



STATE OF WASHINGTON

## STATE BUILDING CODE COUNCIL

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### SUMMARY COUNCIL MEETING MINUTES

**LOCATION:** DES Building, Presentation Room  
1500 Jefferson Street  
Olympia, Washington

**MEETING DATE:** March 11, 2016

Agenda Items	Committee Actions/Discussion
1. Welcome and Introductions	Meeting was called to order at 10:02 a.m.  <b><u>Members in Attendance:</u></b> Steve Simpson, Chairman; Dave DeWitte, Vice Chairman; Diane Glenn; Leanne Guier; Duane Jonlin; Dave Kokot; Doug Orth; Sandra Romero; Jim Tinner; Eric Vander Mey <b><u>Staff in Attendance:</u></b> Tim Nogler, Managing Director; Joanne McCaughan, Peggy Bryden, Krista Braaksma, Dawn Cortez, Council's AAG <b><u>Visitors Present:</u></b> Jed Scheuermann, Fred Volkers, Tom Young, Jan Rohila, Jan Himebaugh, Adam Frank, Al Audette, Jerry Vanderlund, Jeanette McKague, Traci Harvey, Suzanne Mayr, David Hanson, Lisa Rosenow, Roger LeBrun
2. Review and Approve the Agenda	The agenda was approved as modified adding an item under Other Business.
3. Review and Approve Minutes of January 8 and January 23, 2016	The minutes were approved as presented.
4. Public Comment of Items Not On the Agenda	Fred Volkers, Washington, Journeyman Plumber. He would like to remind the Council today is World Plumbing Day. A statement was read speaking to the wonders plumbing has done for the world. He distributed a commemorative pin and literature. <b>Diane Glenn moved the Council recognize World Plumbing Day, it was seconded and motion carried.</b>
5. Cannabis TAG	Tim gave some information. A TAG has been formed to look at the provisions within the Fire Code and Building Code. There is a temporary emergency rule pending the TAG meeting and developing a new chapter to address marijuana facilities. The Council is to appoint this TAG. This is a good group, with Steve Simpson as chair until the Governor appoints a replacement for Dave Kokot. Dave Kokot mentions that ICC took Ch.38 and they revised it. The anticipation is we would use the ICC version <b>Duane Jonlin moved to accept the Cannabis TAG as it is shown. Seconded by Jim Tinner. Motion carried.</b>

<p><b>6. Energy Code Appendix A Default U-factors</b></p>	<p>Tim gave an overview of the request from Tom Young and Tonia Neal to reconsider what they are calling an error in the publication of the Commercial Energy Code. In appendix chapter A there are tables that are a part of the energy code. The question is whether the CMU default values were changed by Council action or if the existing values remain in effect. Duane mentioned the action taken with the TAG introduced his own table based on national testing labs stats in a format that he thought would be more useful. This was part of a package deal that the TAG moved forward. Since the Council voted down the main part of the CMU change, he felt it was appropriate this table be cut out as well.</p> <p>Tom Young with NWCMA, submitted a letter to the Council stating that the 2012 table should stay in.</p> <p>Lisa Rosenow with NEEC felt the original table doesn't provide U-value guidance for common applications.</p> <p><b>Duane Jonlin moved the Council strike the changes to the CMU default values in Appendix A and replace it with the 2012 language. Sandra Romero seconded the motion.</b> Tim Nogler noted this would be considered a typographical error that occurred in the filing of the 2015 code through an expedited rule. <b>The motion carried.</b></p>
<p><b>7. Committee Reports</b></p> <p>MVE Committee</p>	<p><b>MVE Committee</b></p> <p>This was presented by Eric Vander May. The Committee met on Thursday, March 10. The interpretation request for 2012 energy code was discussed but was not responded to at this time. The Committee feels more research is needed. Clark County agreed to withdraw the interpretation and resubmit it under the 2015 energy code. There are some questions the Committee needs to have answered.</p> <p>The Committee then reviewed the 17 code change proposals for the 2015 energy code. They classified the proposals as typographical errors and could be submitted as an expedited rule and items recommended for permanent rule making. A summary of the list was distributed. The Committee also determined based on the discussion in the meeting, that none of the proposals need to go to the TAG. 16-E11 was split and we are taking part of it into the expedited rule, which is part of the strike-through and part of it into the permanent rule. We found the documentation that supports that systems 5, 7, 8, and 10 should be included and be considered a typographical error since it did not correlate with TAG action taken on 15-E122 and 15-E124</p> <p>Dave DeWitte, in response to the request at what depth the Council wants to review these; how much time was spent on these to arrive at the recommendation. Eric responded they had been gone through line item by line item for one and a half hours and reviewed by many people.</p> <p>Dave Kokot commented that those that were typos or expedited are the ones we are trying to get done quicker. He suggested these be posted for public comment. The permanent rule items will be heard in public hearings so we could take action and move them forward. Diane Glenn agrees with Kokot on this issue.</p>

Tim Nogler suggests posting the errata to review the errors that have been found in the code. Duane feels the errata are too hard to find. Doug Tinner asks the AAG, Dawn Cortez, for her opinion. She asked if the public was given notice before this meeting what will be done. Eric said the action was made public on the agenda. Dawn stated the Council could go forward with a notice that you have done this or set a special meeting and allow people to come forward and address the issue.

Al Audette with BIAW. He was in attendance at the Committee meeting and he agrees with Jonlin and Vander May in their recommendations.

Jan Himebaugh with BIAW, points out the frustration with the amount of errors. She agrees that these errors should be posting them now because people are designing now what the code will be. This is again not what the Council submitted. The energy code has many people looking at it. This makes people wonder about the other codes accuracy.

Duane asked Jan if the Council was better staffed and had more review time we would be able to address the issues. Jan replied it depends on what your definition of better staffed means.

**Duane Jonlin moved the Council have Eric briefly run through what we intend for the typographical errors and the Council then act on whether to send these forward to expedited rule. The motion was seconded by Doug Orth. The motion carried.**

Eric reviewed E-01. **Duane Jonlin moved to accept the items identified in E-01 as typos and move to expedited rulemaking, motion seconded by Doug Orth. Motion approved.**

E-06, typos. Letters different on first page than second page. **Dave Kokot moved to approve the motion. Seconded by Doug Orth. Motion passed.**

E-08 put back table that was accidentally stricken through. **Duane Jonlin moved to approve this as an expedited rule. Dave Kokot seconds the motion. Motion carried.**

E-11 which was discussed previously. **Duane moved to expedited rulemaking. Doug Orth seconded the motion. The motion passed.**

E-12 has typographical errors. Strikethroughs were deemed as permanent rule making. **Duane moved to approve as expedited rule. Doug Orth seconded. The motion carried.**

This is the extent of those marked for expedited rules.

**Eric made a motion for Item E-09 that the committee recommended returning it to the proponent to have them develop better language and resubmit next year. Doug Orth seconded the motion. Sandra Romero asked for clarification, which Eric gave her. The motion carried.**

**Eric made a motion to move forward with the remaining items identified for permanent rulemaking as indicated. Rod Bault seconded the motion. Steve reminds Council this will go into permanent rulemaking and the public process.**

	<p>Duane discussed that the second edition could be published as we usually do; this would occur in 2017. Eric noted that the Committee did review each of these and determined they do not need to go to the TAG. <b>Motion carried.</b></p>
<b>Energy Code Report to Legislature</b>	<p>Tim Nogler stated that the report had been posted on the website. However, OFM and the Governor requested some revisions. They felt there is too much emphasis on the staff levels and process and not enough emphasis on progress on the energy code and the Council will need to revise it and re-submit.</p> <p>Eric asked when the feedback was received. Yesterday afternoon was Tim's reply. Duane asked is energy saving analysis needed. Tim said that information and analysis is needed. We may have that later this year, when the information will be available from the utilities. Steve asked how to proceed.</p> <p>Doug Orth feels there should be a stronger emphasis on progress and less emphasis on staffing issues.</p> <p>Diane Glenn discussed the idea of providing a range of numbers and suggested a special meeting for this.</p> <p>Leanne Guier asked if there is a timeline on resubmitting the report. No was the answer. Doug asked about the December deadline. Tim noted that we have posted several versions. Doug states we should make a good faith effort. Eric suggested the timeline is insufficient in terms of our process deadlines in conjunction with the due date. Dave Kokot notes the Council gets a lot of unfunded mandates; that is what this is. We don't have the manpower to do what is required. We need to incorporate that reality.</p> <p><b>Public Comment</b></p> <p>Jan Himebaugh, BIAW, agrees with the Governor about the issue around staffing; some of the information in the technical report should not be included. The Council might want to send a note to the Governor indicating the report is to the legislature, not the Governor.</p> <p>The numbers need to add up if they are in the report. Industry needs to feel as though the ball is moving.</p> <p>Tim indicated he would do a revision of the report and circulate to the Council for comments.</p>
BFP Committee	<p><b>INTERPRETATION</b></p> <p>The interpretation request from Snohomish County was tabled for further review at a future meeting.</p> <p>Tim noted there was also the discussion of Seattle's Local Amendment request regarding revision of Appendix U. It does not include solar hot water, and it need not consider future shading from trees. Seattle is requesting approval from SBCC. Tim noted the Council has a process and forms for considering local amendments, which were not used in this case. The form also asks for finding of facts on why the amendment is needed. Duane felt Seattle met the uniqueness criteria in that they have a construction codes advisory board that dictates changes to their codes. Homebuilders in Seattle wanted the changes. This is the result. He also felt other</p>

jurisdictions may also want to use these changes.

Diane Glenn is unclear about the tree issue; Duane noted it was a question of shading in the present vs. the future shading.

**No public comment on this matter.**

**Jim Tinner moved for approval; Sandra Romero seconded the motion.**

Kokot asked for the reason how it meets any of our criteria for code change. Steve reminded the Council that this would only be for Seattle, and it would not change the model code. Kokot asked if this is unique to Seattle can others adopt it if they want to do so later. We need to be specific that it can only apply to the City of Seattle. Steve read the WAC 51-04-030 into the record. Unique impacts to the jurisdiction must be included.

Duane noted the issue is whether Seattle has this governing body that requires them to adopt such ordinances.

Jim asked about how the trees apply to the house or residence itself. Kokot asks how this was approved by the City Council. Eric states he is a member of the board and was involved in meetings to move it forward; it is an improvement to the rule. AAG Dawn Cortez notes it is required to have the governing body of the jurisdiction approve of the ordinance. **Jim withdrew the motion. The second was also withdrawn.**

Duane will return at the next meeting with the form requested. No action is required today as it is still within the 90 day timeframe.

Jim asks if the City of Seattle owns City Light. The answer is yes.

#### **IBC CODE CHANGE PROPOSAL , 16-02**

Tim reviewed the proposed amendment regarding the consistency with the Electrical Code.

There was a motion to adopt it as an emergency rule at the Committee. There was some dissent that it did not meet the emergency rule requirement

Jim noted it is up to L&I and locals to enforce the rule under their jurisdiction.

Duane does not believe it would be an emergency rule; it would not be a safety issue. Jim feels we are doing a disservice to industry partners if we don't make this change due to certain inconsistencies.

**Public Comment. None was received.**

Doug asked the AAG for clarification on what is required for an emergency rule. Dawn replied that we don't give legal advice in a public meeting. Tim answered the question by reading RCW concerning emergency rules. Steve feels this seems like it would meet the criteria. Dawn recommends caution. Doug mentioned he has a project he is working on now that this affects; however it is not an emergency rule.

Steve stated this could be referred to a TAG or it could be moved into permanent rulemaking.

**Jim moved to put this forward into permanent rulemaking. Dave DeWitte**

	<p><b>seconded.</b></p> <p>Kokot notes we need to be careful. He is not in support of the motion. <b>The motion carried.</b></p>
<b>Legislative Committee</b>	<p>Leanne Guier reported the Committee met several times. Tim reported that there is a special session and there were several bills that could have affected the Council. There is still discussion on trying to negotiate the differences. One issue is the possible six year cycle as a tradeoff for the temporary fee increase, no agreement has been reached.</p>
<b>8. Review Council Bylaws and Procedures</b>	<p>Steve recommends the Council address these issues at the next meeting.</p> <p>Al Audette with BIAW asked if there would be public comment at the next meeting. Steve indicated the item would be on the agenda at the next meeting.</p> <p><b>Jim moved to have the Bylaws and Procedures on the next Council meeting agenda. The motion was seconded by Doug Orth. The motion carried.</b></p>
<b>9. Executive Session</b>	<p>The Council members went into Executive Session. The meeting reconvened at 12:47 p.m.</p>
<b>10. Possible Action on Legal Issues</b>	<p><b>A motion to handle the lawsuit as discussed in the executive session was made and carried.</b></p>
<b>11. Staff Report</b>	<p>Tim discussed the operations of the Council in terms of the declining fund balance. In order to maintain any fund balance, we will need to take action.</p> <p>Duane noted that in the depths of the recession, permit volume was at one quarter of the boom years, and it has doubled. The stats Tim has indicate that we have not received double what it was in the recession. Tim said we have had a lag in the revenue; our lag year was in 2013 and we began recovery in 2014. Cities and counties had RIFs, and fewer permits were issued. Now it is coming back and new staff are being hired thus there are more permits issued, especially for alterations and repairs. There is no validation to this theory. Routine audit work would be required to be more specific.</p>
<b>12. Other Business</b>	<p>Tim reported that the next regular scheduled meeting is on Friday, May 13.</p>
<b>13. Adjourn</b>	<p>The meeting was adjourned at 12:56 p.m.</p>