



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

1500 Jefferson Street SE • P.O. Box 41449 • Olympia, Washington 98504
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Executive Committee

SUMMARY MEETING MINUTES

LOCATION: DES Conference Center, Room 2330
1500 Jefferson St SE
Olympia WA 98501

DRAFT

MEETING DATE: May 17, 2019

Agenda Items	Committee Actions/Discussion
1. Welcome and Introductions	Meeting called to order at 10:00 a.m. by Doug Orth. Members in Attendance: Doug Orth, Chair; Dianne Glenn; Vice Chair, Eric Vander Mey, & Steve Simpson, Staff In Attendance: Richard Brown; Ray Shipman & Carrie Toebbe Visitors Present: Brian Hanfield, Sarah Varpahl, Tony Usibelli, Jan Rohila, Kraig Stevenson & Willie Hill
2. Review and Approve Agenda	The agenda was approved as written.
3. Review Proposed Changes to the SBCC Code Amendment Process	The Committee used "042619 Request for Process Modifications Key.pdf" and written comments received as the base documents. Oral comments from attendees were also considered. See the attached document for the result of the Committee's actions
WAC 51-04-010	Motion: (Paraphrased) Maintain the existing language in (1) and (2). Add 19.27a.015 to (3). Maintain the existing language in (4) except modify (4)(b) by adding "that apply to single family or multifamily buildings as defined in RCW 19.27.074 Motion Carried.
WAC 51-04-015	Motion: Table definitions until the Committee gets through the rest of the document. Motion Carried. Motion: (Paraphrased) Have council staff review WAC 51-04 and provide a recommendation at the Council meeting to provide the best definition and term to use for local official, local code official or code official. Motion Carried
WAC 51-04-018	Motion: Modify to read: An agency, city, county wishing to submit amendments to the state building code for council consideration, may file with the council a petition for preliminary review of the

	state local government residential amendment, in order to solicit comments from council members and interested parties prior to council action. Motion Carried. One abstention.
WAC 51-04-020	Motion: (Paraphrased) Approve changes noted on the screen (See the attached document for approved changes). Motion Carried.
WAC 51-04-025	Motion: (Paraphrased) Maintain existing language with the exception of section (1). Add the text: ... shall be complete, include a detailed economic analysis of impacts of the proposed statewide amendment and be ... Motion Carried.
WAC 51-04-030	Motion: (Paraphrased) Maintain original language. Motion Carried.
WAC 51-04-035	Motion: (Paraphrased) Maintain original language. Motion Carried.
WAC 51-04-037	Motion: (Paraphrased)
WAC 51-04-040	<ul style="list-style-type: none"> • No changes to WAC 51-04-37, • Add “from date of notification” for WAC 51-04-40 (Staff note: Motion included a modification request for hand delivery which staff thinks is not necessary because the street address is already included) • Strike: “during council rule-making proceedings” WAC 51-04-50.
WAC 51-04-050	
WAC 51-04-060	Motion: (Paraphrased)
WAC 51-04-070	<ul style="list-style-type: none"> • Strike: “, including the state energy code, the state ventilation and indoor air quality code.” WAC 51-04-60 • Correct phone number, eliminate the fax number and add an email address. WAC 51-04-070 • Do not include proposed WAC 51-04-071.
Proposed WAC 51-04-071	
6. Staff Report	None.
5. Other Business	Chuck Murray asked when the IMC TAG would begin meeting. Eric said the first meeting would be scheduled for Tuesday, May 7 with additional meetings on the 14 th and 21 st .
6. Adjourn	Meeting was adjourned at 10:35 a.m.

Attachment: State Building Code Amendment Review Process Modifications: Results from May 17, 2019 SBCC Executive Committee Meeting review of the April 29, 2019 Compilation of Stakeholder Comments Received and Public Comments



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Date: May 17, 2019

State Building Code Amendment Review Process Modifications: Results from May 17, 2019 SBCC Executive Committee Meeting review of the April 29, 2019 Compilation of Stakeholder Comments Received and Public Comments

The State Building Code Council reached out to identified stakeholders to suggest improvements to the review of proposed statewide amendments to the codes enumerated in RCW 19.27.031. The results were compiled into a document titled: *Compilation of Stakeholder Comments Received*. This document was reviewed and public comments received by the SBCC Executive Committee on Friday May 17, 2019. The following was approved by the SBCC Executive Committee for consideration and action by the full Council.

Chapter 51-04 WAC POLICIES AND PROCEDURES FOR CONSIDERATION OF STATEWIDE AND LOCAL AMENDMENTS TO THE STATE BUILDING CODE (Last Update: 1/18/17)

WAC 51-04-010 Declaration of purpose.

The Washington state building code council, hereinafter called the council, is required by chapter 266, Laws of 1988, to adopt and maintain the state building code, hereinafter referred to as the building code, as provided in chapters [19.27](#), 19.27A, and [70.92](#) RCW, and the state legislature.

(1) The primary objective of the council is to encourage consistency in the building code throughout the state of Washington and to maintain the building code consistent with the state's interest as provided in RCW [19.27.020](#). An objective of statewide adoption is to minimize state amendments to the model codes.

The building code shall be as defined in WAC [51-04-015](#)(8).

(2) The council is also required by RCW [19.27.074](#) to approve or deny all city and county amendments to the building code that apply to single family or multifamily buildings as defined in RCW [19.27.015](#).

(3) The council may issue opinions relating to the codes at the request of a local official charged with the duty to enforce the enumerated codes as specified in RCW [19.27.031](#) and [19.27A.015](#)

(4) The purpose of this chapter is to establish policies and procedures for:

- (a) Submittal and council review and consideration of proposed statewide amendments to the building code;
- (b) Submittal and council review and consideration of proposed city and county amendments to the building code **that apply to single family or multifamily buildings as defined in RCW 19.27.074**;
- (c) Reconsideration of council actions; and
- (d) Issuing opinions to local officials.

WAC 51-04-015 Definitions. (Unanimous Executive Committee vote)

(1) "Council" means the Washington ~~s~~State ~~b~~Building ~~e~~Code ~~e~~Council.

~~(2)~~ **"Local Official" and "Code Official" means the officer or other designated authority charged with the administration and enforcement of the codes adopted under RCW 19.27 and RCW 19.27A**

~~(2)~~ **(3)** "Emergency statewide amendment" means any proposed statewide amendment, the adoption of which is necessary immediately in order to protect life, safety or health of building occupants; preserve the structural integrity of buildings built to the state building code; to correct errors and omissions; or by the direction of the Washington ~~s~~State ~~l~~Legislature or federal legislation. Emergency statewide amendments to the state building code must be adopted in accordance with the Administrative Procedure Act, chapter **34.05** RCW.

~~(3)~~ **(4)** "Local government amendment" means any amendment to the state building code, as adopted by cities or counties for implementation and enforcement in their respective jurisdictions.

~~(4)~~ **(5)** "Local government residential amendment" means any amendment to the state building code, as adopted by cities or counties for implementation and enforcement in their respective jurisdictions, that applies to single and multifamily buildings as defined by RCW **19.27.015**.

~~(5)~~ **(6)** "Model codes" means the codes developed by the model code organizations and adopted by and referenced in chapter **19.27** RCW.

~~(6)~~ **(7)** "Model code organization(s)" means the national code-promulgating organizations that develop the model codes (as defined herein), such as the International Code Council, International Association of Plumbing and Mechanical Officials, and National Fire Protection Association.

~~(7)~~ **(8)** "State building code" means the codes adopted by and referenced in chapter **19.27** RCW; the state energy code; and any other codes so designated by the Washington ~~s~~State ~~l~~Legislature as adopted and amended by the council.

~~(8)~~ **(9)** "Statewide amendment" means any amendment to the **building model codes**, initiated through council action or by petition to the council from any agency, city or county, or interested individual or organization, that would have the effect of amending the building code for the entire state of Washington. Statewide amendments to the state building code must be adopted in accordance with the Administrative Procedure Act, chapter **34.05** RCW.

~~(9)~~ **(10)** "State building code update cycle" means that period during which the model code and standards referenced in chapter **19.27** RCW are updated and amended by the council in accordance with the Administrative Procedure Act, chapter **34.05** RCW hereinafter referred to as the "adoption period" and

those additional periods when code changes are received for review as proposed amendments to the model codes, hereinafter referred to as "submission periods."

WAC 51-04-018 Petition for preliminary review. (Unanimous Executive Committee vote with one ostentation)

An agency, city or county, ~~or other interested individual or organization~~ wishing to submit statewide or local government residential amendments to the building code for council consideration, may file with the council a petition for preliminary review of the statewide or local government residential amendment, in order to solicit comments from council members and interested parties, prior to council action.

The council may refer a petition for preliminary review to one of the council standing committees for review and comment.

WAC 51-04-020 Policies for the consideration of proposed statewide amendments. (Unanimous Executive Committee vote)

(1) The council will accept and consider petitions for emergency statewide amendments to the building code at any time, in accordance with RCW [19.27.074](#) and chapter [34.05](#) RCW. The council will accept and consider all petitions for statewide amendments ~~that meet the complete application requirements as set by the council~~ in conjunction with the state building code update cycle, in accordance with RCW [19.27.074](#) and chapter [34.05](#) RCW, and WAC [51-04-015](#) and 51-04-020 as follows:

(a) For the purpose of review and adoption of new model code editions and statewide amendment submission, the state building code shall be divided into two groups:

(i) Group 1: International Building Code (IBC); International Existing Building Code (IEBC); International Fire Code (IFC) Washington state energy code-commercial (WSEC-C) ~~and Wildland Urban Interface Code (WUI)~~.

(ii) Group 2: International Residential Code (IRC); International Mechanical Code (IMC); International Fuel Gas Code (IFGC); standards liquefied petroleum gas are National Fire Protection Association (NFPA) standards 58 and 54; Uniform Plumbing Code (UPC); Washington state energy code-residential (WSEC-R).

(b) The adoption period of new model codes commences when new editions of the model codes are available to the public. Within sixty days, the council shall publish a timeline to include a report of significant model code amendments and applicability of existing state amendments, followed by a submission period for new proposed statewide amendments.

(i) The council shall review Group 1 ~~model~~ codes and approve a report on significant changes and applicability of existing state amendments. The Group 1 report shall be posted on the council web site and a submission period of at least ~~two months~~ ~~sixty calendar days~~ shall be allowed for new proposed statewide amendments.

(ii) Upon completion ~~and posting~~ of the Group 1 ~~report~~, ~~public meetings~~, ~~Council actions and posting of the actions on the State Building Code Council's website~~ and provided ~~that~~ new editions of Group 2 model codes are available to

the public, the council shall review the Group 2 codes and approve a report on significant changes and applicability of existing state amendments. The Group 2 report shall be posted on the **State Building Code eCouncil's** web site and a submission period of at least ~~two months~~ **sixty calendar days** shall be allowed for new proposed statewide amendments

(2) The council shall review proposed new statewide amendments, and approve those meeting the appropriate criteria to file as proposed rules in accordance with chapter **34.05** RCW. The proposed rules filing shall include a small business economic impact statement in accordance with chapter **19.85** RCW.

(3) The council shall conduct at least two public hearings for each group **(one in Western Washington and one in Eastern Washington) following the filing of the proposed rules with the code revisers office.**

(4) Amendments to Group 1 codes during the Group 2 adoption shall be limited to code correlation, **correction of errors**, language clarification and updated section references.

(5) The code ~~adoption~~ **development** period shall conclude with formal adoption of the state building code as amended by the council. As required by RCW **19.27.074**, all decisions to adopt or amend the state building code shall be made prior to December 1st and shall not take effect before the end of the regular legislative session in the next year. Group 1 and 2 codes shall be filed with the code reviser at the same time.

~~(5)~~ (6) State amendments as approved by the council shall be submitted to the appropriate model code organization, at the direction of the council, except those adopted for consistency with state statutes or regulation and held for further review during the adoption period of those model codes by the council. The effective date of any statewide amendments shall be the same as the effective date of the new edition of the **state** model codes, except for emergency amendments adopted in accordance with chapter **34.05** RCW and deemed appropriate by the council.

WAC 51-04-025 Procedure for submittal of proposed statewide amendments.
(Unanimous Executive Committee vote)

(1) Statewide and emergency statewide amendments to the state building code shall conform to the purposes, objectives, and standards prescribed in RCW **19.27.020**.

~~All p~~**Proposed statewide amendments shall be complete, include a detailed economic analysis of impacts of the proposed statewide amendment and be** submitted in writing to the council, on the form provided by the council. The amendment must address existing model code language; a change in the model codes since a previous edition; or an existing state or local amendment to the model code; or a portion of the state code other than the model code. The state building code council shall consider the action of the model code organizations in their consideration of these proposals.

Statewide and emergency statewide amendments to the state building code shall be based on one of the following criteria:

(a) The amendment is needed to address a critical life/safety need.

(b) The amendment clarifies the intent or application of the code.
(c) The amendment is necessary for consistency with state or federal regulations.

(d) The amendment corrects errors and omissions.

(e) The amendment eliminates an obsolete, conflicting, duplicating or unnecessary regulation.

(2) Petitions for statewide amendments to the building code shall be submitted to the council during the submission period and the adoption period in accordance with WAC [51-04-020](#). Minimum requirements specified on the form for submittals must be included. Incomplete submittals will be held for thirty days and the proponent will be notified with a request for more information. If after thirty days, the applicant has not provided requested information for a complete application, the proponent's proposal will be deemed incomplete and shall not move forward.

(3) Petitions for emergency statewide amendments to the building code may be submitted at any time, in accordance with RCW [19.27.074](#) and chapter [34.05](#) RCW, and WAC [51-04-015](#) and [51-04-020](#).

The council may refer a proposed statewide amendment to one of the council standing committees for review and comment prior to council action in accordance with chapter [34.05](#) RCW.

(4) The council shall consider and take action on all proposed statewide amendments within the time frames required by chapter [19.27](#) RCW, RCW [34.05.330](#), and all other deadlines established by statute.

WAC 51-04-030 Policies for consideration of proposed local government residential amendments. (Unanimous Executive Committee vote)

(1) All amendments to the building code, as adopted by cities and counties for implementation and enforcement in their respective jurisdictions, that apply to single and multifamily buildings as defined by RCW [19.27.015](#), shall be submitted to the council for approval.

(2) The council shall consider and approve or deny all proposed local government residential amendments to the state building code as presented to the council within ninety calendar days of receipt of a proposal, unless alternative scheduling is agreed to by the council and the proposing entity. Where a proposed local government residential amendment is modified upon adoption by the city or county legislative body, it shall be resubmitted to the council. Local government residential amendments shall not be effective until approved by the council and the local governing authority.

(3) All local government residential amendments to the building code that require council approval shall be submitted in writing to the council, by the authorized local code or elected official, prior to implementation and enforcement of the amendment by the local jurisdiction. All local amendments submitted for review shall be accompanied by findings of fact justifying the adoption of the local amendment in accordance with the five criteria noted below in this section.

(4) It is the policy of the council to encourage joint proposals for local government residential amendments from more than one jurisdiction. Local

government residential amendments submitted to the council for approval shall be based on:

- (a) Climatic conditions that are unique to the jurisdiction.
- (b) Geologic or seismic conditions that are unique to the jurisdiction.
- (c) Environmental impacts such as noise, dust, etc., that are unique to the jurisdiction.
- (d) Life, health, or safety conditions that are unique to the local jurisdiction.
- (e) Other special conditions that are unique to the jurisdiction.

EXCEPTION: Local government residential amendments to administrative provisions (departmental operational procedures) contained within the state building code need not be submitted to the council for review and approval provided that such amendments do not alter the construction requirements of those chapters.

(5) Appendices to the codes that affect single and multifamily residential buildings as defined by RCW [19.27.015](#) that are not adopted by the council shall be submitted to the council for consideration as local government residential amendments to the building code.

Local government residential amendments shall conform to the limitations provided in RCW [19.27.040](#).

WAC 51-04-035 Procedure for submittal of proposed local government residential amendments. (Unanimous Executive Committee vote)

All proposed local government residential amendments to the state building code shall be submitted in writing to the council, on a form provided by the council, along with findings of fact as required in WAC [51-04-030](#) for the proposed amendment. Local government residential amendments to administrative provisions (departmental operational procedures) contained within the state building code need not be submitted to the council for review and approval provided that such amendment does not affect the construction requirements of those chapters.

The council shall accept and consider all applications for review of local government residential amendments submitted to the council in a proper manner.

The council may refer a proposed local government residential amendment to one of the council standing committees for review and comment prior to council action in accordance with RCW [19.27.074](#).

WAC 51-04-037 Preapproved local government residential amendments. (Unanimous Executive Committee vote)

Any local government residential amendment, that the council determines to be appropriate for adoption by other local governments, may be designated as a preapproved local government residential amendment.

A preapproved local government residential amendment may be adopted by any local government upon notification of the council.

WAC 51-04-040 Reconsideration. (Unanimous Executive Committee vote)

(1) When the council approves, denies or modifies a statewide or local amendment to the building code, any party with written or oral testimony to the

council related to the amendment on the record may file a petition for reconsideration. The petition must be received by the Washington State Building Code Council, 1500 Jefferson Avenue S.E., P.O. Box 41449, Olympia, Washington 98504-1449, within twenty calendar days of the date of notification of the council action on the amendment. The petition must give specific reasons for why the council should reconsider the amendment for approval or denial.

(2) Within sixty calendar days of receipt of a timely petition for reconsideration, the council shall in writing:

(a) Grant the petition for reconsideration and enter rule making to revise the amendment;

(b) Deny the petition for reconsideration, giving reasons for the denial; or

(c) Request additional information and extend the time period for not more than thirty calendar days to either grant or deny the petition for reconsideration.

(3) The council's denial of a proposed statewide or local government amendment, or the council denial of a petition for reconsideration under this section, is subject to judicial review under chapter [34.05](#) RCW.

WAC 51-04-050 Ex parte communications. (Unanimous Executive Committee vote)

All written communications received by council members ~~during council rule-making proceedings~~, shall be forwarded to staff for inclusion in the public record.

WAC 51-04-060 Opinions. (Unanimous Executive Committee vote)

RCW [19.27.031](#) grants the council authority to render opinions relating to the building code at the request of a local code official.

For the purposes of this section, the term "code official" means the local or state official, or their designee, responsible for implementation and enforcement of the specific code provision on which the opinion is requested.

At the request of a code official, the council will issue opinions relating to the codes adopted under chapters [19.27](#), 19.27A, and [70.92](#) RCW, ~~including the state energy code, the state ventilation and indoor air quality code~~, and council amendments to the model codes. At the request of a local code official, the council may issue opinions on the applicability of WAC [51-04-030](#) to a local government ordinance regulating construction.

Council related opinions may be developed and approved by a standing committee of the council.

Opinions approved by a standing committee may be reviewed and modified by the council.

WAC 51-04-070 Council mailing address. (Unanimous Executive Committee vote)

All requests for information, documentation, etc., should be submitted to:
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