



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, April 21, 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, Lorin Lathrop, Senator Lynda Wilson

Members Absent: Roger Heeringa

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

Visitors Present: Bryan Ahee, Drew Anderson, Larry Andrews, Tim Attebery, Kim Barker, Katie Beeson, Caleb Blanton, Jim Breidenbach, Ken Brouillette, Andi Burnham, Josie Cummings, Sean Denniston, Kevin Duell, Jim Edelson, Chris Edmark, Noelia Gravotta, Tricia Gullion, Jan Hasselman, Patrick Hayes, Paul Hinty, Andi Hochleutner, Mary Hull-Drury, Morgan Jackson, Ardel Jala, Ty Jennings, M Johnson, Jonny Kocher, Rachel Koller, Eric Lacey, Scott Lang, Megan Larkin, Ramona Locken, Carolyn Logue, Samantha Louderback, Noelle Lovern, Riley Lynch, Teil Massie, Seth McKinney, Kathleen Petrie, Dylan Plummer, Jed Reynolds, Tena Risley, Kevin Rose, Lisa Rosenow, John Rothlin, Ruth Sawyer, Jed Scheuermann, Gregg Schrader, Ray Shipman, Jessie Simmons, Deepa Sivarajan, Andrea Smith, Al Spaulding, Poppy Storm, David Swasey, Steve Tapio, Gavin Tenold, Charlee Thompson, Ted Tiffany, Nate Tilson, Eric Vander Mey, Amy Wheelless, Steven Wilcox, Bill Will, Richard Williams, Michele Willms, Ron Wright, Tom Young

Agenda Items	Council Actions/Discussion
1. Welcome and Introductions <ul style="list-style-type: none">New Council Members	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 and the new council members (Justin Bourgault, Tom Handy and Tye Menser) took a moment to introduce themselves.
2. Review and Approve Agenda	Motion: Daimon Doyle moved to approve the Agenda, Craig Holt seconded, the motion passed.
3. Executive Session	The Council recessed into executive session at 10:07 a.m.

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	The meeting was called back to order at 11:15 a.m.
4. Review and Approve Minutes from March 17, 2023	Motion: Jay Arnold moved to approve the minutes from March 17, Micah Chappell seconded, the motion passed.
5. Public Comment on Items Not on the Agenda	Larry Andrews, a member of the public, shared his concern with the Council that there should have been public comment on the minutes as it indicates on the agenda, prior to a vote by the Council.
6. Requests to Delay the Energy Code Effective Date <ul style="list-style-type: none"> • Building Industry Association of Washington (BIAW) 	<p>Andrea Smith, BIAW, provided background pertaining to the request to delay the Energy Code effective date to November 1, 2023.</p> <p>Public comment was heard with nine opposing the delay and five in support of the delay.</p> <p>Council members discussed the request with some speaking in favor of the delay and others opposing the delay and all providing reasons for their position.</p> <p>Motion: Daimon Doyle moved to delay the effective date of the Energy Codes with Emergency Rulemaking on June 30 for 120 days to reconsider issues in the Codes, Tom Handy seconded.</p> <p>Daimon Doyle spoke to his motion. Tom Handy spoke to the motion as seconder of the motion.</p> <p>Amended Motion: Micah Chappell made an amendment to include all codes in the motion. The amendment was agreed to by both Daimon Doyle and Tom Handy.</p> <p>Further discussion was held to include the process for delaying the codes, the consequences of a delay, previous reasons for delaying the codes, and the benefits of delaying the codes. The timeframe for training the industry was discussed.</p> <p>Stoyan Bumbalov provided clarification in response to some of the discussion by stating the Council staff is currently working on errata for all codes, insert pages, preparing for meetings, public records requests and specified that in order for staff to be able to do a good job on the errata, feedback is needed from the stakeholders, which is not happening. As an example, Stoyan Bumbalov noted that Group 1 Codes were adopted in April 2022, the CR-103 documents were available in May 2022, emails were sent to many stakeholders and councilmembers, including stakeholders and councilmembers who are now requesting a delay in the effective date, but the SBCC staff didn't receive any feedback on Group 1 Codes. He went on to include information on Group 2 Codes that were adopted in November 2022, the CR-103 was available in January, but only a few emails with feedback were received. Stoyan Bumbalov specified that about a month ago WABO volunteers working on the publishing of the Washington State codes began providing the SBCC staff with the mistakes they were finding. He then noted that if the Codes effective date is delayed for the reasons outlined during the discussion, it will</p>

	<p>happen every code cycle, and that would mean there is something wrong with the SBCC procedures. Stoyan Bumbalov also indicated he is working on the Council bylaws, policies and procedures and he will be holding a meeting with the workgroup to discuss the issues.</p> <p>Motion with amendment as stated by the Chair: Move to delay the effective date of All Codes with Emergency Rulemaking effective June 30, 2023. The motion failed 8 to 4.</p>
<p>7. Legislative Committee Report</p>	<p>Todd Beyreuther, Committee Chair, provided a brief overview of the committee’s process and their authority.</p> <p>Stoyan Bumbalov reviewed the bills that were of concern to the SBCC. He noted the committee will be scheduling a meeting to recap the bills and will be inviting legislators to the meeting.</p>
<p>8. Ongoing Off-Cycle Rules</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 – SBCC Staff Report 	<p>Stoyan Bumbalov provided background of the process that has taken place for the R-4 Occupancy by indicating there has been TAG meetings and there wasn’t a quorum for the BFP Committee last Friday. He noted the IBC and IFC TAGs were in agreement and the action needed from the Council is to direct staff to prepare the documents needed for rulemaking. Clarifying questions were asked and answered. Public comment was heard.</p> <p>Motion: Micah Chappell moved to direct staff to prepare for rulemaking, as modified, Craig Holt seconded, the motion passed.</p> <p>Dustin Curb reviewed the process, thus far, and provided background for the Child Care, Family Home definition request. He noted there have been meetings with DCYF and the IRC TAG. He also indicated a combined meeting with the two groups will be held May 10 and the IFC TAG will also be included in the invite.</p>
<p>9. Emergency and Off-Cycle Rules related to Energy Storage Systems – Staff Report</p> <ul style="list-style-type: none"> • 2018 IFC – Emergency Rules • 2021 IFC – Off-Cycle Rule 	<p>Stoyan Bumbalov noted the emergency rule was expiring soon and staff needs more time to work on the proposal and will need to request a guidance from the Code Revisers office to be clear on the process. Ken Brouillette noted he has submitted updated documents for the BFP Committee meeting, and they were shown on the screen during Dustin Curb’s overview. Discussion was held on the importance of this request. Clarifying questions were asked and answered about the timeline and process for each code year.</p>
<p>10. Appointment of Committees</p>	<p>Stoyan Bumbalov notified the Council that several seats for the TAGs and Standing Committees are not filled and indicated the Council have two options – to appoint the 2024 code cycle positions or fill the vacancies to finish the 2021 code cycle. He clarified the SBCC staff will start accepting nominations for the TAGs for the 2024 code cycle as late as November, after the TAG seats are approved by the Council.</p> <p>It was suggested to fill the empty positions and allow any new council members to join the TAGs or Standing Committees. The positions were reviewed, and Council members volunteered.</p>

	<p>UPC – Micah Chappell; IMC – Justin Bourgault; BFP – Micah Chappell as UPC Chair; Legislative Committee – Micah Chappell and Matthew Hepner; Executive Committee – Micah Chappell; WEI – Justin Bourgault and Micah Chappell.</p> <p>Motion: Kjell Anderson moved to approve the candidates for the positions as shown, Todd Beyreuther seconded, the motion passed.</p>
<p>11. Other Business</p>	<p>Daimon Doyle provided an update on the ERI workgroup and noted he would be scheduling their first meeting soon and progress is being made.</p> <p>Larry Andrews, a member of the public, expressed his concern with there not being public comment heard on Agenda item 10, Appointment of Committees.</p> <p>Ken Brouillette expressed his frustration with preparing for meetings on his proposal for the IFC Chapter 12 and no action being taken at either the BFP Committee or Council meetings.</p>
<p>12. Staff Report</p>	<p>Stoyan Bumbalov noted a meeting for the Policy & Procedure workgroup would be scheduled for the second week of May where the members would review his ideas, discuss options, and bring information to the Council on May 19, 2023. It was noted members who volunteered at the January 20, 2023, meeting were Daimon Doyle, Micah Chappell, Roger Heeringa, Katy Sheehan, Kjell Anderson, Todd Beyreuther and Tony Doan.</p> <p>Daimon Doyle asked about documents that are conflicting on the SBCC website as related to the Energy Code. Stoyan Bumbalov provided clarification of the documents and the process Staff was using.</p> <p>Micah Chappell asked about the status of the Insert Pages that were voted on to be completed by April 15, 2023. Stoyan Bumbalov stated the insert pages need to be coordinated with the errata and the documents related to publishing the Washington State Codes (WABO volunteers are working on these documents), which is delaying the process. He specified that if the insert pages are posted now, there will be mistakes since the errata has not been filed yet. Stoyan Bumbalov also specified that the CR-103 is the official document with all new code amendments if the building officials need something to refer to. The council members insisted the insert pages must be posted, and Stoyan Bumbalov stated the insert pages would be complete and posted no later than May 15, 2023.</p> <p>Discussion was held on the order the insert pages for the codes should be posted as listed in RCW 19.27 for order of enforcement or posted as the codes are ready and reference the CR-103. It was also mentioned to add a disclaimer pointing to which documents are Insert Pages. Stoyan Bumbalov provided clarification on the process for filing documents with discussion held on the timelines and procedures for each type of filing for rulemaking. It was mentioned that a Code Correlation Committee</p>

	<p>should be discussed at the Policy and Procedure / Bylaw workgroup session being held in May.</p> <p>Tony Doan asked Assistant Attorney General Dierk Meierbachtol if public comment is required when an agenda item doesn't have the box checked for such comments and a member of the public requests to speak. AAG Dierk Meierbachtol responded that the Open Public Meetings Act (OPMA) does not require an opportunity for public comment on every agenda item. AAG Dierk Meierbachtol stated further that the SBCC Council provides excellent opportunity for public comment and should perhaps develop a protocol on how often, how, and when the Council will hear public comments by taking into consideration options of allowing written comment prior to the meeting. AGG Dierk Meierbachtol then stated he doesn't believe the Council, from its actions today, is has violated the OPMA.</p> <p>Dustin Curb asked for clarification on the process staff is to take, going forward, with the insert pages, as follows:</p> <p>Publish Insert Pages for the Codes in order of enforcement as listed in RCW 19.27</p> <p>Do not publish, in the First Printing, any of the errata that we are identifying in the First Printings</p> <p>Once and only after the CR-105 has been filed and goes through the expedited rulemaking process, republish insert pages with updates from errata findings.</p> <p>No opposition to Dustin Curb's process was given by Council.</p>
13. Adjourn	Meeting was adjourned at 3:20 p.m.