

STATE OF MINNESOTA

STATE BUILDING CODE BOARD OF APPEALS

In the Matter of the Appeal of
Willow Brooke Farm, LLC,

Appeal No. 20-01

FINAL DECISION
Dated: June 8, 2020

This matter came on for hearing before the State Building Code Board of Appeals (“Board”) on May 28, 2020. The hearing was held by video conference as the Board determined, pursuant to Minn. Stat. § 13D.021, that an in-person meeting was not practical or prudent because of the COVID-19 pandemic and the peacetime emergency declared by Governor Tim Walz in Emergency Executive Order 20-01. The record closed at the conclusion of the hearing.

Attorney Scott Nielson appeared for applicant and appellant Willow Brooke Farm, LLC (“Appellant”). Appellant presented testimony from Beccah Risdall, Owner of Willow Brooke Farm, LLC (“Owner”), and Paul Neseth, Lead Architect for Willow Brooke Farm, LLC (“Lead Architect”). Doug Morem, Building Official for Goodhue County (“Building Official”), appeared on behalf of respondent Goodhue County. Mark Luostari, Goodhue County Consultant and Lead Reviewer of the Submitted Plans (“Lead Reviewer”) and Michele Engberg, Goodhue County Permit Supervisor (“Permit Supervisor”), provided testimony for respondent Goodhue County.

The issue in this appeal is whether the Building Official correctly interpreted and applied the 2015 State Building Code (“State Building Code”) by determining that Willow Brooke Farm is a Group A-2 occupancy, requiring an automatic sprinkler system. Appellant contends that the Building Official incorrectly interpreted the true intent of the State Building Code by failing to consider Willow Brooke Farm’s low fire hazard. Appellant also contends that Willow Brooke Farm should be classified as a Group A-3 building with an occupant load of less than 300, negating the need for an automatic sprinkler system.

Minn. R. 1305.0011 provides that the International Building Code (“IBC”) is incorporated by reference and made part of the State Building Code, except as amended or qualified by applicable provisions of the Minnesota Rules. Chapter 3 of the IBC controls the classification of all buildings and structures as to use and occupancy. Section 303.3 of the IBC defines Assembly Group A-2 as “[a]ssembly uses intended for food and/or drink consumption including, but not limited to: Banquet halls, Casinos (gaming areas), Nightclubs, Restaurants, cafeterias and similar dining facilities (including associated commercial kitchens), [and] Taverns and bars.” Section 303.4 of the IBC defines Assembly Group A-3 as “[a]ssembly uses intended for worship, recreation or amusement and other assembly uses not classified elsewhere in Group A including,

but not limited to: . . . Community halls . . . Exhibition halls . . . Lecture halls . . . [and] *Places of religious worship.*”

Section 903 of the IBC addresses the requirements for automatic sprinkler systems. Pursuant to Section 903.2.1.2 of the IBC, an automatic sprinkler system is required for Group A-2 occupancies where: (1) the fire area exceeds 5,000 square feet; (2) the fire area has an occupant load of 100 or more; or (3) the fire area is located on a floor other than a level of exit discharge serving such occupancies. Pursuant to Section 903.2.1.3, an automatic sprinkler system is provided for Group A-3 occupancies where (1) the fire area exceeds 12,000 square feet; (2) the fire area has an occupant load of 300 or more; or (3) the fire area is located on a floor other than a level of exit discharge serving such occupancies.

Appellant and the Building Official agree that the new Willow Brooke Farm structure is a 4,884 square-foot one-story building. Appellant provided testimony that Willow Brooke Farm is safe without an automatic sprinkler system due to the in-floor concrete heating system, the large glass doors which allow for quick and efficient exit, and the fact that all cooking would be done off-site by licensed caterers. The Owner testified that the intended use of Willow Brooke Farm is more diverse than the wedding venue use stated on the Goodhue County Application for Building Permit, and that the building would additionally be utilized for community retreats, education on sustainability and nature, wine tasting, farm-to-table dinners, and religious worship. The Lead Architect testified that the initial designation of the building as a Group A-2 banquet hall was a mistake and not the intention for the design of the building. Appellant emphasized the importance of assessing each building individually and testified that the intensity and frequency of the use of the space for serving food is an important factor to consider in a building’s use and occupancy classification.

The Building Official testified that Goodhue County had ongoing communication with the Lead Architect during the review process and determined that a Group A-2 classification was necessary for the building based on Willow Brooke Farm’s intended use. The Lead Reviewer testified that the occupant load was 302 and that the building would require an automatic sprinkler system even if the building was classified as a Group A-3 occupancy. Nonetheless, Goodhue County testified that Section 303.3 of the IBC addresses food consumption rather than food preparation, making Group A-2 the more appropriate classification.

Goodhue County testified that the new building was not analyzed as a multi-use or mixed A-2 and A-3 occupancy due to the fact that the plan was originally submitted as a Group A-2 occupancy.¹ The Board discussed that it appears that the space has multiple uses and occupancies and that, pursuant to Section 302.1 of the IBC, “a room or space that is intended to be occupied at different times for different purposes shall comply with all of the requirements that are applicable to each of the purposes for which the room or space will be occupied.” The Board discussed that it is reasonable to assume that the occupancy load could exceed 300 based on an estimated 7 square

¹ Appellant’s Application for Building Permit states the Occupancy Class as “Mixed A-2 and U”. Although the Group U classification was not addressed at the hearing, it appears from the documents submitted that the Group U classification was based on Appellant’s plan to remodel the existing barn on the property.

feet per person seated in a chair, if only chairs were used and a popular speaker was brought to the venue. The Board additionally noted that Appellant did not provide any evidence or testimony that the building plan was submitted as an alternative material, design, or method of construction under Minn. R. 1300.0110, subpart 13, in order to substitute an abundantly accessible means of egress as an alternative design to an automated sprinkler system.

Pursuant to the Board's authority under Minn. R. 1300.0230, and based upon the entire record including all documents, testimony, and arguments submitted to the Board, the Board moved to affirm the decision of the Building Official because the Building Official correctly classified Willow Brooke Farm as a Group A-2 occupancy requiring an automated sprinkler system. The vote was unanimous in favor of the motion and the motion carried.

RIGHTS OF APPEAL

This is the final decision of the State Building Code Appeals Board in this matter. A person aggrieved by this decision may, within 180 days of its date, appeal to the Commissioner of Labor and Industry as set forth in Minn. Stat. § 326B.139.



SCOTT McKOWN, Chair
State Building Code Appeals Board