



STATE OF WASHINGTON

## STATE BUILDING CODE COUNCIL

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## STATE BUILDING CODE COUNCIL SUMMARY MEETING MINUTES

**LOCATION:** The meeting was held at  
DES Building – Room 1213  
1500 Jefferson St SE, Olympia, WA 98504  
with Zoom and teleconference options

**MEETING DATE:** Friday, November 17, 2023

**Members in Attendance:** Council Vice Chair Daimon Doyle, Kjell Anderson, Jay Arnold, Todd Beyreuther, Justin Bourgault, Micah Chappell, Tom Handy, Roger Heeringa, Matthew Hepner, Tye Menser, Benjamin Omura, Pete Rieke, Katy Sheehan, Representative Keith Goehner, Lorin Lathrop, Representative Alex Ramel, Senator Lynda Wilson

**Members Absent:** Tony Doan, Craig Holt, Senator John Lovick

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

**Visitors Present:** Ann Larson, Kurt Aldworth, Jamie Anderson, Ryan Anderson, Sean Angeley, Lance Bailey, Kim Barker, Richard Blumenthal, Ken Brouillette, Ian Casey, Al Christensen, Brett Conway, Danielle Creech, Josie Cummings, Kevin Duell, Jon Dunaway, Michael Feerer, Mike Fowler, Karen Grove, Ryan Harriman, Traci Harvey, Angela Haupt, Luke Howard, Ty Jennings, Mark Jung, Kevin Kaul, John Kenney, David Kinley, Dave Kokot, Scott Kuhta, Eric Lacey, Jacob Lambert, Koby Lincoln, Blake Lyon, Darin MacGillivray, Carol Manus, Terry McDaniel, Jeanette McKague, Brad Medrud, Kurt Nabbefeld, Jon Napier, Mitch Nickolds, Ryan O'Connor, Joy Patterson, Charlotte Persons, Kathleen Petrie, Josh Reichlin, Tena Risley, Kevin Rose, Lisa Rosenow, Will Rubin, Chris Russell, Michael Saponaro, Carl Schroeder, Andrea Smith, Brian Smith, Michael Snook, David Spencer, Frank Stewart, Steve Stinger, Kerry Sutton, Scott Swantek, Gavin Tenold, Marianne Tompkins, Nick Waggood, Bill Will, Ron Wright, Tom Young

Agenda Items	Council Actions/Discussion
1. Welcome and Introductions	The meeting was called to order at 10:02 a.m. by Council Vice Chair Daimon Doyle. Roll was called and a quorum was present. Everyone was welcomed and members of the public, who wished to, introduced themselves.
2. Review and Approve Agenda	Micah Chappell moved to modify the agenda by moving agenda item 6 before agenda item 5, Matthew Hepner seconded, the motion passed.

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](mailto:sbcc@des.wa.gov).

<p>3. Review and Approve Minutes</p> <ul style="list-style-type: none"> <li>October 20, 2023</li> </ul>	<p>Jay Arnold moved to approve the October 20 minutes, Tye Menser seconded, the motion passed.</p> <p>Kjell Anderson noted there was a typo of DRN that should be DNR and Staff indicated the typo will be corrected.</p>
<p>4. Public Comment on Items Not on the Agenda</p>	<p>Mitch Nickolds noted there used to be a Board of Appeals Commission that was formed, covering 7 jurisdictions, to minimize the impact on each smaller community and allowed for each jurisdiction to serve on the Board. The Board of Appeals Commission was in place until 2018 and due to this no longer existing he stated he is going to suggest an amendment to the State Building Code, in the 2024 edition, requiring publication of the right of appeal and a Board of Appeals on all decisions rendered by the building jurisdictions and the issuance of building permits and on final certificates or inspections or determinations in final plan of commentary that are provided by the jurisdictions as a means to bring this to the forefront for the building public to ensure that they have a very fast, efficient, and qualified means of hearing building appeals and challenges to the building official determinations.</p> <p>David Spencer asked a clarifying question about the proposed amendment which was answered by Mitch Nickolds. Kraig Stevenson provided further information about RCW 19.27 and the ICC process.</p>
<p>5. Discuss public concerns with the 2021 WUI Code</p>	<p>Public comments were heard, and many written comments were received and posted on the SBCC website for review. It was noted that additional written comments were submitted but not posted on the website. A summary of comments included a request to withdraw the 2020 defensible space provisions, the Code is both dangerous and conflicts with the law, the proposal is incomplete and doesn't allow for flexibility, the DNR map is confusing and needs addressed, training and a better understanding of the code is needed before passing, the code isn't consistent with the intent of the statute. It was noted only two TAG meetings were held to work on the code which isn't enough effort given nor were the correct people involved in these two meetings. It was suggested to consider the proposal from AWC.</p> <p>Discussion was held on Chapter 3 and the findings of fact in relation to the flexibility allowed to local jurisdictions and it was also questioned the level of effort expected for local jurisdictions when creating their own maps.</p> <p>Council members discussed the information presented and comments heard from the public.</p> <p><b>Motion:</b> Alex Ramel moved to advance to rulemaking and begin the public comment period with the integration of SBCC Staff's Option 2 and include a revision to make defensible space requirements an opt in for local governments rather than an opt out, Pete Rieke seconded. Also included in the motion are the</p>

	<p>amendments and friendly amendment listed below. The motion with amendments passed 8 to 5.</p> <p>Discussion was held on the process of filing Emergency Rule in relation to the effective date of code as opposed to filing an Off Cycle Rule.</p> <p><b>Amendment to the motion:</b> Micah Chappell moved to amend the motion to include or modify the exceptions to have <a href="#">exception 1, 2, and 3, as shown on the screen</a>, Kjell Anderson seconded, the motion passed 9 to 3.</p> <p>Council members held discussion on the original motion and the amendment with some clarifying questions asked and answered.</p> <p><b>Friendly amendment</b> was made by Jay Arnold to include language from the <a href="#">AWC proposal</a>, 603.3 Exemptions on page 7. The friendly amendment was accepted by both Representative Alex Ramel and Pete Rieke.</p> <p>LEGAL Question from Micah to Dierk...language addressed in CR-102 process.</p> <p><b>Amendment to the motion:</b> Jay Arnold moved to include <a href="#">AWC proposal</a> language on page 2, “2. Return to the original language of Chapter 3 “Wildland-Urban Interface Area” of the 2021 IWUIC as shown in Attachment B.”, Tye Menser seconded, the motion passed 7 to 5.</p> <p>Micah Chappell asked Assistant Attorney General, Dierk Meierbachtol, if Council is allowed to adopt Section 302.1, as written in the base mode code, since the legislation already mandates that DNR shall do the mapping and jurisdictions can do findings of fact where Section 302.1 says that the declaration of a Wildland Urban Interface area shall be done by the legislative body within the jurisdiction? AAG, Dierk Meierbachtol responded if the CR-101 and then CR-102 process is being followed, this could be addressed during the CR-102 process.</p> <p>Jay Arnold spoke to his motion and Micah Chappell commented that he thought this was a backwards move and is not in favor of Jay’s amendment to the motion.</p> <p>Council members held discussion on the motion, the intent of the motion, the amendments, and the options.</p>
<p>6. Changes to the SBCC Bylaws, Policies and Procedures</p> <ul style="list-style-type: none"> <li>• Determine the appropriate effective date for the 2024 codes</li> <li>• WA custom codes vs. insert pages</li> <li>• Necessary changes to the preliminary schedule for</li> </ul>	<p>Managing Director, Stoyan Bumbalov asked the Council if they would prefer staff to work on Washington Custom Codes or Insert Pages as staff doesn’t have the capacity to complete both.</p> <p><b>Motion:</b> Micah Chappell moved to support staff working on the Washington Custom Codes each code cycle, Kjell Anderson seconded, the motion passed.</p> <p>Discussion was held on errata and how many should be provided throughout the code cycle.</p>

<p>the 2024 code adoption cycle</p> <ul style="list-style-type: none"> <li>• TAG seats for the 2024 code adoption cycle</li> </ul>	<p>Stoyan Bumbalov asked the Council to consider the effective date of the 2024 Codes. He indicated that July 1, 2026, would not allow for enough time to complete. He presented the Group 1 and Group 2 spreadsheet.</p> <p>Council discussed One Group, aligning with ICC Codes, and different effective dates.</p> <p><b>Motion:</b> Roger Heeringa moved to use November 1, 2026, as the implementation date for the 2024 Codes, Katy Sheehan seconded, the motion passed.</p> <p>A public comment was heard in favor of extending the effective date.</p> <p>Stoyan Bumbalov shared the ICC Development schedule and which codes were worked on in each Group (1 and 2). Discussion was held on the both the ICC schedule and the previously presented Group 1/Group 2 schedule for SBCC. The breakdown of each schedule was reviewed and discussed by the Council and staff answered questions associated with the schedules and the filing process. There was further discussion on the Codes in each group and how these groupings affect both staff and the TAGs.</p> <p><b>Motion:</b> Roger Heeringa moved to approve the <a href="#">2024 SBCC Code Adoption Schedule</a> as presented, Kjell Anderson seconded. The friendly amendment, below, was accepted. The motion passed with one abstention.</p> <p>Further discussion was held on which Codes should be in which Group and how changes would affect staff and TAG members.</p> <p><b>Friendly amendment to the motion</b> was made by Ben Omura to move the UPC to Group 1, Todd Beyreuther seconded, and Roger Heeringa accepted the amendment to his motion.</p> <p>Public comment was heard in favor of delaying the Codes for one year with questions on how this would affect the implementation date and the process.</p> <p>Stoyan Bumbalov shared the “<a href="#">proposed TAG seats</a>” and “<a href="#">current TAG seats</a>”. He mentioned limiting the number of seats per TAG to 15 people with exception to the Energy Code TAGs. Public comments along with Council input was provided in relation to the Member Type of the TAGs. There was discussion on the number of TAG members, combining TAGs, and the process of selecting the TAG members along with the length of time allowed to serve on a TAG.</p> <p>After much Council discussion on several of the TAG seats, it was agreed to table further discussion until the next Council meeting with Stoyan updating the spreadsheets and posting on the Council page for review and provide comment to Stoyan.</p>
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	<p><b>Motion:</b> Kjell Anderson moved to extend the meeting for 20 minutes, Micah Chappell seconded, the motion passed. Roger Heeringa noted he had to leave at 4pm.</p>
<p>7. Council Opinion</p> <ul style="list-style-type: none"> <li>• 2018 and 2021 IRC/IFC Solar Provisions</li> </ul>	<p>Dustin Curb reviewed the <a href="#">request for Opinion and staff's response</a>. Public comment was heard in favor of approval. Council members discussed the information, and several noted the language was not clear and a vote wasn't feasible today. It was decided Staff would work with the requestor and Micah Chappell to develop clearer language and bring back to the Council.</p>
<p>8. Other Business</p>	<p>No other business was discussed.</p>
<p>9. Staff Report</p> <ul style="list-style-type: none"> <li>• SBCC Budget</li> <li>• Public Record Requests</li> <li>• Training Opportunities for Council Members</li> <li>• Filing of emergency rules</li> </ul>	<p>Stoyan Bumbalov noted the on-boarding check list was emailed to council members on Monday and he asked them to review and provide feedback to him.</p>
<p>10. Adjourn</p>	<p>Meeting was adjourned at 4:16 p.m.</p>