



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

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STATE BUILDING CODE COUNCIL SUMMARY MEETING MINUTES

LOCATION: The meeting was held at 1500 Jefferson St SE,
Olympia, WA; Room 1213, with Zoom and
teleconference options

MEETING DATE: Friday, October 21, 2022

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

Members Absent: Matthew Hepner

Staff In Attendance: Stoyan Bumbalov, Managing Director; Dave Merchant, Assistant Attorney General; Krista Braaksma; Dustin Curb; Annette Haworth

Visitors Present: Bryan Ahee, Kurt Aldworth, Cale Ash, Rahul Athalye, Kim Barker, Terry Beals, Todd Blevins, Max Booth, Karen Brady, Joseph Briscar, Andi Burnham, George Caan, Julius Carreon, Ian Casey, Paul Clark, Greg Davenport, Danielle Delahanty, Kinley Deller, Kevin Duell, Brian Emanuels, Christopher Ferguson, John Frankel, Mark Frankel, Jenifer Gilliland, Justin Grant, Ted Guastello, Angela Haupt, Nora Hawkins, Gary Heikkinen, William Hill, Luke Howard, Ardel Jala, Ty Jennings, Hoyt Jeter, Mark Jung, David Kinley, Jonny Kocher, Rachel Koller, Jon Lange, Ann Larson, Jim Lazar, Andie Lorenz, Carol Manus, Angeleena May, Megan McPhaden, Dave Nakagawara, Dave Nehren, Scott Nelson, Evan Neustater, Jenny Nickerson, Erik Olton, Scott Peterson, Kathleen Petrie, Liz Reichart, Sandra Richartz, Kevin Rose, Ray Shipman, Jon Siu, Andrea Smith, Brian Smith, Al Spaulding, David Spencer, Nadia Stewart, Kurt Swanson, David Swasey, Gavin Tenold, Nate Tilson, Brittany Wagner, Alan Wallace, Amy Wheelless, Bill Will, John Williams, Samantha Wohlfel, Heather Womeldorf, Ron Wright

Agenda Items	Committee Actions/Discussion
1. Welcome and Introductions	The meeting was called to order at 10:00 a.m. by Council Chair, Tony Doan. Everyone was welcomed and roll was called. A quorum was present.

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.

<ul style="list-style-type: none"> • WUI • IMC/IFGC • WSEC-Residential 	<p>representing WABO and he was told the AG had an opinion on this matter and Corey Wilker requested the opinion from the AG, in writing, as it seems to be a breach of etiquette. Corey Wilker then spoke in opposition to proposal 21-GP2-057 and indicated the CR-102 was filed incorrectly. Micah Chappell indicated this proposal is suggested to provide standardized code language. There was further discussion about the IPC vs the UPC and alternate means and methods.</p> <p>Micah Chappell, proponent, reviewed the proposals and then asked Jon Siu to review the public comment and provide explanation where needed. Jon Siu provided an overview of the proposal and included explanation along with answering some clarifying questions from the Council. Micah Chappell provided further information in regard to working with DNR and Fire Marshals. There were further clarifying questions asked by Council and answered either by Jon Siu or Micah Chappell. It was noted there was overwhelming opposition from public comment. The legal aspect of adopting the WUI Code was discussed. There was discussion regarding the health and safety of the public. There was discussion on the clearness of and enforceability of the WUI Code. Micah Chappell noted the designation is already in effect and this proposal is intended to provide guidance to assist with finding of fact and tying in with the DRN map.</p> <p>Caroline Traube, IMC TAG Chair, provided an overview of the public comments. There was discussion on range hoods, MERV13 filter, and ventilation. There was discussion on supply issues and limiting the options.</p> <p>Kjell Anderson, WSEC TAG Chair, provided an overview and noted the two options in the CR-102.</p> <p>There were comments and concerns made on legal mandate, the limiting of options, intent of the proposal versus the impact of limiting to a single fuel source, the potential strain on the grid and the unpreparedness at this time. It was noted this proposal is not a gas ban or single fuel source but an energy efficiency standard.</p>
<p>6. Request for Reconsideration – Washington Public Utility Districts Association (WPUDA)</p> <ul style="list-style-type: none"> • WAC 51-11C; Section C411.1 	<p>Stoyan Bumbalov stated the Council previously voted no as the proposal wasn't filed at the time of the request. Now it has been filed and the proponent has resubmitted his revised request. Stoyan Bumbalov also noted PNNL has submitted their response to the request for consideration as they developed the final cost benefit analysis for the proposal in question. Stoyan Bumbalov indicated a vote by the Council was expected today to either accept or reject the petition.</p> <p>Nicolas Garcia, proponent, spoke in support of his request for reconsideration.</p> <p>He specified he is requesting that the Council repeal the newly adopted amendment to WAC 51-11C-41100 (Section C411.1, On-site renewable energy) for two reasons. First, the petition maintains</p>

that the Council's response to the WPUDA comments regarding the proposed rule as provided in the Concise Explanatory Statement (CES) failed to comply with RCW 34.05.328(5) because the CES does not fully explain how the Council considered the comments and why it chose not to do so. Second, the petition claims that information provided to the Council during the rulemaking period regarding the cost effectiveness of the on-site renewable energy rule proposal is flawed, and that no reasonable person could conclude that the probable benefits of the code change are greater than the probable costs.

After his presentation, Mr. Garcia responded to questions and comments from Council members. The Council also heard comments from the public and considered written submissions from several experts on energy code measurement, including the Pacific Northwest National Laboratory (PNNL), which was retained by the Council to conduct an independent cost analysis of the on-site renewable energy rule proposal; the Washington Solar Energy Industries Association; and Jim Lazar, an economist who has served as an Energy Code TAG member and PUD Commissioner. These commenters agreed that the cost analysis relied upon by the Council in adopting the proposed rule was reasonable.

During the Council's discussion, members noted that the raised concerns were brought up in the Energy Code TAG when it first considered and recommended the rule proposal. One member observed that current energy rates in the Seattle-Tacoma-Bellevue area as reported by the U.S. Bureau of Labor Statistics and Puget Sound Energy are in line with the cost assumptions presented to the Council when it voted to adopt the on-site renewable energy rule. Council members further acknowledged that there are many different ways of preparing an energy cost analysis, but the Council's methods work quite well against a broad swath of different measures.

The proponent was specifically asked about his response to PNNL's letter, as it appears PNNL has gone through the proponent's letter, point by point and providing reasons why the original proposal was valid. The proponent was also asked for his response to the WASEIA letter.

The proponent responded that RCW 34.05.328 requires regulatory agencies, including the SBCC, when they issue a rule, to demonstrate that the probable benefits exceed the probable cost. He specified WPUDA is asserting that they don't know what the probable benefits are because the numbers being used in the analysis are wrong. He then noted that the PNNL letter appear to rely on a calculation that is not accurate.

It was noted that there doesn't seem to be any need to reconsider the request based on the information provided. It was noted that in trying to achieve 70% reduction goal, as legislatively mandated, is by providing the least burdens alternative.

	<p>Discussion ensued on the issue of Council not being in compliance with reviewing and considering public comments. Dave Merchant, Assistant Attorney General, noted the requirement is that the decision-making body receive comments and consider them.</p> <p>Public comment was heard in opposition of the request.</p> <p>Motion: Jay Arnold moved to reject the request for reconsideration, Katy Sheehan seconded, and the motion passed 9 to 4.</p>
<p>7. 2021 WA Code Implementation Date – Vote by Council</p>	<p>Micah Chappell recapped the discussion from the last Council meeting. He noted that the request is to have a complete, usable, end-user document. He also noted that Stoyan Bumbalov indicated he wouldn't be creating insert pages which led to the proposal from Micah Chappell.</p> <p>Motion: Micah Chappell moved to delay the implementation date from July 1, 2023, to November 1, 2023, to allow for publication of a complete resource of all codes, Al French seconded, and the motion failed 7 to 5 with one abstention.</p> <p>Council discussion included comments in favor of insert pages and a complete document for the end-users. It was noted there hasn't been a written plan provided, covering the steps and timeline of the request to change the implementation date, which would assist with making a decision to change the implementation date. There were also comments in opposition to changing the implementation date, as this date has been known and used for planning purposes. It was noted the Council isn't mandated to publish a Washington Code. There was discussion on how long it would take to get a published version of the Code Book along with the availability of an on-line version.</p> <p>Stoyan Bumbalov, Managing Director, emailed a draft document to Council to include a schedule and estimate of staff's time commitment and involvement to create insert pages along with staff's other required duties during this timeframe. Stoyan Bumbalov also noted he has ideas for the 2024 Code Cycle changes and said delaying the implementation date, now, is not the right time. He repeated his comment from the previous Council meeting that his plan was to provide a better document including all state amendments and rationale for each amendment, instead of insert pages.</p> <p>Micah Chappell indicated WABO volunteers would be working on the documents and Council staff wouldn't be required to do additional work. Micah Chappell noted a Code book was produced for the last code cycle.</p> <p>Public comment was heard with both opposition to the delay of the implementation date and support of delaying the implementation date to get a comprehensive Code Book.</p> <p>Further Council discussion was held on the process needed if changing the implementation date and how this would affect the</p>

	<p>Group 1 Codes that were already adopted. The legality of using SBCC logo and responsibility of SBCC was discussed. It was again mentioned that delaying the implementation date was not a favorable option, at this time. It was also noted that ICC publications incur a cost.</p> <p>Motion: Micah Chappell moved to delay the implementation date from July 1, 2023, to October 1, 2023, Al French seconded, and the motion failed 7 to 5 with 1 abstention.</p> <p>It was noted the implementation date on the CR-103 for Group 1 Codes and the CR-102 for Group 2 Codes is July 1, 2023.</p> <p>Motion: Kjell Anderson moved to direct staff to prepare insert pages by the end of April 2023 for Group 1 and Group 2 Codes per the CR-103 and CR-102, respectively, and confirm that the 2021 codes will go into effect July 1, 2023, Jay Arnold seconded, and the motion passed 10 to 2 with 1 abstention.</p>
<p>8. Request for Emergency Rule</p> <ul style="list-style-type: none"> • Adopt R-4 Occupancy Group in 2018 IBC and 2018 IFC 	<p>Stoyan Bumbalov reviewed the request and noted there were six letters in support of the request, including one from the Governor's Office.</p> <p>Al Spaulding, proponent, requested Council support of the request. He provided additional background for the request.</p> <p>Council discussed the need for an emergency rule and inquired about the process. There were some comments of concern of not meeting the criteria of an emergency rule and additional modifications are needed before being voted on. There was a suggestion to form a workgroup consisting of the proponent and some Council members to better prepare for discussion at the next Council meeting on November 4, 2022.</p> <p>Motion: Kjell Anderson moved to table the discussion until the next Council meeting, Craig Holt seconded, and the motion passed unanimously.</p>
<p>9. Request for Opinion</p> <ul style="list-style-type: none"> • Considering the Use of R-4 occupancy as Alternate Approval 	<p>Stoyan Bumbalov reviewed the question submitted and the answer prepared by staff.</p> <p>Motion: Kjell Anderson moved to extend the meeting to 4:30pm, Jay Arnold seconded, and the motion passed. Corey Wilker indicated he wouldn't be able to stay to the extended time.</p> <p>It was recommended to further discuss the request at the next Council meeting due to the previous motion to table the discussion of the prior agenda item.</p> <p>Motion: Micah Chappell moved to table the discussion until the next Council meeting, after discussion on the emergency rule, Craig Holt seconded, and the motion passed unanimously.</p>
<p>10. Discuss a Potential Conflict between WAC 51 and RCW 43.216.692</p>	<p>Stoyan Bumbalov introduced the topic and noted there wasn't a need for a vote, but some recommendation from Council would be appreciated.</p>

<ul style="list-style-type: none"> Modify the Definition of CHILD CARE, FAMILY HOME in 2018 IBC, 2018 IRC, and 2018 IFC 	<p>Ardel Jala, Building Official, SDCI at City of Seattle, spoke to the topic and asked for consideration of an off-cycle rule.</p> <p>Council held discussion on the topic. They asked questions of Ardel Jala, who provided responses. It was noted there isn't any proposal or proposed language, at this time. There was discussion on who would be the appropriate group to work on this issue. Discussion was held on the waivers that are requested and issued and it was noted more information is needed on the topic. Discussion regarding the different codes involved was held.</p> <p>Stoyan Bumbalov noted he would reach out and work with The Department of Children, Youth, and Families along with IRC and IBC TAG members.</p>
<p>11. Other Business</p>	<p>It was asked what the next steps and expectations for the next two Council meetings are. Stoyan Bumbalov responded the November 4 meeting will be for the WSEC-R and IMC along with the Cost Benefit Analysis Report from PNNL. The November 18 meeting will be for all other codes in Group 2. It was noted the MVE will be holding a meeting prior to the Council meetings in November.</p>
<p>12. Staff Report</p>	<p>Due to time constraints, no staff report was given.</p>
<p>13. Adjourn</p>	<p>Meeting was adjourned at 4:26 p.m.</p>