



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

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STATE BUILDING CODE COUNCIL SUMMARY MEETING MINUTES

LOCATION: The meeting was held at 129 N 2nd St, Yakima, WA, Council Chambers, with Zoom and teleconference options

MEETING DATE: Friday, May 19, 2023

Members in Attendance: Kjell Anderson, Jay Arnold, Todd Beyreuther, Justin Bourgault, Micah Chappell, Tony Doan, Daimon Doyle, Tom Handy, Matthew Hepner, Craig Holt, Tye Menser, Pete Rieke, Katy Sheehan, Representative Keith Goehner, Lorin Lathrop, Representative Alex Ramel

Members Absent: Roger Heeringa, Senator John Lovick, Senator Lynda Wilson

Staff In Attendance: Managing Director Stoyan Bumbalov, Assistant Attorney General Dierk Meierbachtol, Krista Braaksma, Dustin Curb

Visitors Present: Ann Larson, Larry Andrews, Tim Attebery, Kim Barker, Sam Benson, Pamela Braff, Tyler Burbidge, Andi Burnham, Shelly Chamberlain, Jasmine Chiu, Michael Currier, Dozer Day, Michael Dobbs, Kevin Duell, Chris Edmark, Patricia Heye, Brian Holtzclaw, Ardel Jala, Ty Jennings, Jonathan Jones, Jeff Keller, Jennifer Keller, Jonny Kocher, Rachel Koller, Jeremy Larson, Ali Lee, Duane Lewellen, Daniel Lillie, Alice Lockhart, Sean Mangeley, Rick Marshall, Josh Mergens, James Moschella, Kurt Nabbefeld, George Naill, Lisa Parshley, Scott Peterson, Kathleen Petrie, Noah Phillips, Baxter Reimer, Claire Richards, Mike Richardson, Joëlle Robinson, Kevin Rose, Lisa Rosenow, Kevin Russell, Bill Sampson, Jed Scheuermann, Jessie Simmons, Deepa Sivarajan, Dylan Sluder, Andrea Smith, Brian Smith, Tom Smithson, Scott Swantek, Steve Tapio, Gavin Tenold, Jennifer Thomas, Richard Voget, Ron Wright

Agenda Items	Council Actions/Discussion
1. Welcome and Introductions	The meeting was called to order at 10:00 a.m. by Council Chair Tony Doan. Roll was called and a quorum was present. Everyone was welcomed.
2. Review and Approve Agenda	Motion: Daimon Doyle moved to approve the Agenda, Kjell Anderson seconded, the motion passed.
3. Executive Session	The Council recessed into executive session at 10:08 a.m. The meeting was called back to order at 10:49 a.m.

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	<p>Council Chair Tony Doan reconvened the meeting. Roll was taken and a quorum was established.</p>
<p>4. Review and Approve Minutes from April 21, 202</p>	<p>Public comment was heard by Larry Andrews indicating public comment should be heard when applicable, specifically on Agenda Item 4 and Agenda Item 10. Larry Andrews said his comments were not reflective of what he said.</p> <p>Stoyan Bumbalov noted these are “summary” minutes and not verbatim.</p> <p>Motion: Kjell Anderson moved to table the minutes and request Larry Andrews submit written comments to the Council for review by Council, Staff and Dierk Meierbachtol prior to the next Council meeting, Craig Holt seconded, motion passed 10 to 1.</p>
<p>5. Public Comment on Items Not on the Agenda</p>	<p>Andrea Smith asked for an official response from Council regarding the letter that was sent on Monday by their legal counsel.</p> <p>Kevin Russell, a home builder in Washington, asked Council to consider delaying taking action on the Energy Code and WUI Code and provided reasons why he was asking for this delay.</p> <p>Claire Richards asked the Council to not delay the Codes.</p> <p>Larry Andrews referred to an error in Table C407.3,1 – Carbon Emissions factor. He said this was brought up during the TAG process and confirmed, but no changes have been made to correct the error. Larry Andrews suggested discussion at the TAG level.</p> <p>Council Chair Tony Doan provided explanation about the attachments posted for Agenda Item 8.</p> <p>Tyler Burbidge spoke to the lack of economic impact analysis completed during proposal, review and approval of the 2021 building code, and the ill-prepared nature of the building industry to adhere to the approved code language. He spoke in favor of delaying the implementation of the Codes.</p> <p>Jeff Keller asked the Council to delay the WUI Code implementation.</p> <p>Deepa Sivarajan, Climate Solutions, stated their opposition to the delay and implementation of the 2021 Energy Code.</p> <p>Rick Marshall encouraged the Council to not delay the implementation of the Energy Code.</p> <p>Jonny Kocher spoke in opposition to delaying the Codes.</p> <p>Richard Voget asked the Council to reject the request to delay the Codes.</p> <p>Patricia Heye spoke in favor of not delaying the implementation of the Codes.</p> <p>Bill Sampson spoke in favor of moving forward with the implementation of the Codes.</p> <p>Kathleen Petrie spoke against the delay of the Codes.</p>

	<p>Jasmine Chiu spoke on behalf of The International Living Future Institute and their concern with delaying the Codes and asked the Council to reject the delay.</p> <p>Alice Lockhart asked the Council to not delay the implementation of the Codes.</p> <p>Pamela Braff urged the Council to not delay the implementation of the Codes.</p> <p>Lisa Parshley spoke against the delay of the Energy Code.</p> <p>Ali Lee asked the Council to not delay the implementation of the Codes.</p>
<p>6. Ongoing Off-Cycle Rules - Staff Reports</p> <ul style="list-style-type: none"> • Adopt R-4 Occupancy Group in 2021 IBC and 2021 IFC – TAG report • Modify the definition and provisions of CHILD CARE, FAMILY HOME, in IBC and IRC 	<p>Stoyan Bumbalov indicated the CR-102 has been filed for the adoption of R-4 Occupancy Group and a Public Hearing is scheduled for Wednesday, June 28, 2023. All written comments are also due by this day. Stoyan Bumbalov then announced that a Special Council Meeting will need to be scheduled after the Public Hearing or the Council can choose to wait until the September Council meeting for discussion. Stoyan Bumbalov clarified the Council’s role at the Public Hearing.</p> <p>Dustin Curb indicated the CR-101 has been filed for the modification to the definition and provisions of Child Care, Family Home in the IBC, IRC and IFC. Meetings have been held with both the workgroup and the TAG. Another meeting is scheduled for May 30 for further discussion in preparation for filing of the CR-102 and receiving public comment. Dustin Curb provided information on the process for filing the CR-101, 102 and 103.</p>
<p>7. Emergency and Off-Cycle Rules related to Energy Storage Systems</p> <ul style="list-style-type: none"> • 2018 IFC – Readopt the Emergency Rule • 2021 IFC – Off-Cycle Rule 	<p>Stoyan Bumbalov asked the Council to decide if they would like Staff to file for the readoption of the Emergency Rule, which is expiring on May 25, 2023. Public comment, in support of the filing, was heard. Discussion was held on the process and procedures for adopting emergency rules versus off-cycle rules in relation to the previous code and the new adopted code.</p> <p>Motion: Micah Chappell moved to extend the Emergency Rule for 120 days, Kjell Anderson seconded, motion passed.</p> <p>Stoyan Bumbalov reviewed the proposed Off-Cycle rule language and noted the BFP Committee met to discuss but a quorum wasn’t present. The Committee members who attended the meeting asked the Council to direct Staff to file the CR-102 or refer back to the BFP Committee. Discussion was held by members of the BFP Committee and Council members.</p> <p>Motion: Micah Chappell moved to approve the Off-Cycle Rule and request it be moved into CR-102 process as proposed, Craig Holt seconded, motion passed.</p> <p>Micah Chappell spoke to his motion by providing a brief background of the request.</p>

8. Other Business

Daimon Doyle referenced the public comment heard early in the meeting about delaying the code implementation date until November.

Motion: Daimon Doyle moved to delay implementation of the 2021 Codes for 120 days beginning June 30, 2023, Tom Handy seconded, motion failed 4 to 8.

Discussion was held on the topic of delaying the codes previously being discussed and voted on and how to proceed according to Robert's Rules of reconsideration during the same meeting as opposed to making a new motion in a different meeting.

Daimon Doyle spoke to his motion and indicated delaying the codes would allow for more time to resolve any errors, implement training and gain understanding of the codes.

Discussion was held by Council with some in favor of the delay and others noting that no new information has been received, they are hearing the same public comments as last time the delay was considered and voted against. It was noted that the same Council members are making the motion and not someone from the opposing side and it was mentioned that a Special Council meeting is being held next week, to hear additional information and consider the delay of the codes.

Public comments were heard.

Andrea Smith spoke in favor of delaying the codes and asked for resolution today. She also indicated the SBCC Staff isn't providing transparency with documents being posted on the website and suggested using GovDelivery to send out information.

George Naill agreed with delaying codes.

Larry Andrews spoke in favor of using natural gas and indicated he has provided the Council with documents enforcing his reasons.

Tyler Burbidge spoke in favor of delaying the WUI Code.

Council held further discussion on the motion, the upcoming Special Council meeting and potential of new information being provided at that meeting, the training aspect of delaying the codes.

Jay Arnold asked about interpretations posted on the SBCC website, but not addressed on the agenda. Stoyan Bumbalov indicated these were reviewed at the BFP Committee meeting, but a decision wasn't made due to lack of quorum. The Council can refer back to the Committee or take action.

Dustin Curb provided an overview and some background of the request for interpretation from the City of Bellingham. It was noted this request was sent to the BFP Committee and one of the concerns was this request is part of the Model Code section that is not amended by the Council. The BFP Committee did review and discuss with competing views, no consensus, and not voted on due to a lack of quorum.

	<p>Discussion was held with recommendation to not proceed with providing an interpretation and refer the proponent to the ICC. It was then suggested to provide the proponent with an official response or request the City of Bellingham to pull their request for interpretation for an official closure of the request. Staff indicated they would follow up with the City of Bellingham.</p> <p>Dustin Curb reviewed the request for interpretation from the Town of Woodway concerning the 2021 Wildland-Urban Interface Code, Section 202 Wildland-Urban Interface/Intermix Area. He provided some background on the process thus far, including discussion at the BFP Committee meeting but without a vote due to a lack of quorum. Micah Chappell noted there was discussion and consensus with the BFP Committee members to support the answer provided.</p> <p>Motion: Micah Chappell moved to support the opinion and post it on the SBCC Website, Tom Handy seconded, the motion passed.</p> <p>Both Micah and Tom spoke to the motion.</p> <p>Dustin Curb reviewed the request for interpretation from the Town of Sumner involving adult family homes and fire apparatus access roads and water supplies meeting the requirements of the local jurisdiction. He said there was discussion with the BFP Committee, but again, no quorum.</p> <p>George Naill, proponent, provided some background for the request. Micah Chappell responded to George.</p> <p>Motion: Micah Chappell moved to approve the opinion as written, Mathew Hepner seconded, the motion passed.</p> <p>There was discussion on the process and resources for requests for interpretation and providing opinions.</p>
<p>9. Staff Report</p>	<p>Stoyan Bumbalov provided an update on the SBCC staffing; one new Code Specialist and an Administrative Assistant are both starting next week.</p> <p>Krista Braaksma provided an update on the PNNL Report using incorrect information on the points option table. She showed the comparison from the previous report to the new report provided by PNNL. Council members asked questions about the report and Krista provided answers. She also noted the cost-effective information was incorrect and said the documents were posted on today's meeting and on the SBCC Website for review.</p> <p>Stoyan Bumbalov shared on the screen and asked the Council to review and be prepared to discuss at the September Council meeting the next code adoption cycle timeline with consideration to Group 1 and Group 2 processes. He also talked about options for Code Publishing. He asked Council to reach out to him with suggestions, ideas, and/or comments about the process. Discussion was held on the current process and the ICC process was mentioned for consideration to follow.</p>

	Tony Doan took a moment to thank all Council members for the work being done.
10. Adjourn	Meeting was adjourned at 2:10 p.m.

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