STATE BUILDING CODE COUNCIL
SUMMARY MEETING MINUTES

LOCATION: The meeting was held via Zoom.

MEETING DATE: Friday, June 17, 2022

Members in Attendance: Tony Doan, Council Chair; Kjell Anderson; Jay Arnold; Todd Beyreuther; Micah Chappell; Daimon Doyle; Al French; Bob Hamlin; Roger Heeringa; Craig Holt; Pete Rieke; Katy Sheehan; Caroline Traube; Corey Wilker; Rep. Larry Hoff; Sen. John Lovick; Rep. Alex Ramel; Sen. Lynda Wilson; Lorin Lathrop

Members Absent: Matthew Hepner

Staff In Attendance: Stoyan Bumbalov, Managing Director; Dierk Meierbachtol and Dave Merchant, Assistant Attorney General; Krista Braaksma; Annette Haworth


This material in alternative formats including braille, large print, and audio recording is available on request by emailing the SBCC at sbcc@des.wa.gov.
<table>
<thead>
<tr>
<th>Agenda Items</th>
<th>Committee Actions/Discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Welcome and Introductions</td>
<td>Meeting called to order at 10:00 a.m. by Council Chair, Tony Doan. Everyone was welcomed and roll was called. A quorum was present.</td>
</tr>
</tbody>
</table>
| 2. Review and Approve Agenda             | **Motion:** Daimon Doyle moved to amend the agenda by moving item number 8 ahead of item 7 and approve the agenda, as amended, Craig Holt seconded, and the motion failed 5 to 8.  
Daimon Doyle spoke to the motion and council members discussed the motion with several not in favor of amending the agenda.  
**Motion:** Al French moved to defer action on the Residential Energy Code until Senator Wilson’s letter to Tara Smith, DES Director, is addressed with regard to the conflict of interest and how it might impact the recommendations of the Energy Code TAG, Corey Wilker seconded, and the motion failed 4 to 9.  
Stoyan Bumbalov, Managing Director, noted, in response to Al French’s motion, there is not a contract for the Cost Benefit Analysis for the Residential Energy Code at this time. The contract with Ecotope was for the Commercial Energy Code that was already adopted. Stoyan Bumbalov also noted that Senator Wilson’s letter was addressed to the DES Director Tara Smith and not to the SBCC.  
Al French spoke to his motion. Council members discussed the motion with emphasis on the content of the letter from Senator Wilson to Tara Smith. The responsibility of the TAG was defined as providing technical recommendations.  
**Motion:** Micah Chappell moved to call the question, Pete Rieke seconded, and the motion passed 9 to 4.  
**Motion:** Representative Alex Ramel moved to approve the agenda as presented, Kjell Anderson seconded, and the motion passed 11 to 3.  
Representative Ramel spoke to the motion.                                                                                                                                 |
| 3. Public Comment on Items not on the agenda | Jim Lazar brought to Council’s attention that a former council member and Chair, KC Golden, has been appointed, by the Governor, to the Northwest Power and Conservation Council.  
Patrick Hayes spoke in defense of the letter he sent to the Council referencing multiple conflicts of interest with the Energy Code TAG members and also noted “No common denominators should have two votes.” |
Larry Andrews also spoke to the conflicts of interest within the Energy Code TAG and noted his information was not being forwarded to the Council. Stoyan Bumbalov indicated all emails sent to the Council were forwarded with exception of public testimony received after the due date.

Andrea Smith stated she was a member of the Energy Code TAG, and the agenda and votes were predetermined and there wasn’t a representative sample of each stakeholder group and how this isn’t consistent with the rulemaking process.

Al French noted the Washington State Association of Counties held their retreat, the first part of May, to identify their legislative agenda and one of the top priorities was campaigning to restructure the Building Code Council and obtain local authority to be able to line-item veto recommendations out of the Building Code Council for local jurisdictions. He also noted this information was second hand. He then stated the Association of Washington Cities has the same concerns.

Patrick Hayes noted there was a previous comment about Ecotope doing work as a volunteer, but he stated they were paid for 1,200 simulations by Northwest Energy Efficiency Alliance.

<table>
<thead>
<tr>
<th>4. Review and Approve Minutes</th>
<th><strong>Motion:</strong> Kjell Anderson moved to approve the summary minutes for May 20, 2022, as written, Micah Chappell seconded, and the motion passed.</th>
</tr>
</thead>
</table>
| 5. Council Leadership – New Council Vice Chair | Stoyan Bumbalov, Managing Director, stated the Council Bylaws were reviewed and modified at the last Council meeting where Tony Doan was appointed Council Chair and a Vice Chair needs to be appointed at today’s meeting.

Daimon Doyle volunteered to fill the vacancy of Vice Chair and provided the Council with a brief background.

**Motion:** Micah Chappell moved to appoint Daimon Doyle as Vice Chair, Craig Holt seconded, and the motion passed. |
| 6. Request for Reconsideration | Stoyan Bumbalov reviewed the Petition for Adoption, Amendment, or Repeal of a State Administrative Rule submitted by Washington Public Utility Districts Association to repeal the amendment to the Energy Code approved at the April 22 Council meeting that would require the installation of on-site renewable energy systems in commercial buildings over 10,000 square feet.

Dierk Meierbachtol, Assistant Attorney General, provided a brief overview of the Administrative Procedures Act. He noted this petition is different as the SBCC hasn’t filed the order of rulemaking to make the rule permanent.

He then provided options for the Council:

- Determine request to be untimely as the rule hasn’t been formally adopted which would allow the petitioner to refile once it has been formally filed. |
- Waive any procedural defects with the request and move forward on the petition and take action at this meeting

There were clarifying questions from Council with responses from Dierk Meierbachtol and Stoyan Bumbalov. Discussion was held by Council members, staff and Dierk Meierbachtol.

**Motion:** Al French moved to accept the petition and repeal the Code pending updated data, Corey Wilker seconded, and the motion failed 3 to 10.

Al French spoke to the motion. Council made comments on the motion and the petition.

Public comment was made in favor of rejecting the petition.

Mark Frankel, Ecotope, proponent of the code change spoke to the petition.

**Motion:** Todd Beyreuther moved to deny the petition for repeal on the basis that the process was not profoundly flawed and unbiased, Katy Sheehan seconded, and the motion failed 5 to 8.

A clarifying question was asked by Council and Dierk Meierbachtol responded to the question. Council held discussion on the motion.

**Motion:** Micah Chappell moved to deny the request for reconsideration for cause, and that cause being based on RCW 34.05.330, the rule has not been adopted, Bob Hamlin seconded, and the motion passed unanimously.

### 7. Review Code Change Proposals for Group 2 Codes

<table>
<thead>
<tr>
<th>Item</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>IBC-Structural</td>
<td>Tony Doan, Council Chair, explained each bullet item, under agenda item 7, would be reviewed, discussed by Council, opened for public comment, discussed further and/or action taken by Council. Stoyan Bumbalov, Managing Director, provided a brief overview of the process and steps taken by the TAGs and Committees and the action needed by Council for all the Code Change Proposals listed. He also provided explanation for the steps moving forward after Council action which included Public Hearings and acceptance of written comment from the public. Todd Beyreuther, IEBC and IBC TAG Chair reviewed the IBC-Structural Code Change Proposals and clarified the action taken by the TAG and the BFP Committee. Public comment was heard. Rachael Jamison, Larry Andrews, Michael Ennis, Bruce Chattin, Mark Streuli, and Tom Davis spoke in favor of the TAG and BFP Committee’s recommendation to disapprove proposals 21-GP2-095 and 21-GP2-096 and were in agreement with the remainder of the recommendations. <strong>Motion:</strong> Daimon Doyle moved to accept the BFP Committee recommendations pertaining to the IBC-Structural Code Change</td>
</tr>
</tbody>
</table>
Proposals, Craig Holt seconded, and the motion passed unanimously.

Stoyan Bumbalov reviewed the IEBC Code Change Proposals.

**Motion:** Micah Chappell moved to accept the BFP Committee recommendations pertaining to the IEBC Code Change Proposals, Bob Hamlin seconded, and the motion passed unanimously.

Micah Chappell, IRC TAG Chair, reviewed the IRC Code Change Proposals and the TAG’s recommendations.

Council held discussion on proposal 21-GP2-091 and questioned if the Residential Code is the right code and perhaps this would fit better in the Energy Code.

Public comment was heard. Larry Andrews, Chris Edmark, and Andrea Smith spoke in favor of proposal 21-GP2-091 not being in the Residential Code. Kim Barker spoke in favor of proposal 21-GP2-091 being in the Residential Code.

**Motion:** Micah Chappell moved to accept the IRC Code Change Proposals as recommended by the BFP Committee, Jay Arnold seconded, and the motion passed 11 to 2.

Council discussed the proposals and the motion. Clarifying questions regarding the process of moving the proposal from one code to another or having the proposal in both codes or rejecting proposal 21-GP2-091 were asked and answered by staff and Dierk Meierbachtol, Assistant Attorney General.

Corey Wilker, UPC TAG Chair, reviewed the UPC Code Change Proposals and the discussion and action taken by the TAG and BFP Committee.

Council discussed proposal 21-GP2-057 and the TAG recommendation versus the BFP Committee’s action taken to disagree with the TAG’s recommendation. WAC 51-04-25 was reviewed and Dierk Meierbachtol, AAG, explained one or all of the criteria in the WAC, being reviewed, need to be included in order for the Council to accept the proposal. Further discussion was held regarding whether proposal 21-GP2-057 meets one or more of the criteria listed in the WAC.

**Motion:** Corey Wilker moved to initiate a vote to determine if Council agrees proposal 21-GP2-057 does not meet the criteria of WAC 51-04-25, Al French seconded, and the motion failed 2 to 11.

Corey Wilker spoke to the motion and discussion was held by Council. Dierk Meierbachtol, AAG, noted the WAC and statutes don’t require the Council to make a finding or determination of each proposal, but the proposal be based on one or more criteria in WAC 51-04-25 to adopt or amend a proposal.
Motion: Kjell Anderson moved to extend the meeting until 2:30pm, Peter Rieke seconded, and the motion passed.
Kjell spoke to the motion. Discussion was held on Council’s availability to ensure a quorum is present.
Discussion was held to move the remainder of discussion for the UPC and the WUIC, IMC / IFGC and WSEC-R Code Change Proposals to a Special Council Meeting.

Motion: Corey Wilker moved to table the UPC Code Change Proposals until the Special Council Meeting, Katy Sheehan seconded, and the motion passed 11 to 1.
Council held discussion about the motion and Corey Wilker noted he had substantial information to present to the Council.

Motion: Caroline Traube moved to move the WSEC-R Code Change Proposals ahead of the WUIC and IMC / IFGC Code Change Proposals to allow for public comment on the WSEC-R, Micah Chappell seconded, and the motion passed.
Public comment was heard allowing one minute per speaker.
Jonny Kocher spoke in support of the heat pump proposals.
Jim Lazar spoke in favor of proposals 21-GP2-065 and 21-GP2-066 along with 21-GP2-064.
Brian DeHart spoke in favor of all Energy Code change proposals.
Gordon Wheat spoke to heat pumps and ventilation.
Rick Marshall spoke in favor of moving to all electric new construction.
Holly Townes spoke in favor of moving all Residential Energy Code proposals forward for public comment, with particular support of heat pumps for space and water heating.
Joseph Szwaja sang a song in support of electrifying houses.
Ken Zirinsky spoke in favor of moving all of the Residential Energy Code change proposals forward for public comment.
David Morton spoke in support of all the electric and heat pump energy code proposals and asked Council to move these forward for public comment
Ray Shipman spoke in opposition to proposal 21-GP2-084, as he believes this should be in the Residential Code.
Sean Denniston, proponent of proposals 21-GP2-065 and 066, spoke in favor of moving these forward for public comment.
<table>
<thead>
<tr>
<th>Event</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rich Voget spoke in favor of moving forward all the electrical Energy Code proposals for public comment.</td>
<td></td>
</tr>
<tr>
<td>Andrea Smith asked Council to reject both proposal 21-GP2-065 and 066.</td>
<td></td>
</tr>
<tr>
<td>Virginia Lohr spoke in favor moving forward all of the proposals in the Energy Code.</td>
<td></td>
</tr>
<tr>
<td>Jon Mathison spoke in favor in moving forward all Energy Code proposals.</td>
<td></td>
</tr>
<tr>
<td>Bill Sampson spoke in favor of advancing proposals to electrify on for public comment.</td>
<td></td>
</tr>
<tr>
<td>Pat Holm spoke in favor of heat pumps.</td>
<td></td>
</tr>
<tr>
<td>Joelle Robinson mentioned many people’s names and titles of those not able to stay for the remainder of the meeting.</td>
<td></td>
</tr>
<tr>
<td>Melinda Hughes spoke in favor of moving forward the Residential Energy Code proposals to public comment.</td>
<td></td>
</tr>
<tr>
<td>Monica Zazueta spoke in favor of moving all the Residential Energy Code proposals forward for public comment.</td>
<td></td>
</tr>
<tr>
<td>Neal Anderson spoke in favor of moving all three electric Energy Code proposals forward.</td>
<td></td>
</tr>
<tr>
<td>Representative Davina Duerr spoke in favor of electrification of new buildings.</td>
<td></td>
</tr>
<tr>
<td>Liz Reichart spoke in support of the entire package of Residential Energy Code change proposals.</td>
<td></td>
</tr>
<tr>
<td>John Frankel spoke in opposition to the heat pump requirements for space heat and water.</td>
<td></td>
</tr>
<tr>
<td>As 2:30 arrived, it was noted the remaining Agenda items would be moved to the Special Council Meeting and availability of Council members was discussed. Stoyan Bumbalov asked each council member to email him with their availability.</td>
<td></td>
</tr>
<tr>
<td>8. Request for Emergency Rule – Proposed Temporary Heat Pump Efficiency Reduction</td>
<td>It was noted, previously, that this agenda item will be discussed at the Special Council Meeting.</td>
</tr>
<tr>
<td>9. Other Business</td>
<td>No other business was discussed.</td>
</tr>
<tr>
<td>10. Staff Report</td>
<td>No staff report was given.</td>
</tr>
<tr>
<td>11. Adjourn</td>
<td>Meeting was adjourned at 2:31 p.m.</td>
</tr>
</tbody>
</table>