.1.2.5 Allowance for smoke ventilation operations. Panels and modules installed on Group R-3 buildings shall be located not less than 18 inches (457 mm) from the ridge in order to allow for fire department smoke ventilation operations.

EXCEPTION: Panels and modules shall be permitted to be located up to the roof ridge where an alternative ventilation method approved by the fire chief has been provided or where the fire chief has determined vertical ventilation techniques will not be employed.

~~(605.11.1.3 Other than Group R-3 buildings. Access to systems for buildings, other than those containing Group R-3 occupancies, shall be provided in accordance with Sections 605.11.1.3.1 through 605.11.1.3.3.~~

EXCEPTION: Where it is determined by the fire code official that the roof configuration is similar to that of a Group R-3 occupancy, the residential access and ventilation requirements in Sections 605.11.1.2.1 through 605.11.1.2.5 shall be permitted to be used.

~~605.11.1.3.1 Access. There shall be a minimum 6-foot wide (1829 mm) clear perimeter around the edges of the roof.~~

EXCEPTION: Where either axis of the building is 250 feet (76,200 mm) or less, the clear perimeter around the edges of the roof shall be permitted to be reduced to a minimum 4-foot wide (1290 mm).

~~605.11.1.3.2 Pathways. The solar installation shall be designed to provide designated pathways. The pathways shall meet the following requirements:~~

1. The pathway shall be over areas capable of supporting firefighters accessing the roof.

2. The centerline axis pathways shall be provided in both axes of the roof. Centerline axis pathways shall run where the roof structure is capable of supporting firefighters accessing the roof.

3. Pathways shall be a straight line not less than 4 feet (1290 mm) clear to roof standpipes or ventilation hatches.

4. Pathways shall provide not less than 4 feet (1290 mm) clear around roof access hatch with not less than one singular pathway not less than 4 feet (1290 mm) clear to a parapet or roof edge.

~~605.11.1.3.3 Smoke ventilation. The solar installation shall be designed to meet the following requirements:~~

1. Arrays shall be not greater than 150 feet (45,720 mm) by 150 feet (45,720 mm) in distance in either axis in order to create opportunities for fire department smoke ventilation operations.

2. Smoke ventilation options between array sections shall be one of the following:

2.1. A pathway 8 feet (2438 mm) or greater in width.

~~2.2. A 4-foot (1290 mm) or greater in width pathway and bordering roof skylights or gravity-operated dropout smoke and heat vents on not less than one side.~~

~~2.3. A 4-foot (1290 mm) or greater in width pathway and bordering all sides of nongravity-operated dropout smoke and heat vents.~~

~~2.4. A 4-foot (1290 mm) or greater in width pathway and bordering 4-foot by 8-foot (1290 mm by 2438 mm) "venting cutouts" every 20 feet (6096 mm) on alternating sides of the pathway.)~~

605.11.2 Ground-mounted photovoltaic arrays. Ground-mounted photovoltaic arrays shall comply with Section 605.11 and this section. Setback requirements shall not apply to ground-mounted, free-standing photovoltaic arrays.

AMENDATORY SECTION (Amending WSR 16-03-055, filed 1/16/16, effective 7/1/16)

WAC 51-54A-0903 Automatic sprinkler systems.

903.2.1.6 Assembly occupancies on roofs. Where an occupied roof has an assembly occupancy with an occupant load exceeding 100 for Group A-2, and 300 for other Group A occupancies, the building shall be equipped with an *automatic sprinkler system* in accordance with Section 903.3.1.1 or 903.3.1.2.

EXCEPTION: Open parking garages of Type I or Type II construction.

903.2.1.8 Nightclub. An automatic sprinkler system shall be provided throughout Group A-2 nightclubs as defined in this code.

903.2.3 Group E. An automatic sprinkler system shall be provided for fire areas containing Group E occupancies where the fire area has an occupant load of 51 or more, calculated in accordance with Table 1004.1.2.

EXCEPTIONS:

1. Portable school classrooms with an occupant load of 50 or less calculated in accordance with Table 1004.1.2, provided that the aggregate area of any cluster of portable classrooms does not exceed 6,000 square feet (557 m²); and clusters of portable school classrooms shall be separated as required by the building code; or
2. Portable school classrooms with an occupant load from 51 through 98, calculated in accordance with Table 1004.1.2, and provided with two means of direct independent exterior egress from each classroom in accordance with Chapter 10, and one exit from each classroom shall be accessible, provided that the aggregate area of any cluster of portable classrooms does not exceed 6,000 square feet (557 m²); and clusters of portable school classrooms shall be separated as required by the building code; or
3. Fire areas containing day care and preschool facilities with a total occupant load of 100 or less located at the level of exit discharge where every room in which care is provided has not fewer than one exit discharge door.

903.2.6 Group I. An automatic sprinkler system shall be provided throughout buildings with a Group I *fire area*.

EXCEPTIONS:

1. An *automatic sprinkler system* installed in accordance with Section 903.3.1.2 shall be permitted in Group I-1 Condition 1 facilities.

2. Where new construction or additions house less than sixteen persons receiving care, an automatic sprinkler system installed in accordance with Section 903.2.8.3 shall be permitted for Group I-1, Condition 2, assisted living facilities licensed under chapter 388-78A WAC and residential treatment facilities licensed under chapter 246-337 WAC.

903.2.6.1 Group I-4. An automatic sprinkler system shall be provided in fire areas containing Group I-4 occupancies where the fire area has an occupant load of 51 or more, calculated in accordance with Table 1004.1.2.

EXCEPTIONS:

1. An automatic sprinkler system is not required where Group I-4 day care facilities with a total occupant load of 100 or less, and located at the level of exit discharge and where every room where care is provided has not fewer than one exterior exit door.
2. In buildings where Group I-4 day care is ~~((provide))~~ provided on levels other than the level of exit discharge, an automatic sprinkler system in accordance with Section 903.3.1.1 shall be installed on the entire floor where care is provided, all floors between the level of care and the level of exit discharge and all floors below the level of exit discharge other than areas classified as an open parking garage.

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

EXCEPTION:

Group R-1 if all of the following conditions apply:

1. The Group R fire area is no more than 500 square feet and is used for recreational use only.
2. The Group R fire area is on only one story.
3. The Group R fire area does not include a basement.
4. The Group R fire area is no closer than 30 feet from another structure.
5. Cooking is not allowed within the Group R fire area.
6. The Group R fire area has an occupant load of no more than 8.
7. A hand-held (portable) fire extinguisher is in every Group R fire area.

903.2.11.1.3 Basements. Where any portion of a basement is located more than 75 feet (22,860 mm) from openings required by Section 903.2.11.1, or where new walls, partitions or other similar obstructions are installed that increase the exit access travel distance to more than 75 feet, the basement shall be equipped throughout with an approved automatic sprinkler system.

903.2.11.7 Relocatable buildings within buildings. Relocatable buildings or structures located within a building with an approved fire sprinkler system shall be provided with fire sprinkler protection within the occupiable space of the building and the space underneath the relocatable building.

EXCEPTIONS:

1. Sprinkler protection is not required underneath the building when the space is separated from the adjacent space by construction resisting the passage of smoke and heat and combustible storage will not be located there.
2. If the building or structure does not have a roof or ceiling obstructing the overhead sprinklers.
3. Construction trailers and temporary offices used during new building construction prior to occupancy.
4. Movable shopping mall kiosks with a roof or canopy dimension of less than 4 feet on the smallest side.

903.3.5.3 Underground portions of fire protection system water supply piping. The installation or modification of an underground water main, public or private, supplying a water-based fire protection system shall be in accordance with NFPA 24 and chapter 18.160 RCW. Piping and appurtenances downstream of the first control valve on the lateral or service line from the distribution main to one-foot above finished floor shall be approved by the fire *code official*. Such underground piping shall be installed by a fire sprinkler system contractor licensed in accordance with chapter 18.160 RCW and holding either a Level U or a Level 3 license. For underground piping supplying systems installed in accordance with Section 903.3.1.2, a Level 2, 3, or U licensed contractor is acceptable.

EXCEPTION: Portions of underground piping supplying automatic sprinkler systems installed in accordance with NFPA 13D.

AMENDATORY SECTION (Amending WSR 16-03-055, filed 1/16/16, effective 7/1/16)

WAC 51-54A-0907 Fire alarm and detection systems.

907.2.3 Group E. A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system.

EXCEPTIONS:

1. A manual fire alarm system is not required in Group E occupancies with an occupant load of 50 or less.
2. Emergency voice/alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall not be required in Group E occupancies with occupant loads of 100 or less, provided that activation of the manual fire alarm system initiates an approved occupant notification signal in accordance with Section 907.5.
3. Manual fire alarm boxes are not required in Group E occupancies where all of the following apply:
 - 3.1 Interior corridors are protected by smoke detectors.
 - 3.2 Auditoriums, cafeterias, gymnasiums and similar areas are protected by heat detectors or other approved detection devices.
 - 3.3 Shops and laboratories involving dusts or vapors are protected by heat detectors or other approved detection devices.
4. Manual fire alarm boxes shall not be required in Group E occupancies where the building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, the emergency voice/alarm communication system will activate on sprinkler water flow and manual activation.

907.2.6 Group I. A manual fire alarm system that activates the occupant notification system shall be installed in Group I occupancies. An automatic smoke detection system that notifies the occupant notification system shall be provided in accordance with Sections 907.2.6.1, 907.2.6.2, 907.2.6.3.3 and 907.2.6.4.

EXCEPTIONS:

1. Manual fire alarm boxes in resident or patient sleeping areas of Group I-1 and I-2 occupancies shall not be required at exits if located at nurses' control stations or other constantly attended staff locations, provided such stations are visible and continually accessible and that travel distances required in Section 907.4.2 are not exceeded.
2. Occupant notification systems are not required to be activated where private mode signaling installed in accordance with NFPA 72 is approved by the fire code official.

907.2.6.1 Group I-1. An automatic smoke detection system shall be installed in *corridors*, waiting areas open to *corridors* and *habitable spaces* other than *sleeping units* and *kitchens*. The system shall be activated in accordance with Section 907.4.

EXCEPTIONS:

1. For Group I-1 Condition 1 occupancies, smoke detection in *habitable spaces* is not required where the facility is equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1.
2. Smoke detection is not required for exterior balconies.

907.2.6.4 Group I-4 occupancies. A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group I-4 occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system.

EXCEPTIONS:

1. A manual fire alarm system is not required in Group I-4 occupancies with an occupant load of 50 or less.
2. Emergency voice alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall not be required in Group I-4 occupancies with occupant loads of 100 or less, provided that activation of the manual fire alarm system initiates an approved occupant notification signal in accordance with Section 907.5.

907.5.2.1.2 Maximum sound pressure. The maximum sound pressure level for audible alarm notification appliances shall be 110 dBA at the minimum hearing distance from the audible appliance. For systems operating in public mode, the maximum sound pressure level shall not exceed 30 dBA over the average ambient sound level. Where the average ambient noise is greater than 95 dBA, visible alarm notification appliances shall be provided in accordance with NFPA 72 and audible alarm notification appliances shall not be required.

907.10 NICET: National Institute for Certification in Engineering Technologies.

907.10.1 Scope. This section shall apply to new and existing fire alarm systems.

907.10.2 Design review: All construction documents shall be reviewed by a NICET III in fire alarms or a licensed professional engineer (PE) in Washington prior to being submitted for permitting. The reviewing professional shall submit a stamped, signed, and dated letter; or a verification method approved by the local authority having jurisdiction indicating the system has been reviewed and meets or exceeds the

design requirements of the state of Washington and the local jurisdiction (effective July 1, 2017).

907.10.3 Testing/maintenance: All inspection, testing, maintenance and programing not defined as "electrical construction trade" by chapter 19.28 RCW shall be completed by a NICET II in fire alarms (effective July 1, 2017).

NEW SECTION

WAC 51-54A-5307 Carbon dioxide (CO₂) systems.

5307.1 General. Carbon dioxide systems with more than 100 pounds (45.4 kg) of carbon dioxide shall comply with Sections 5307.2 through 5307.5.2.

AMENDATORY SECTION (Amending WSR 13-04-063, filed 2/1/13, effective 7/1/13)

WAC 51-54A-8100 ((Appendix K—Wildland-Urban Interface Code.)) Reserved.

~~((K101.5 Additions or alterations.~~ Additions or alterations may be made to any building or structure without requiring the existing building or structure to comply with all of the requirements of this code, provided the addition or alteration conforms to that required for a new building or structure.

EXCEPTION: Provisions of this code that specifically apply to existing conditions are retroactive. See Sections 402.3, 601.1 and Appendix A.

~~Additions or alterations shall not cause the existing building or structure to become unsafe. An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or structure to become structurally unsafe or overloaded; will not provide adequate access in compliance with the provisions of this code or will obstruct existing exits or access; will create a fire hazard; will reduce required fire resistance or will otherwise create conditions dangerous to human life.~~

K108.3 Site plan. In addition to the requirements for plans in the International Building Code, the code official may require site plans which include topography, width and percent of grade of access roads, landscape and vegetation details, locations of structures or building envelopes, existing or proposed overhead utilities, occupancy classification of buildings, types of ignition resistant construction of buildings, struc-

tures and their appendages, roof classification of buildings, and site water supply systems. The code official is authorized to waive or modify the requirement for a site plan.

~~**K108.4 Vegetation management plans.**~~ When required by the code official or when utilized by the permit applicant pursuant to Section 502, vegetation management plans shall be prepared and shall be submitted to the code official for review and approval as part of the plans required for a permit. See Appendix B.

~~**K108.7 Vicinity plan.**~~ When required by the code official, the requirements for site plans shall include details regarding the vicinity within 300 feet (91,440 mm) of property lines, including other structures, slope, vegetation, fuel breaks, water supply systems and access roads.

~~**K402.1.1 Access.**~~ New subdivisions, as determined by this jurisdiction, shall be provided with fire apparatus access roads in accordance with the International Fire Code.

~~**K402.1.2 Water supply.**~~ New subdivisions, as determined by this jurisdiction, shall be provided with water supply in accordance with the International Fire Code.

~~**K402.2 Individual structures.**~~ Individual structures shall comply with Sections 402.2.1 and 402.2.2.

~~**K402.2.1 Access.**~~ Individual structures hereafter constructed or relocated into or within wildland-urban interface areas shall be provided with fire apparatus access in accordance with the International Fire Code.

~~**K402.2.2 Water supply.**~~ Individual structures hereafter constructed or relocated into or within wildland-urban interface areas shall be provided with a conforming water supply in accordance with the International Fire Code.

EXCEPTIONS: 1. Structures constructed to meet the requirements for the class of ignition-resistant construction specified in Table K503.1 for a nonconforming water supply.
2. Buildings containing only private garages, carports, sheds and agricultural buildings with a floor area of not more than 600 square feet (56 m²).

~~**K402.3 Existing conditions.**~~ Existing address markers, roads and fire protection equipment shall be in accordance with the International Fire Code.

**Table K503-1
Ignition-Resistant Construction***

	Fire Hazard Severity					
	Moderate Hazard		High Hazard		Extreme Hazard	
	Water Supply ^b		Water Supply ^b		Water Supply ^b	
Defensible Space^a	Conforming	Nonconforming	Conforming	Nonconforming	Conforming	Nonconforming
Noneonforming	IR-2	IR-1	IR-1	IR-1 N.C.	IR-1 N.C.	Not Permitted
Conforming	IR-3	IR-2	IR-2	IR-1	IR-1	IR-1 N.C.
1.5 x Conforming	Not Required	IR-3	IR-3	IR-2	IR-2	IR-1

^aAccess shall be in accordance with Section 402.

^bWater supply shall be in accordance with Section 402.1.

IR 1 = Ignition-resistant construction in accordance with Section 504.

IR 2 = Ignition-resistant construction in accordance with Section 505.

IR 3 = Ignition-resistant construction in accordance with Section 506.

N.C. = Exterior walls shall have a fire-resistance rating of not less than 1-hour and the exterior surfaces of such walls shall be noncombustible. Usage of log-wall construction is allowed.

^cConformance based on Section 603.

K403 Access. This section not adopted.

K404 Water supply. This section not adopted.

APPENDIX B—VEGETATION MANAGEMENT PLAN—THIS APPENDIX IS ADOPTED:

APPENDIX C—FIRE DANGER RATING SYSTEM—THIS APPENDIX IS ADOPTED:))

AMENDATORY SECTION (Amending WSR 16-03-055, filed 1/16/16, effective 7/1/16)

WAC 51-54A-8200 Appendix N—Wildland Urban Interface Code. (~~Reserved.~~)

N101.5 Additions or alterations. Additions or alterations may be made to any building or structure without requiring the existing building or structure to comply with all of the requirements of this code, provided the addition or alteration conforms to that required for a new building or structure.

EXCEPTION: Provisions of this code that specifically apply to existing conditions are retroactive. See Sections 402.3, 601.1 and Appendix A.

Additions or alterations shall not cause the existing building or structure to become unsafe. An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or structure to become structurally unsafe or overloaded; will not provide adequate access in compliance with the provisions of this code or will obstruct existing exits or access; will create a fire hazard; will reduce required fire resistance or will otherwise create conditions dangerous to human life.

N108.3 Site plan. In addition to the requirements for plans in the International Building Code, the code official may require site plans which include topography, width and percent of grade of access roads, landscape and vegetation details, locations of structures or building envelopes, existing or proposed

overhead utilities, occupancy classification of buildings, types of ignition resistant construction of buildings, structures and their appendages, roof classification of buildings, and site water supply systems. The code official is authorized to waive or modify the requirement for a site plan.

N108.4 Vegetation management plans. When required by the code official or when utilized by the permit applicant pursuant to Section 502, vegetation management plans shall be prepared and shall be submitted to the code official for review and approval as part of the plans required for a permit. See Appendix B.

N108.7 Vicinity plan. When required by the code official, the requirements for site plans shall include details regarding the vicinity within 300 feet (91,440 mm) of property lines, including other structures, slope, vegetation, fuel breaks, water supply systems and access roads.

N402.1.1 Access. New subdivisions, as determined by this jurisdiction, shall be provided with fire apparatus access roads in accordance with the International Fire Code.

N402.1.2 Water supply. New subdivisions, as determined by this jurisdiction, shall be provided with water supply in accordance with the International Fire Code.

N402.2 Individual structures. Individual structures shall comply with Sections 402.2.1 and 402.2.2.

N402.2.1 Access. Individual structures hereafter constructed or relocated into or within wildland-urban interface areas shall be provided with fire apparatus access in accordance with the International Fire Code.

N402.2.2 Water supply. Individual structures hereafter constructed or relocated into or within wildland-urban interface areas shall be provided with a conforming water supply in accordance with the International Fire Code.

- EXCEPTIONS:
- Structures constructed to meet the requirements for the class of ignition-resistant construction specified in Table N503.1 for a nonconforming water supply.
 - Buildings containing only private garages, carports, sheds and agricultural buildings with a floor area of not more than 600 square feet (56 m²).

N402.3 Existing conditions. Existing address markers, roads and fire protection equipment shall be in accordance with the International Fire Code.

**Table N503.1
Ignition-Resistant Construction^a**

	Fire Hazard Severity					
	Moderate Hazard		High Hazard		Extreme Hazard	
	Water Supply ^b		Water Supply ^b		Water Supply ^b	
Defensible Space^c	Conforming	Nonconforming	Conforming	Nonconforming	Conforming	Nonconforming
Nonconforming	IR 2	IR 1	IR 1	IR 1 N.C.	IR 1 N.C.	Not Permitted
Conforming	IR 3	IR 2	IR 2	IR 1	IR 1	IR 1 N.C.
1.5 x Conforming	Not Required	IR 3	IR 3	IR 2	IR 2	IR 1

^aAccess shall be in accordance with Section 402.

^bWater supply shall be in accordance with Section 402.1.

IR 1 = Ignition-resistant construction in accordance with Section 504.

IR 2 = Ignition-resistant construction in accordance with Section 505.

IR 3 = Ignition-resistant construction in accordance with Section 506.

N.C. = Exterior walls shall have a fire-resistance rating of not less than 1 hour and the exterior surfaces of such walls shall be noncombustible. Usage of log wall construction is allowed.

^cConformance based on Section 603.

N403 Access. This section not adopted.

N404 Water supply. This section not adopted.

APPENDIX B-VEGETATION MANAGEMENT PLAN - THIS APPENDIX IS ADOPTED.

APPENDIX C-FIRE DANGER RATING SYSTEM - THIS APPENDIX IS ADOPTED.

WSR 17-03-125

EXPEDITED RULES

DEPARTMENT OF AGRICULTURE

[Filed January 18, 2017, 11:13 a.m.]

Title of Rule and Other Identifying Information: Chapter 16-531 WAC, Washington grain commission.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Teresa Norman, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, AND RECEIVED BY March 21, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This expedited proposal adds public records disclosure procedures to the Washington grain commission's rules, as required by RCW 42.56.040.

Reasons Supporting Proposal: Under RCW 42.56.040, each state agency has a duty to publish its procedures regarding public disclosure requests.

Statutory Authority for Adoption: RCW 42.56.040, 15.115.160, and chapter 34.05 RCW.

Statute Being Implemented: Chapters 15.115 and 42.56 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington grain commission, governmental.

Name of Agency Personnel Responsible for Drafting: Parker Dawson, Spokane, Washington, (509) 456-2481;

Implementation and Enforcement: Glen Squires, Spokane, Washington, (509) 456-2481.

January 18, 2017
Derek I. Sandison
Director

NEW SECTION

WAC 16-531-005 Definitions. "Commission" means the Washington grain commission.

"Disclosure" means inspection or copying.

"Person" means any individual, firm, corporation, limited liability company, trust, association, partnership, society or any other organization of individuals, or any unit or agency of local or state government.

"Public records" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by the commission regardless of physical form or characteristics.

NEW SECTION

WAC 16-531-020 Public records officer. (1) The commission's public records shall be in the charge of the public records officer designated by the commission. The commission or its executive director may appoint a temporary public records officer to serve during the absence of the designated records officer. The public records officer shall be responsible for implementing the commission's rules regarding disclosure of public records, coordination of staff regarding disclosure of public records, and generally ensuring compliance by staff with public records disclosure requirements.

(2) The name of the commission's current public records officer is on file with the office of the code reviser in accordance with RCW 42.56.580 and is published in the *Washington State Register*.

NEW SECTION

WAC 16-531-030 Request for public records. (1) Requests for disclosure of public records should be directed to the commission's public records officer by mail at 2702 W. Sunset Blvd., Suite A, Spokane, WA 99224; by email to wgc@wagrains.org; or by fax at 509-456-2812. The written request should include:

(a) The name of the person requesting the records and the person's contact information, i.e., address, telephone number or email address;

(b) The calendar date on which the request is made; and

(c) Sufficient information to readily identify records being requested.

(2) A person wishing to inspect the commission's public records may make an appointment with the public records officer to inspect the records at the commission office during regular business hours. In order to adequately protect the commission's public records, the following will apply:

(a) Public records made available for inspection may not be removed from the area the commission makes available for inspection;

(b) Inspection of any public record will be conducted in the presence of the public records officer or designee;

(c) Public records may not be marked or altered in any manner during the inspection; and

(d) The commission has the discretion to designate the means and the location for the inspection of records. The viewing of those records that require specialized equipment shall be limited to the availability of that equipment located at the commission's office and the availability of authorized staff to operate that equipment.

(3) If a requestor cannot submit a request for public records in writing and desires to make an oral request either in person or by telephone, the public records officer or designee receiving the request will summarize the request in writing and then verify in writing with the requestor that the summary correctly memorializes the request.

NEW SECTION

WAC 16-531-040 Response to public records requests. (1) The commission will respond promptly to requests for disclosure. Email requests will be handled in the same manner as other types of mail received by the commission. Public records requests received by email after regular business hours will be considered received on the next business day. Within five business days of receiving a public records request, the public records officer will respond by doing one or more of the following:

(a) Providing the record;

(b) Providing an internet address and link on the commission's web site to the specific records requested (reference RCW 42.56.520);

(c) Acknowledging receipt of the request and providing a reasonable estimate of the time the commission will require to respond to the request; or

(d) Denying the public records request. Responses refusing in whole or in part the inspection of a public record shall include a statement of the specific exemption authorizing withholding of the record (or any part of the record) and a brief explanation of how the exemption applies to the record withheld or to any redactions in records produced.

(2) Additional time to respond to the request may be based upon the need to:

(a) Clarify the intent of the request;

(b) Locate and assemble the information requested;

(c) Notify persons or agencies affected by the request; or

(d) Determine whether any of the information requested is exempt from disclosure and that a denial should be made as to all or part of the request.

(3) In acknowledging receipt of a public records request that is unclear, the public records officer may ask the requestor to clarify what records the requestor is seeking. The public records officer is not obligated to provide further response if the requestor fails to clarify the request.

NEW SECTION

WAC 16-531-050 Fees—Inspection and copying. (1) No fee will be charged for the inspection of public records.

(2) The commission reserves the right to charge a fee of fifteen cents per page of black and white photocopy plus

postage to reimburse itself for the costs of providing copies of public records.

(3) Requests for records in special formatting, including color copies, will be charged at the amount necessary to reimburse the commission for its actual production costs. If the public records officer deems it more efficient to have copying or duplicating done outside the commission, the charges will be based on the actual cost of such outside copying or duplicating services. For all copying or duplicating service charges incurred, an invoice will be sent to the requestor. Reimbursement is payable within fifteen days of receipt of the invoice and is payable to the Washington grain commission. The commission may require that all charges be paid in advance of release of the copies of the records.

(4) The public records officer may waive the fee when the expense of processing payment exceeds the cost of providing copies.

NEW SECTION

WAC 16-531-060 Exemptions. The commission's public records are available for disclosure except as otherwise provided under chapter 42.56 RCW or any other law. Requestors should be aware of the following exemptions to public disclosure specific to commission records. This list is not exhaustive and other exemptions may apply:

(1) Production or sales records required to determine assessment levels and actual assessment payments to the commission under chapter 15.115 RCW (reference RCW 42.56.380(3)).

(2) Financial and commercial information and records supplied by persons:

(a) To the commission for the purpose of conducting a referendum for the establishment of the commission; or

(b) To the commission under chapter 15.115 RCW with respect to domestic or export marketing activities or individual producer's production information (reference RCW 42.56.380(5)).

(3) Personal information in any files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy (reference RCW 42.56.230(3)).

(4) Lists of individuals requested for commercial purposes (reference RCW 42.56.070(9)).

(5) Records that are relevant to a controversy to which the commission is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts, including records involving attorney-client communications between the commission and the office of the attorney general (reference RCW 5.60.060(2) and 42.56.290).

(6) List of individuals requested for commercial purposes (reference RCW 42.56.070(9)).

(7) Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, Social Security numbers and emergency contact information of dependents of employees or volunteers of the commission that are held by the commission in personnel records, public employment related records, or volunteer ros-

ters, or are included in any mailing list of employees or volunteers of the commission (reference RCW 42.56.250(3)).

NEW SECTION

WAC 16-531-070 Review of denial of public records requests. (1) Any person who objects to the initial denial of a records request may petition in writing to the commission for review of that decision. The petition shall include a copy of, or reasonably identify, the written statement by the commission denying the request.

(2) The commission's executive director or designee will immediately consider the petition and either affirm or reverse the denial. In any case, the request shall be returned with a final decision within ten business days following the commission's receipt of the written request for review of the original denial.

(3) Under RCW 42.56.530, if the commission denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office to review the matter. The attorney general has adopted rules on such requests in WAC 44-06-160.

(4) Any person may obtain court review of a denial of a public records request under RCW 42.56.550.

NEW SECTION

WAC 16-531-080 Records index. The commission shall establish a records index, which shall be made available for public review. The records index may be accessed on the commission's web site at www.wagrains.org.