

CHEHALIS CITY COUNCIL AGENDA

CITY HALL

350 N MARKET BLVD | CHEHALIS, WA 98532

Anthony E. Ketchum, Sr., District 3
Mayor

John Six, District 1
Daryl J. Lund, Mayor Pro Tem, District 2
Jody Kyes, District 4

Kate McDougall, Position at Large No. 1
Kevin Carns, Position at Large No. 2
Robert J. Spahr, Position at Large No. 3

Regular Meeting of Monday, May 13, 2024

5:00 p.m.

To access this meeting via Zoom:

Meeting ID: 834 4212 6653

Pass Code: 674890

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda

PRESENTATIONS/PROCLAMATIONS

4. Chehalis Foundation Update (Jenny Collins)

CONSENT CALENDAR

ADMINISTRATION
RECOMMENDATION

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- | | | |
|---|---------|----|
| 5. <u>Vouchers and Transfers- Accounts Payable in the Amount of \$598,756.15</u> (Finance Director) | APPROVE | 1 |
| 6. <u>Vouchers and Transfers- Payroll in the Amount of \$970,920.70</u> (Finance Director) | APPROVE | 3 |
| 7. <u>Resolution No. 09-2024, Amending the resolution numbering for a previously adopted Resolution No. 05-2024 to 08-2024, Declaring Surplus Property</u> (City Clerk) | APPROVE | 5 |
| 8. <u>Amendment to Resolution No. 11-2022, Interlocal Agreement with Lewis County for Fire Investigation Services</u> (Fire Chief) | APPROVE | 9 |
| 9. <u>Setting May 28, 2024, at 5:00 p.m. to Conduct a Public Hearing on the 2025-2030 Transportation Improvement Plan</u> (Public Works Director) | APPROVE | 19 |
| 10. <u>Second Reading of Ordinance No. 1089-B, Amendments to Municipal Code Section 13.12.060-Service Call Charges</u> (Water Superintendent) | APPROVE | 21 |
| 11. <u>Extension of Interlocal Agreement with Lewis County</u> (Interim Community Development Manager) | APPROVE | 25 |

PUBLIC HEARINGS

ADMINISTRATION
RECOMMENDATION

PAGE

None

CITIZENS BUSINESS (PUBLIC COMMENT)

Individuals wishing to provide public comments in general and on agenda items should submit comments by 4:00 pm on the day of the meeting. All comments received will be acknowledged by the Mayor under Citizens Business of this meeting agenda. Please use the following form to submit comments – <https://www.ci.chehalis.wa.us/contact>. If you do not have computer access or would prefer to submit a comment verbally, please contact City Clerk Kassi Bateman at 360-345-1042 or at kmackie@ci.chehalis.wa.us. Public comments will be limited to five (5) minutes per person.

UNFINISHED BUSINESS	ADMINISTRATION RECOMMENDATION	PAGE

NEW BUSINESS	ADMINISTRATION RECOMMENDATION	PAGE
12. <u>FY2023 Transportation Benefit District Annual Report</u> (Streets Superintendent)	APPROVE	29
13. <u>First reading of Ordinance No. 1097-B, Adoption of CMC 17.10 International Building Codes with amendments to the International Residential Code</u> (Interim Community Development Director)	APPROVE	33

ADMINISTRATION AND CITY COUNCIL REPORTS	ADMINISTRATION RECOMMENDATION	PAGE
<u>Administration Reports</u> <ul style="list-style-type: none"> • City Manager Update <u>Councilor Reports/Committee Updates</u> (City Council)		

EXECUTIVE SESSION
14. <u>Pursuant to RCW</u> <ul style="list-style-type: none"> • <u>42.30.110 (1)(c)- Sale/Lease of Real Estate</u>

THE CITY COUNCIL MAY ADD AND TAKE ACTION ON OTHER ITEMS NOT LISTED ON THIS AGENDA.

NEXT REGULAR CITY COUNCIL MEETINGS

MONDAY, MAY 27, 2024- 5:00 P.M.

MONDAY, JUNE 10, 2024- 5:00 P.M.

NEXT SPECIAL CITY COUNCIL MEETING

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council

FROM: Lance Bunker, Interim City Manager

BY: Nicholle Stanhope, Finance Director
Clare Roberts, Accounting Tech III

MEETING OF: May 13, 2024

SUBJECT: 2024 Vouchers and Transfers – Accounts Payable in the Amount of \$598,756.15.

ISSUE

City Council approval is requested for 2024 Vouchers and Transfers dated April 30, 2024.

DISCUSSION

The April 30, 2024, Claim Vouchers have been reviewed by a committee of three councilors prior to the release of payments. The administration is requesting City Council approval for Claim Vouchers including Electronic Funds Transfer Checks No. 3626 - 3657 and Voucher Checks No. 138833 - 138921 in the amount of \$598,756.15 dated April 30, 2024, which included the transfer of:

- \$ 160,022.34 from the General Fund
- \$ 40,653.34 from the Street Fund
- \$ 103,186.38 from the Transportation Benefit District Fund
- \$ 32,284.77 from the Tourism Fund
- \$ 1,891.50 from the LEOFF 1 OPEB Reserve Fund
- \$ 2,834.75 from the Public Facilities Reserve Fund
- \$ 41,222.61 from the Wastewater Fund
- \$ 33,608.69 from the Water Fund
- \$ 1,622.80 from the Storm & Surface Water Utility Fund
- \$ 62,502.22 from the Airport Fund
- \$ 35,932.47 from the Wastewater Capital Fund
- \$ 54,788.75 from the Water Capital Fund

- \$ 28,180.53 from the Stormwater Capital Fund
- \$ 25.00 from the Custodial Other Agency Fund

RECOMMENDATION

It is recommended that the City Council approve the Claim Vouchers including Electronic Funds Transfer Checks No. 3626 - 3657 and Voucher Checks No. 138833 - 138921 in the amount of \$598,756.15 dated April 30, 2024.

SUGGESTED MOTION

I move that the City Council approve the Claim Vouchers including Electronic Funds Transfer Checks No. 3626 - 3657 and Voucher Checks No. 138833 - 138921 in the amount of \$598,756.15 dated April 30, 2024.

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council

FROM: Lance Bunker, Interim City Manager

BY: Nicholle Stanhope, Finance Director
Deri-Lyn Stack, Payroll Accounting

MEETING OF: **May 14, 2024**

SUBJECT: Vouchers and Transfers – Payroll in the Amount of \$970,920.70

ISSUE

City Council approval is requested for Payroll Vouchers and Transfers dated April 30,2024.

DISCUSSION

The administration requests City Council approval for Payroll Vouchers No. 42449-42462, Direct Deposit Payroll Vouchers No. 17780-17904, Electronic Federal Tax and DRS Pension/Deferred Comp Payments No. 591-600 dated April 30,2024, in the amount of \$970,920.70, which include the transfer of:

- \$638,214.78 from the General Fund
- \$36,990.28 from the Street Fund
- \$2,873.96 from the Transportation Dist Fund
- \$4,650.84 from the LEOFF1 OPEB Reserve Fund
- \$124,959.87 from the Wastewater Fund
- \$110,619.59 from the Water Fund
- \$17,733.33 from the Storm & Surface Water Utility Fund
- \$34,878.05 from the Airport Fund

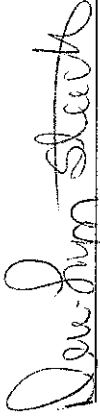
RECOMMENDATION

It is recommended that the City Council approve the April 30,2024, Payroll Vouchers No. 42449-42462, Direct Deposit Payroll Vouchers No. 17780-17904, Electronic Federal Tax and DRS Pension/Deferred Comp Payments No. 591-600 in the amount of \$970,920.70.

SUGGESTED MOTION

I move that the City Council approve the April 30,2024, Payroll Vouchers No. 42449-42462, Direct Deposit Payroll Vouchers No. 17780-17904, Electronic Federal Tax and DRS Pension/Deferred Comp Payments No. 591-600 in the amount of \$970,920.70.

I, THE UNDERSIGNED, OF THE CITY OF CHEHALIS WASHINGTON DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE PAYROLL-RELATED SERVICES HAVE BEEN RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE CLAIM IS A JUST, DUE AND UNPAID OBLIGATION AGAINST THE CITY OF CHEHALIS, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIM.



PAYROLL OFFICER



FINANCE DIRECTOR

CHECK NOS. 42449 THROUGH 42462, DIRECT DEPOSIT CHECK NOS. 17780 THROUGH 17904, ELECTRONIC FEDERAL TAX AND DRS PENSION/DEFERRED COMP PAYMENTS NOS. 591-600 ARE HEREBY APPROVED FOR PAYMENT IN THE TOTAL AMOUNT OF \$970,920.70 THIS _____ DAY OF _____, 2024.

MAYOR

001	GENERAL FUND	638,214.78
003	STREET FUND	36,990.28
103	TRANSPORTATION DIST FUND	2,873.96
115	LEOFF1 OPEB	4650.84
404	WASTEWATER FUND	124,959.87
405	WATER FUND	110,619.59
406	STORM & SURFACE UTIL FUND	17,733.33
407	AIRPORT FUND	34,878.05
	TOTAL	\$970,920.70

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council
FROM: Lance Bunker, Interim City Manager
BY: Kassi Bateman, City Clerk
MEETING OF: May 13, 2024
SUBJECT: Resolution No. 09-2024 – Correcting Duplicate Resolution Numbers

ISSUE

Resolution No. 05-2024, Surplus Property, presented at the April 22 meeting was misnumbered when presented to the Council for adoption. A resolution to amend that numbers has been prepared to provide a correction upon approval.

DISCUSSION

The needed corrections are as follows:

Passed Resolution Number	Correction Needed	Resolution Summary
05-2024	N/A	Declaring property to be surplus – Prindle Force Main
05-2024	08-2024	Declaring property to be surplus- Airport, Fire, Parks

FISCAL IMPACT

There is no fiscal impact related to this resolution.

RECOMMENDATION

It is recommended that the City Council adopt Resolution No. 09-2024.

SUGGESTED MOTION

I move that the City Council adopt Resolution No. 09-2024.

RESOLUTION NO. 09-2024

**A RESOLUTION OF THE CITY OF CHEHALIS, WASHINGTON,
CORRECTING DUPLICATE RESOLUTION NUMBERS.**

**THE CITY COUNCIL OF THE CITY OF CHEHALIS, WASHINGTON, DO
RESOLVE AS FOLLOWS:**

Section 1. The following described resolutions of the City of Chehalis, Washington, a municipal corporation, shall be, and the same hereby are, renumbered as necessary.

Passed Resolution Number	Correction Needed	Resolution Summary
05-2024	N/A	Declaring property to be surplus – Prindle Force Main
05-2024	08-2024	Declaring property to be surplus- Airport, Fire, Parks

ADOPTED by the City Council of the city of Chehalis, Washington, and **APPROVED** by its Mayor, at a regularly scheduled open public meeting thereof this 13th day of May 2024.

Anthony Ketchum, Mayor

Attest:

Kassi Bateman, City Clerk

Approved as to form and content:

Kevin Nelson, City Attorney

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council

FROM: Lance Bunker, Interim City Manager

BY: Adam Fulbright, Fire Chief

MEETING OF: April 22, 2024

SUBJECT: Amendment to Resolution No. 11-2022, Interlocal Agreement with Lewis County for Fire Investigation Services

INTRODUCTION

The City of Chehalis Fire Department and Lewis County mutually agreed to renegotiate the Interlocal Agreement for Fire Investigative services for unincorporated Lewis County, excluding the service boundary of Riverside Fire Authority.

DISCUSSION

In 2023 Chehalis Fire Department was requested to Investigate 44 fire in unincorporated Lewis County. This was a record year for requests, as such the amount billed to Lewis County superseded the \$25,000.00 annually that they budgeted for services. In addition, with the cost of inflation on equipment, database software and fuel, our internal audit identified the need to increase our billing procedures to \$120.00 an hour. Thus, ensuring we cover our labor and incidentals when performing this work.

With mutual agreement, we propose the following changes to the ILA:

3. **Term.** The term of this Agreement and the performance thereof shall be limited to January 1, 2024 and expire December 31, 2029. This Agreement may be extended or renegotiated upon mutual agreement between the parties hereto and pursuant to the terms and conditions of this Agreement.
4. **Service and Responsibility of the City :**
 - d. City shall submit to the County fire investigation report, invoicing that details the total investigation hours, hourly rate for investigation and mileage based on documented approved rates, within 30 days following completion of an investigation.
5. **Service and Responsibility of the County:**
 - f. Provide for timely payments for the services provided for in this Agreement upon receipt of a properly constituted and prepared billing by the City. The estimated total dollar amount of all work performed by the City for the County under this Agreement shall not exceed \$35,000 annually without prior written approval by the County. The annual limit may be increased by the of Community Development following Board of County Commissioners approval of a corresponding budget increase.

FISCAL IMPACT

The County would reimburse the City for the expenses associated with the provision of services. The county agrees to provide timely payments for services rendered upon receipt of properly constituted and prepared billing by the City. The agreement shall not exceed \$35,000 without prior written approval by the County.

RECOMMENDATION

It is recommended that the City Council approve amendments to the Interlocal Agreement with Lewis County Fire Marshals Office.

SUGGESTED MOTION

Move to approve amendments to Interlocal Agreement between the City of Chehalis, and Lewis County Fire Marshals Office providing fire investigative services to the unincorporated areas identified in the Agreement and authorize the City Manager to execute all necessary documents.

INTERLOCAL AGREEMENT

This Interlocal Agreement (Agreement) is made and entered into between the City of Chehalis (hereinafter referred to as “City”) and Lewis County (hereinafter referred to as “County”), both political subdivisions of the State of Washington, which may hereinafter be referred as the “parties.” This Agreement is entered into pursuant to the Interlocal Cooperation Act, Chapter 39.34 RCW. This Agreement is intended to provide reliable fire investigation services to the residents of the unincorporated areas of Lewis County, excluding the boundary of the Riverside Fire Authority, on an as requested basis.

WHEREAS, regional fire authorities may enforce fire codes as provided under RCW 19.27, pursuant to RCW 52.26.090; and

WHEREAS, county governments generally must enforce the provisions of the International Fire Code in unincorporated areas of said counties, pursuant to RCW 19.27.110, but may enter into interlocal agreements delegating this authority to regional fire authorities; and

WHEREAS, the parties desire that the County delegate its fire investigation obligations of the fire code in unincorporated areas of the County to the City in accordance with RCW 19.27.110; and

WHEREAS, it is appropriate that in order to implement such an arrangement an Interlocal Agreement (Agreement) be executed between the parties setting forth the conditions and terms of that arrangement.

NOW THEREFORE, in consideration of the terms and conditions contained herein, the City and the County agree as follows:

1. **Purpose.** This Agreement is intended to ensure fire investigation services to the residents of unincorporated Lewis County excluding the service boundary of Riverside Fire Authority. No separate legal entity shall be created to implement the terms of this Agreement.
2. **Authorized Representatives.** The Director of Community Development for the County and the Fire Chief for the City shall provide joint oversight to administer this Agreement. No property shall be exchanged between the parties in furtherance of this Agreement. All communications about this Agreement shall be directed to the authorized representative. No contract actions by other persons shall be effective without written authorization by the represented party.
3. **Term.** The term of this Agreement and the performance thereof shall be limited to January 1, 2024 and expire December 31, 2029. This Agreement may be extended or renegotiated upon mutual agreement between the parties hereto and pursuant to the terms and conditions of this Agreement.

4. **Services and Responsibilities of the City.** The scope of services provided by the City within unincorporated Lewis County, excluding the service boundary of Riverside Fire Authority, addressed by this Agreement shall be as specified below:

- a. Investigation of the origin, cause, and circumstances and extent of loss from fire, pursuant to RCW 43.44.050 *Reports and investigation of fires-Police powers*, in cooperation with the state fire marshal, as well as state and county law enforcement and regulatory personnel.
- b. Provision for the on-call availability of a properly trained, experienced and equipped fire investigator, 24 hours per day, each and every day of the year representative.
- c. The City shall furnish and supply all necessary labor, supervision, equipment, communication services and supplies, and such administrative services as are necessary to maintain a proper level of fire investigation service to the unincorporated areas of Lewis County, excluding the Chehalis UGA and the Riverside Fire Authority Regional boundary.
- d. City shall submit to the County fire investigation report, invoicing that details the total investigation hours, hourly rate for investigation and mileage based on documented approved rates, within 30 days following completion of an investigation.
- e. Any operational concerns should initially be raised with the City's representative designated under Section 2 of this agreement. In addition, if regular meetings are deemed necessary by the County to discuss issues regarding fire investigation services, they will be arranged by representatives of the County Department of Community Development and City Fire Department representatives.

5. **Services and Responsibility of the County.** The County agrees to meet the following responsibilities under this Agreement:

- a. The County shall grant to the City Fire Department personnel assigned to provide fire investigation service the authority to investigate and enforce the provisions of RCW 43.44.050 *Reports and investigation of fires-Police powers*, including duties pertaining to civil and criminal fire investigations.
- b. The County shall provide to the City Fire Department personnel, assigned to fire investigation services, the assistance of the County Community Development Department and associated personnel necessary to assist the City in providing fire investigation services.
- c. The County shall assume, manage, and store fire investigation report(s) and investigative evidence.
- d. The County shall respond to public disclosure requests consistent with the adopted county policy.
- e. Criminal investigations will be directed to the County Sheriff's Office and Prosecuting Attorney.
- f. Provide for timely payments for the services provided for in this Agreement upon receipt of a properly constituted and prepared billing by the City. The estimated

total dollar amount of all work performed by the City for the County under this Agreement shall not exceed \$35,000 annually without prior written approval by the County. The annual limit may be increased by the of Community Development following Board of County Commissioners approval of a corresponding budget increase.

6. **Assignment and Subcontracting.** No portion of this Agreement may be assigned or subcontracted to any other individual, firm, entity without express and prior written approval of the County's Community Development Director and the City's Fire Chief.
7. **Modification.** Either party may request changes in this Agreement. Any and all agreed modifications shall be in writing, signed by each of the parties.
8. **Termination for Public Convenience.** The City Fire Chief or the County Director of Community Development may terminate this Agreement upon 90 days' written notice whenever either party determines, at either party's sole discretion that such termination is in the interest of the City or the County.
9. **Defense and Indemnity Agreement.** Each party shall hold the other, its officials, employees and agents, harmless and shall indemnify the other, its officials, employees and agents, from any and all causes of action, judgments, claims, and damages arising out of its sole and solitary acts of omissions. Without limiting the foregoing, County acknowledges that County is solely responsible for all liability, costs, or expenses resulting from its sole acts or omissions, and that the City's responsibility hereunder is expressly limited to the provision of the services described in Section 4 of this Agreement.
10. **Venue and Choice of Law.** In the event any litigation should arise concerning the enforcement, breach, construction or interpretation of any of the terms of this Agreement, the venue of such action of litigation shall be in the courts of the State of Washington in and for the County of Lewis. The law of the State of Washington shall govern this Agreement for all purposes.
11. **Miscellaneous.** There are no third-party beneficiaries to this Agreement. This Agreement is the entire agreement of the parties and may not be modified or contradicted except in a writing signed by both parties hereto. The failure of either party to insist upon strict performance of this Agreement shall not impact that party's right to insist upon strict performance at a later time. To the extent that any provision of this Agreement is declared by a court of competent jurisdiction to be unenforceable, that shall not impact the remaining provisions of the Agreement, which shall be deemed severable from any unenforceable provision. This Agreement may be executed in counterparts, i.e. in separate times and in separate places. This Agreement does not create actionable duties between the signatory parties or the public to provide a particular level of service in a particular instance. The recitals enumerated herein are for convenience only and shall not be construed as a part of this Agreement.

LEWIS COUNTY FIRE INVESTIGATIONS SUMMARY FOR 2023

TOTAL FIRES INVESTIGATED: **44**

INDIVIDUAL INVESTIGATOR BREAKDOWN:

Daniel Ford-	14
Jay Birley-	12
Abe Meyer-	6
Shane Schow-	6
Pat Glover-	3
Ted McCarty-	3

FIRE INVESTIGATIONS BY DISTRICT:

District One-	3
District Two-	7
District Three-	1
District Four-	4
District Five-	4
District Six-	4
District Seven-	0
District Eight-	9
District Nine-	0
District Ten-	1
District Eleven-	1
Riverside Fire Authority-	0
District Thirteen-	1
District Fourteen-	3
District Fifteen-	3
District Sixteen-	0
District Eighteen-	1
LCSO-	2

TYPES OF FIRES:

Residential Structure-	20
Garage/Shop-	7
Recreation Vehicles-	4
Barn-	3
Passenger Vehicles-	3
Commercial Semi Truck-	1
Commercial Structure-	1
Out Buildings-	1
Grass/Wildland-	4

FIRES BY TIME OF DAY:

0000-0200-	3
0200-0400-	4
0400-0600-	3
0600-0800-	0
0800-1000-	1
1000-1200-	5
1200-1400-	4
1400-1600-	4
1600-1800-	5
1800-2000-	5
2000-2200-	7
2200-0000-	3

CONCLUSIONS:

Incendiary-	6
Accidental-	12
Natural-	2
Undetermined-	24

Respectfully Submitted,



Jay Birley
Lead Fire Investigator
Chehalis Fire Department
360-748-3394

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council

FROM: Lance Bunker, Interim City Manager

BY: Celest Wilder, Capital Projects Manager

MEETING OF: May 13, 2024

SUBJECT: Set May 28, 2024, at 5:00 pm to Conduct a Public Hearing on the City's 2025-2030 Six-Year Transportation Improvement Program

ISSUE

A public hearing for the May 28, 2024, City Council meeting is planned to provide the opportunity for comment and input on the City's proposed 2025-2030 Transportation Improvement Program (TIP). This hearing is required as part of the Six-Year Transportation Improvement Program (STIP) preparation process.

DISCUSSION

State law requires that a municipality conduct a public hearing to provide citizens the opportunity to comment on a proposed STIP prior to its adoption. It is proposed that the required public hearing be held on Tuesday, May 28 as part of the rescheduled regular City Council meeting. The public hearing will provide an opportunity for the public and the City Council to provide comment on the proposed plan. If no comments are received, this item is scheduled for action at the May 28 City Council meeting. If there are proposed comments that the Council would like to incorporate in the plan, action on this item will be postponed until June 10.

FISCAL IMPACT

N/A

RECOMMENDATION

It is recommended that the City Council set May 28, 2024, at 5:00 pm as the date and time to conduct the public hearing concerning the City's 2025-2030 Six-Year Transportation Improvement Program.

SUGGESTED MOTION

I move that the City Council set May 28, 2024, at 5:00 pm as the date and time to conduct the public hearing concerning the City's 2025-2030 Six-Year Transportation Improvement Program.

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council

FROM: Lance Bunker, Interim City Manager

BY: Lance Bunker, Public Works Director/ Justin Phelps, Wastewater Superintendent

MEETING OF: May 13, 2024

SUBJECT: Second reading of Ordinance 1089-B, Amendments to Municipal Code Section 13.12.060 – Service Call Charges.

ISSUE

The Current Municipal Code, section 13.12.060, states:

“A. Service Calls, as defined by city ordinance, involving extraordinary and unusual time demands shall be charged to the customer requesting the service call at the cost of labor of each employee involved, including travel time, for service calls made during the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday, Except holidays. The minimum charge for such service call shall be \$25.00.”

“B. Service calls made on Saturdays, Sundays, Holidays, or during the hours of 4:00 p.m. to 8:00 a.m., Monday through Friday, shall be charged to the customer requesting the service call at the cost of labor of each employee involved, including travel time. The minimum charge for such service call shall be \$75.00 [Ord. 1007B,2020]

DISCUSSION

On April 22nd, 2024, the new city fee schedule was presented to Council and adopted on second reading., and Ordinance No. 1089-B was approved on first reading. The purpose of this ordinance is to update the municipal code to add clarification and consistency when a customer requests an after-hours call out. The city does not charge for any call out requests between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday except on Holidays. Section A of Municipal Code 13.12.060 should be removed, and section B should be updated to adequately cover the full scope of all service call charges as follows:

“Service calls made between the hours of 4:00 p.m. and 8:00 a.m. Monday through Friday including Saturdays, Sundays and Holidays will be charged a set fee outlined in the City’s fee schedule.”

FISCAL IMPACT

There is no fiscal impact associated with the adoption of the proposed ordinance.

RECOMMENDATION

It is recommended that the City Council adopt Ordinance No. 1089-B on second reading, changing Municipal Code 13.12.060 to add clarification and consistency to service call charges.

SUGGESTED MOTION

I move the City Council adopt Ordinance No. 1089-B on second and final reading.

ORDINANCE NO. 1089-B

**AN ORDINANCE OF THE CITY OF CHEHALIS,
WASHINGTON, AMENDING SECTION 13.12.060 OF THE
CHEHALIS MUNICIPAL CODE CONCERNING SERVICE
CALL CHARGES**

WHEREAS, the City of Chehalis conducts service call outs at City water service customers' requests; and

WHEREAS, the city is periodically requested to respond to service calls outside of normal business hours; and

WHEREAS, the current ordinance No. 1007-B leave ambiguity as to the cost of service calls and the City desires to normalize fees and costs; and

WHEREAS, the City desires to add consistency and clarification to the language pertaining to service call charges;

**NOW THEREFORE THE CITY COUNCIL OF THE CITY OF CHEHALIS,
WASHINGTON, DOES ORDAIN AS FOLLOWS:**

Section 1. Section 13.12.060 of the Chehalis Municipal Code, originally codified by Ordinance 1007B, shall be, and the same hereby is amended to read as follows:

13.12.060 Service Call Charges

Customers will be charged a fee for service calls made between the hours of 4:00 p.m. and 8:00 a.m. as published in the City's fee schedule, as updated from time to time by the City Council.

Section 2. The effective date of this ordinance shall be the _____ day of _____, 2024.

PASSED by the City Council of the city of Chehalis, Washington, and **APPROVED** by its Mayor at a regularly scheduled open public meeting thereof this _____ day of _____, 2024.

Anthony Ketchum, Mayor

Attest:

Kassi Mackie, City Clerk

Approved as to form and content:

Kevin T. Nelson, City Attorney

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council

FROM: Lance Bunker, Interim City Manager

BY: Malissa Paulsen, Interim Community Development Manager

MEETING OF: May 13, 2024

SUBJECT: Extension of Interlocal Agreement with Lewis County

ISSUE

The Interlocal Agreement between Lewis County and the City of Chehalis was initially established to facilitate cooperative efforts between both the County's and City's Public Works and Community Development Departments. This agreement expired in May 2023 after the initial five (5) year agreement. The City was formally notified of the lapse in March of 2024, since then city officials have been working with the County to coordinate an extension to the original agreement while discussion of a new Interlocal Agreement has continued.

DISCUSSION

The existing Interlocal Agreement expired in May 2023. In light of the productive partnership between Lewis County and the City of Chehalis, it is recommended that the City Council approve an extension of the agreement from May 1, 2023, to June 28, 2024, with the option for the Parties' designated officials to extend an additional 60 days by agreement. This extension will allow both parties to continue benefiting from shared services, coordinated planning, and joint initiatives aimed at enhancing permit processing and maintenance of public services.

Key Points of Extension:

- Enhanced Communication and Coordination: By extending the agreement, we reaffirm our commitment to maintaining open lines of communication and close coordination between the City and County departments. This will ensure effective decision-making, streamlined operations, and timely response to emerging issues.

FISCAL IMPACT

No fiscal impact expected.

RECOMMENDATION

We recommend that the Chehalis City Council approve the extension of the Interlocal Agreement between Lewis County and the City of Chehalis from May 1, 2023, to June 28, 2024, with the option for the Parties' designated officials to extend an additional 60 days by agreement.

SUGGESTED MOTION

I move that the City Council approve the extension of the 2018 Interlocal Agreement and ask the City Manager to sign the agreement to help sustain the partnership with Lewis County and contribute to the continued prosperity of the City of Chehalis.

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council Lance Bunker, Interim

FROM: City Manager

BY: Lance Bunker, Public Works Director Fritz Beierle Street/Storm Superintendent

MEETING OF: May 13, 2024

SUBJECT: FY 2023 Transportation Benefit District Annual Report

ISSUE

The City of Chehalis (City) Transportation Benefit District (TBD) was formed in 2014, and a ten-year 0.2% sales tax increase for the purpose of financing TBD projects was ratified by the voters in 2017.

RCW 36.73.160(2): A district shall issue an annual report, indicating the status of transportation improvement costs, transportation improvement expenditures, revenues, and construction schedules, to the public and to newspapers of record in the district.

DISCUSSION

This report provides information on the status of the City of Chehalis Transportation Benefit District and fulfills the requirement of the State of Washington and the TBD for an annual report.

Last year (2023) was the sixth full year of operating the TBD. The city completed six projects in 2023.

Project Name	Project Cost TBD Funds
Southwest Chehalis Avenue Improvements	\$544,240.40
NW Pacific Ave. Reconstruction	\$10,486.65
Main St. Improvements Ph.2	\$656,925.28
Annual TBD Safety Program	\$19,208.76
Roundabout Repairs	\$10,387.20
Roadway Striping	\$12,037.65

The attached report satisfies the requirements of Washington State Law.

FISCAL IMPACT

None

RECOMMENDATION

It is recommended that the City Council approve the 2023 Transportation Benefit District Annual Report.

SUGGESTED MOTION

Move to approve the 2023 Transportation Benefit Annual Report.

City of Chehalis

2023 Transportation Benefit District Annual Report

The City of Chehalis (City) Transportation Benefit District (TBD) was formed in 2014, and a ten-year 0.2% sales tax increase for the purpose of financing TBD projects was ratified by the voters in 2017.

This report provides information on the status of the City of Chehalis Transportation Benefit District and fulfills the requirements of the State of Washington and the TBD for an annual report. Below are excerpts from the relevant state law:

RCW 36.73.160(2): A district shall issue an annual report, indicating the status of transportation improvement costs, transportation improvement expenditures, revenues, and construction schedules, to the public and to newspapers of record in the district.

Last year (2023) was the sixth full year of operating the TBD. The city completed six projects in 2023.

Project Name	Project Cost TBD Funds
Southwest Chehalis Avenue Improvements	\$544,240.40
NW Pacific Ave. Reconstruction	\$10,486.65
Main St. Improvement Ph 2	\$656,925.28
Annual TBD Safety Program	\$19,208.76
Roundabout Repairs	\$10,387.20
Roadway Striping	\$12,037.65

The City also received \$570,280.17 in T.I.B. grant funding to go with the TBD funds.

Cash resources at the beginning of 2023 were \$1,673,226.72. Total revenues received in 2023 were \$2,252,572.07 which include \$1,539,368.56 in public transportation sales tax and \$142,923.34 in interest earnings. Total expenditures for 2023 were \$1,259,559.23. The ending 2023 cash resources were \$2,666,239.56.

The total cost in 2023 for these projects were. \$1,253,285.94.

Respectfully,

Fritz Beierle, Street/Stormwater Superintendent

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council

FROM: Lance Bunker, Interim City Manager

BY: Josh McDrummond / Malissa Paulsen

MEETING OF: May 13, 2024

SUBJECT: First reading of Ordinance No. 1097-B, Adoption of CMC 17.10 International Building Codes with amendments to the International Residential Code

ISSUE

The State Legislature recently adopted the 2021 International Building Code, prompting municipalities to formally adopt the 2021 International Building Code to ensure that the City's adopted codes meet the minimum requirements to ensure compliance and promote safety and efficiency in construction practices within our jurisdiction.

DISCUSSION

Building codes are critical regulatory tools aimed at safeguarding public health, safety, and general welfare. They establish minimum requirements for design, construction, and occupancy of buildings and structures. Regular updates to the building codes are necessary to reflect advancements in technology, materials, construction methods, and to address emerging safety concerns.

The International Code Council (ICC) periodically revises and updates the IBC, which serves as the foundation for most state and local building codes in the United States. The 2021 edition of the IBC incorporates numerous revisions and enhancements compared to the previous editions, addressing new challenges, improving clarity, and promoting sustainability and resilience in building design and construction.

We propose updating the adopted building code in the Chehalis Municipal Code from the 2018 edition to the 2021 edition of the International Building Code. This transition aligns with the recent action taken by the state legislature and ensures consistency with statewide standards. The following key factors support this proposal:

- Compliance with State Law:

The state legislature has adopted the 2021 International Building Code, mandating municipalities to update their building codes accordingly. Failure to comply may result in legal ramifications and jeopardize eligibility for state funding and assistance programs.

- Enhanced Safety and Resilience:

The 2021 edition of the IBC incorporates updated provisions related to fire safety, structural integrity, accessibility, energy efficiency, and disaster resilience. By adopting these latest standards,

we demonstrate our commitment to protecting the lives and property of our residents and enhancing the community's overall resilience to natural and man-made hazards.

- Improved Clarity and Usability:

The 2021 IBC includes revisions aimed at improving clarity, usability, and consistency in code language and organization. These enhancements facilitate easier interpretation and enforcement by building officials, architects, engineers, contractors, and other stakeholders, streamlining the construction process and reducing potential conflicts or misunderstandings.

- Support for Innovation and Sustainability:

The 2021 IBC integrates provisions that promote innovation, sustainability, and environmental responsibility in building design and construction. By embracing these advancements, we encourage the adoption of eco-friendly practices, renewable energy technologies, and resilient building materials, contributing to the long-term sustainability and livability of our community.

FISCAL IMPACT

No fiscal impact expected.

RECOMMENDATION

We recommend that the Chehalis City Council approve the adoption of Ordinance No. 1097-B, on first reading. This action reflects our commitment to promoting safety, resilience, and sustainability in construction practices and ensures compliance with state law and industry best practices.

SUGGESTED MOTION

I move that the City Council approve Ordinance No. 1097-B on first reading and schedule second reading of the ordinance for the May 28 meeting.

ORDINANCE NO. 1097-B

AN ORDINANCE OF THE CITY OF CHEHALIS, WASHINGTON, AMENDING SECTION 17.10 OF THE CHEHALIS MUNICIPAL CODE CONCERNING ADOPTION OF INTERNATIONAL BUILDING CODES AND STANDARD SPECIFICATIONS

WHEREAS, the City of Chehalis has the responsibility and is compelled to adopt the most current edition of the international codes adopted by the State, and;

WHEREAS, the affected chapters are critical to development within the City of Chehalis making it crucial that the regulations therein are accurate and clear,

THE CITY COUNCIL OF THE CITY OF CHEHALIS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 17.10 of the Chehalis Municipal Code shall be, and the same hereby are amended to read as presented in the attached Exhibit A.

Section 2. The Effective date of this ordinance shall be the ____ day of _____.

PASSED by the City Council of the City of Chehalis, Washington and **APPROVED** by its Mayor at a regularly scheduled open public meeting thereof this _____ day of _____.

Mayor

Attest:

City Clerk

Approved as to form and content:

City Attorney

EXHIBIT A

17.10.010 Codes adopted – Copies on file.

A. The International Building Code, ~~2018~~ 2021 Edition, as amended by Chapter 51-50 WAC, including the Appendix Chapters G, Flood Resistant Construction; I, Patio Covers; and J, Grading.

1. The following sections of the International Building Code, ~~2018~~ 2021 Edition, are amended to read as follows:

a. Section 101.1.

These regulations shall be known as the Building Code of the City of Chehalis, Washington, hereinafter referred to as “this code.”

b. Section 101.4.1, Electrical.

The provisions of the 2017 National Electric Code as adopted in City of Chehalis Municipal Code Chapter 17.10.010(C) shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.

c. Section 101.4.4, Plumbing.

The provisions of the ~~2018~~ 2021 Uniform Plumbing Code as adopted by City of Chehalis Municipal Code Chapter 17.10.010(D) shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the State of Washington requirements for private sewage disposal shall apply to private sewage disposal systems.

d. Section 101.4.5, ~~2018~~ 2021 International Property Maintenance Code.

The provisions of the ~~2018~~ 2021 International Property Maintenance Code as adopted by City of Chehalis Municipal Code Chapter 17.10.010(F) shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards, responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

e. Section 101.4.7, ~~2018~~ 2021 Washington State Energy Code.

The provisions of the ~~2018~~ 2021 Washington International Energy Conservation Code/Washington State Energy Code adopted by City of Chehalis Chapter 17.10.010(G) shall apply to all matters governing the design and construction of buildings for energy efficiency and will be known as the Washington State Energy Code.

f. Section 105.5, Expiration.

Every permit issued shall become invalid unless the work authorized by such permit is inspected within 180 days after its issuance, and within 180 days thereafter for all required inspections per section 109. If the work authorized by such permit is suspended or abandoned for a period of 180 days after the last required inspection the building official is authorized to grant, in writing, up to two free extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be requested within two weeks prior to the expiration of the permit in question. Any extension after the second shall incur a fee in the amount of the original building permit fee.

g. Section 108.3 shall have a new sentence added to the end of the paragraph as follows:

The value for commonly built structures shall be determined by using the Building Code and Permit fees as established in Chehalis Municipal Code 17.10.020.

h. Section 109.3.9, Special inspections.

Special inspections required by this code and Section 1704 shall be made by Special Inspection Labs and Inspectors certified and approved by Washington Association of Building Officials (WABO) or based upon adequate documentation and approved national certification, the Building Official can approve an Agency for inspection and testing work.

2. The following sections of the International Building Code, ~~2018~~ 2021 Edition, are deleted:

- a. Section 112 – Board of appeals.
- b. Section 113.2 – Notice of violation.
- c. Section 113.3 – Prosecution of violation.
- d. Section 113.4 – Violation penalties.

Penalties. Penalties for noncompliance with orders and notices shall be as set forth in CMC Chapter 17.10.040.

B. The International Residential Code, ~~2018~~ 2021 Edition, as amended by Chapter 51-51 WAC, including Appendix Chapters G, Swimming Pools, Spas, and Hot Tubs; H, Patio Covers; U, Dwelling Unit Fire Sprinkler Systems; and V, Fire Sprinklers, excluding nonmandatory provisions for sprinkling systems.

The following sections of the International Residential Code are amended to read as follows:

1. Section 105.5, Expiration.

Every permit issued shall become invalid unless the work authorized by such permit is inspected within 180 days after its issuance, and within 180 days thereafter for all required inspections per section 109. If the work authorized by such permit is suspended or abandoned for a period of 180 days after the last required inspection the building official is authorized to grant, in writing, up to two free extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be requested within two weeks prior to the expiration of the permit in question. Any extension after the second shall incur a fee in the amount of the original building permit fee.

2. R109.2, Inspection agencies.

The building official is authorized to accept reports of approved agencies, provided such agencies satisfy the requirements as to qualifications and reliability as required by Washington Association of Building Officials (WABO) requirements for Special Inspection Agencies or based upon adequate documentation and approved national certification the Building Official can approve an Agency for inspection and testing work.

3. Table R301.2(a), Climatic and Geographic Design Criteria, to be filled in as follows:

Ground Snow Load: 25 psf. Minimum design is 25 psf.

Wind Speed (mph): 110 mph 3-second gust

Seismic Design Category: D1

Subject to Damage From Weathering: Moderate

Frost Line Depth: 12"

Termite: Slight to moderate

Decay: moderate to severe

Winter Design Temp.: 25° F

Air Freezing Index: 172

Mean Annual Temperature: 52° F

C. The National Electric Code, 2017 Edition.

D. The Uniform Plumbing Code, ~~2018~~ 2021 Edition.

E. The International Mechanical Code, ~~2018~~ 2021 Edition.

F. The International Property Maintenance Code, ~~2018~~ 2021 Edition. The following sections of the International Property Maintenance Code, 2018 Edition, are amended:

1. Section 103.1, General.

[A] 103.1 General. The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the Director of Community Development (or equivalent position) or his/her designee. All references to “code official” shall mean the Director of Community Development (or equivalent position) or his/her designee.

2. Section 103.2, Appointment.

[A] 103.2 Appointment. The Director of Community Development (or equivalent position) is hereby appointed as the “code official.”

3. Section 106, Violations, shall be reinstated in its entirety with the following amendments:

[A] 106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as indicated in CMC Chapter 17.10.040, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure

in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

[A] 106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted in accordance with CMC Chapter 17.10.040. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

4. Section 107, Notices and orders, shall be reinstated in its entirety with the following amendment:

[A] 107.5 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in CMC Chapter 17.10.040.

5. Section 111, Means of appeals.

[A] 111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Hearings Examiner, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

[A] 111.4 Open hearing. Hearings before the Hearings Examiner shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

[A] 111.5 Postponed hearing. Postponement or continuance of an appeal maybe requested by either Party to the matter. All postponements or continuances of a hearing shall be approved or denied by the Hearings Examiner.

[A] 111.6.1 Records and copies. The decision of the Hearings Examiner shall be recorded. Copies shall be furnished to the appellant and to the code official.

[A] 111.6.2 Administration. The code official shall take immediate action in accordance with the decision of the board.

[A] 111.7 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

[A] 111.8 Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Hearings Examiner.

G. The ~~2018~~ 2021 Washington International Energy Conservation Code as adopted by the state.

H. The International Mechanical Code, ~~2018~~ 2021 Edition, as amended by Chapter 51-52 WAC, published by the International Code Council, and the International Fuel Gas Code, ~~2018~~ 2021 Edition, except that the standards for liquefied petroleum gas installations shall be NFPA 58 (Storage and Handling of Liquefied Petroleum Gases) and ANSI Z223.1/NFPA 54 (National Fuel Gas Code), as the mechanical code of the city.

I. The Uniform Plumbing Code, ~~2018~~ 2021 Edition, as amended by Chapter 51-56 WAC, published by the International Association of Plumbing and Mechanical Officials, including Appendix M as amended; provided, that any provisions of such code affecting fuel gas piping are not adopted, is adopted as the plumbing code for the city.

J. The International Existing Building Code, ~~2018~~ 2021 Edition, published by the International Code Council.

K. The ~~2018~~ 2021 Edition of the International Fire Code, as amended.

L. The International Fire Code, ~~2018~~ 2021 Edition, as amended by Chapter 51-54 WAC, including those standards of the National Fire Protection Association specifically referenced in the International Fire Code; provided, that, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying handheld candles. Section 308.3.1, Open-flame cooking devices, is deleted in its entirety. Section 503, Fire apparatus access roads, is also adopted. Finally, such adoption shall include appendices.

1. The following sections of the International Fire Code are amended to read as follows:

a. Section 101.1, Title.

These regulations shall be known as the Fire Code of the City of Chehalis hereinafter referred to as “this code.”

i. Wherever the word “jurisdiction” is used in the International Fire Code, it means the City of Chehalis.

ii. Wherever the term “corporate counsel” is used in the International Fire Code, it means the attorney for the City of Chehalis.

iii “Fire Department” means the Chehalis Fire Department.

iv. “Fire Chief” means the chief of the Chehalis Fire Department or his/her designee.

b. Section 3404.2.9.5.1, Locations where above-ground tanks are prohibited.

The limits referred to in Section 3404.2.9.5.1 of the International Fire Code in which storage of Class I and Class II liquids outside in aboveground storage tanks is prohibited, are established as critical areas, except for tanks that comply with Section 3404.2.8 Vaults.

c. Section 3804.2, Maximum capacity within established limits.

The limits referred to in Section 3804.2 of the International Fire Code in which liquefied petroleum gas is restricted are established in Table 3804.3 when referring to above-ground containers.

d. Appendix B, Section B105, Fire-Flow Requirements for Buildings.

B105.1 One and two family dwellings. Water tender credit, as established by the Washington Surveying and Rating Bureau, shall be permitted to satisfy the minimum fire-flow and flow duration requirements for one and two family dwellings in the Urban Growth Area (UGA).

2. The following sections of the International Fire Code are deleted:

a. Section 108, Board of appeals.

b. Section 109.2, Notice of violation.

c. Section 109.2.1, Service.

d. Section 109.2.2, Compliance with orders and notices.

e. Section 109.2.3, Prosecution of violations.

f. Section 109.3, Violation penalties.

g. Section 109.3.1, Abatement of violations.

M. International Urban-Wildland Interface Code, as amended by Chapter 51-54 RCW and upon completion of the statewide mapping of the wildland urban interface areas consistent with the following parts of the ~~2018~~ 2021 International Wildland Urban Interface Code, which are adopted by reference:

1. The following parts of Section 504 class 1 ignition-resistant construction:

a. Section 504.2 Roof covering. Roofs shall have a roof assembly that complies with class A rating when testing in accordance with American society for testing materials E 108 or underwriters laboratories 790. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be fire stopped to preclude entry of flames or embers, or have one layer of seventy-two pound mineral-surfaced, nonperforated camp sheet complying with American society for testing materials D 3909 installed over the combustible decking.

b. The roof covering on buildings or structures in existence prior to the adoption of the wildland urban interface code under this section that are replaced or have fifty percent or more replaced in a twelve month period shall be replaced with a roof covering required for new construction based on the type of ignition-resistant construction specified in accordance with section 503 of the International Wildland Urban Interface Code.

c. The roof covering on any addition to a building or structure shall be replaced with a roof covering required for new construction based on the type of ignition-resistant construction specified in accordance with section 503 of the International Wildland Urban Interface Code.

2. Section 504.5, Exterior walls.

Exterior walls of buildings or structures shall be constructed with one of the following methods. Such materials shall extend from the top of the foundation to the underside of the roof sheathing:

a. Materials approved for not less than one hour fire-resistance rated construction on the exterior side;

- b. Approved noncombustible materials;
- c. Heavy timber or log wall construction;
- d. Fire retardant-treated wood on the exterior side. The fire retardant-treated wood shall be labeled for exterior use and meet the requirements of section 2303.2 of the International Building Code; or
- e. Ignition-resistant materials on the exterior side.

3. Section 504.7, Appendages and projections.

Unenclosed accessory structures attached to buildings with habitable spaces and projections, such as decks, shall not be less than one hour fire-resistance rated construction, heavy timber construction, or constructed of one of the following. This section does not apply to an unenclosed accessory structure attached to buildings with habitable spaces and projections, such as decks, attached to the first floor of a building if the structure is built with building materials at least two inches nominal depth and the area below the unenclosed accessory structure is screened with wire mesh screening to prevent embers from coming in from underneath.

- a. Approved noncombustible materials;
- b. Fire retardant-treated wood identified for exterior use and meeting the requirements of section 2303.2 of the International Building Code; or
- c. Ignition-resistant building materials in accordance with section 503.2 of the International Wildland Urban Interface Code.

4. Section 403.2 Driveways.

Driveways shall be provided where any portion of an exterior wall of the first story of the building is located more than one hundred fifty feet from a fire apparatus access road. Driveways in excess of three hundred feet in length shall be provided with turnarounds and driveways in excess of five hundred feet in length and less than twenty feet in width shall be provided with turnouts and turnarounds. The City of Chehalis will define the requirements for a turnout or turnaround as required in this subsection.

[Ord. 1018B, 2021.]

17.10.020 Building code review and permit fees.

The determination of value or valuation under any of the provisions of this code shall be made by the building official based on the valuation data established by the International Code Council (ICC) or other nationally recognized building organizations under the provisions of building standards valuation data for commercial projects, and as established in the city of Chehalis standardized table for residential projects. The value to be used in computing the building and building plan review fees shall be the total of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, and other permanent equipment.

All building code review and permit fees are established by the ordinance by the city council as currently adopted or amended in the future. [Ord. 1018B, 2021.]

17.10.030 Fire code permit, plan review and inspection fees.

A. For installation or alteration of any of the following systems or devices, the fee will be based on the Chehalis fee schedule as adopted by the city council or amended in the future.¹

1. Fire alarm systems.
2. Fire extinguishing systems.
3. Smoke removal systems.
4. Kitchen hood and duct systems.
5. Dust removal systems.
6. Flammable/combustible liquids.
7. Application of flammable/combustible finishes.
8. Commercial drying ovens.
9. Compressed gas systems.
10. Explosives/magazines.
11. LPG installations.
12. Hazardous materials storage.
13. Refrigeration systems.

14. Technical assistance provisions of UFC 103.1.1.

15. All other fire protection requirements such as access, calculation of fire flow or life safety requirements or other reviews conducted pursuant to the international codes, standards and ordinances adopted by the city. [Ord. 1018B, 2021.]

17.10.040 Violations, abatement and penalties.

A. Investigation of Complaint. Upon receipt of information or upon personal observation that a violation exists as defined in this chapter, the enforcement officer shall cause an investigation of the matter and premises involved. All entries upon premises for the purpose of this chapter shall be subject to subsection (I) of this section.

B. Abatement Procedure. After having made a finding that a violation exists, the enforcement officer shall require the owner of the premises involved, as listed by the Lewis County assessor's office, to abate the violation at his or her own cost and expense, in whole or in part. The enforcement officer shall give written notice to the owner describing the property involved, the condition to be corrected, and a specified reasonable time within which the owner must correct the condition, which shall not be less than 14 days from the date of service by mail as evidenced by the postmark on the notice. In the event of an emergency condition, of which the enforcement officer shall be the sole judge, the time of compliance may be reduced to 24 hours. The notice must further specify:

1. That if the owner fails to abate the violation within the specified period of time, the city shall cause the work to be performed and shall assess all or any portion of the cost thereof against the owner;
2. That the owner may be liable for civil penalties for each day or part of day that the condition continues to exist following the notice; and
3. That the owner additionally may be liable to criminal prosecution, as provided in this chapter.

C. Service of Notice of Violation. The notice given by the enforcement officer to the owner shall be deposited in the United States mail by certified mail with a return receipt requested or shall be personally served by delivering a copy thereof to the owner or by leaving the same with a person of suitable age (18 years or older) and discretion at the owner's place of residence. If the owner is not a resident of the city, the notice shall be served by leaving the same with the tenant in possession of the property or, if there is no such tenant, by posting a copy of the notice in a conspicuous place on the property involved, and by mailing a copy thereof to the owner at his or her last known address as listed by the Lewis County

assessor's office, if any. Service by mail will be deemed complete at the end of the third full day following its deposit in the U.S. mail, postage prepaid.

D. Failure to Comply with Notice of Violation. After the time for compliance and a notice of violation has expired, the code enforcement officer shall reinspect the premises and determine if the violation has been abated as required in the notice of violation. In the event of no action or insufficient action to abate the violation, the code enforcement officer may take any and all means necessary to enforce the applicable code, including but not limited to: issuance of civil infractions, issuance of criminal citations, commencement of civil, criminal, and equitable proceedings with the assistance of the city attorney to abate a violation and have the violation abated by the city.

E. Liability for Costs of Abatement. The property owner shall be liable for all costs and expenses associated with a violation abatement conducted by the city of any building, structure or on the premises. In all cases where the city abates any such violation, the enforcement officer shall keep an account of all costs and expenses attending such abatement. The amount of the cost of such abatement shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. Upon certification to the Lewis County treasurer by the finance director of the city of Chehalis, the treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner as provided for delinquent taxes, and when collected to be deposited to the credit of the general fund of the municipality. The assessment shall constitute a lien against the property which shall be of equal rank with state, county and municipal taxes. The city shall reserve the right to negotiate with property owners to recover the costs of abatement.

F. Liability for Continuing Violation. Every successive owner or occupant of property who neglects to abate a continuing violation upon or in the use of such property caused by a former owner is liable thereof in the same manner as the owner who created it.

G. Cumulative Effect of Chapter. The provisions of this chapter shall be cumulative and in addition to the provisions of the now existing ordinances of the city, and shall not have the effect of repealing any ordinance of the city now in effect.

H. Violations – Civil Infraction – Misdemeanor – Gross Misdemeanor.

1. Any person, firm or corporation who knowingly violates or fails to comply with any term or provision of this chapter shall be deemed to have committed the following:

- a. First Offense. Constitutes a Class 1 civil infraction with the maximum assessment not to exceed the amount of \$250.00, not including statutory assessments.
- b. Second Offense. Constitutes a misdemeanor and, if found guilty, shall be subject to a fine not to exceed \$1,000, plus costs and assessments, and/or imprisonment not to exceed ninety days or to both such fine and imprisonment. A second offense shall mean a violation of this chapter which is committed at the same location by the same individual within one calendar year of the first offense.
- c. Third or Subsequent Offenses. Constitutes a gross misdemeanor and, if found guilty, shall be subject to a fine not to exceed \$5,000, plus costs and assessments, and/or imprisonment not to exceed 365 days or both such fine and imprisonment. A third or subsequent offense shall mean a violation of this chapter which is committed at the same location by the same individual within one calendar year of the first offense.

I. Right of Entry for Inspection and Code Enforcement. Whenever necessary to make an inspection to enforce any provision of this code, or whenever there is reasonable cause to believe that there exists a violation of this code in any building or upon any premises within the jurisdiction of the city, any authorized official of the city may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him or her by this code; provided, that except in emergency situations, he or she shall first give the owner and/or occupant, if they can be located after reasonable effort, 72 hours' written notice of the authorized official's intention to inspect. In the event the owner and/or occupant refuses entry, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. [Ord. 1018B, 2021.]

17.10.050 Hearing examiner – Powers and duties.

All appeals authorized by the codes shall be to the city's hearing examiner as established by Chapter [2.50](#) CMC. The hearing examiner shall utilize the procedures and penalties set forth in this chapter. The hearing examiner shall serve in lieu of all boards of appeals mentioned or described in the codes as adopted and amended by the city. [Ord. 1018B, 2021.]

17.10.060 Conflicts.

The penalties provided in this chapter are intended to be in addition to, and not to supersede, any penalties provided in any of the codes adopted in CMC [17.10.010](#). In the event of a conflict between the penalty provisions of this chapter and the penalty provisions in any of the codes, this chapter shall control. [Ord. 1018B, 2021.]

17.10.070 Definition of code official.

The term “code official” for purposes of all codes within this chapter shall mean the director of community development (or equivalent position) or his/her designee.

2021

WASHINGTON STATE ENERGY CODE Progress Toward 2030

Progress Toward Reducing Energy Consumption in Buildings Required by RCW 19.27A.160
(ESSSB 5854, Chapter 423, Laws of 2009)

2021 Report to the Legislature
March 2023

Tony Doan, State Building Code Council Chair
Stoyan Bumbalov, State Building Code Council Managing Director

WASHINGTON STATE ENERGY CODE Progress Toward 2030

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- Appendix A:** **PNNL Cost Effectiveness Reports: Commercial and Residential**
- Appendix B:** **OFM life cycle cost tool**
- Appendix C:** **Washington State Building Code Council Application for Review of a Proposed Statewide Amendment to the Washington State Building Code**

Executive Summary:

On-Track Incremental Improvement in the 2021 Washington State Energy Code

The Washington State Building Code Council (Council) submits this report to the Legislature as required by RCW 19.27A.160. The report addresses progress toward a 70 percent reduction in net annual energy consumption in newly constructed residential and nonresidential buildings by 2031, compared to the 2006 Washington State Energy Code (WSEC). Additionally, RCW 19.27A.020(2)(a) states that the Washington state energy code shall be designed to construct increasingly energy efficient homes and buildings that help achieve the broader goal of building zero fossil-fuel greenhouse gas emission homes and buildings by the year 2031. Building energy efficiency is the single largest factor in the region's future electric needs.

“The Northwest Power Act defines cost-effective energy efficiency as the resource of first choice when considering new resources.” From 2021 Regional Power Plan

<https://www.nwcouncil.org/regional-power-planning-pacific-northwest>

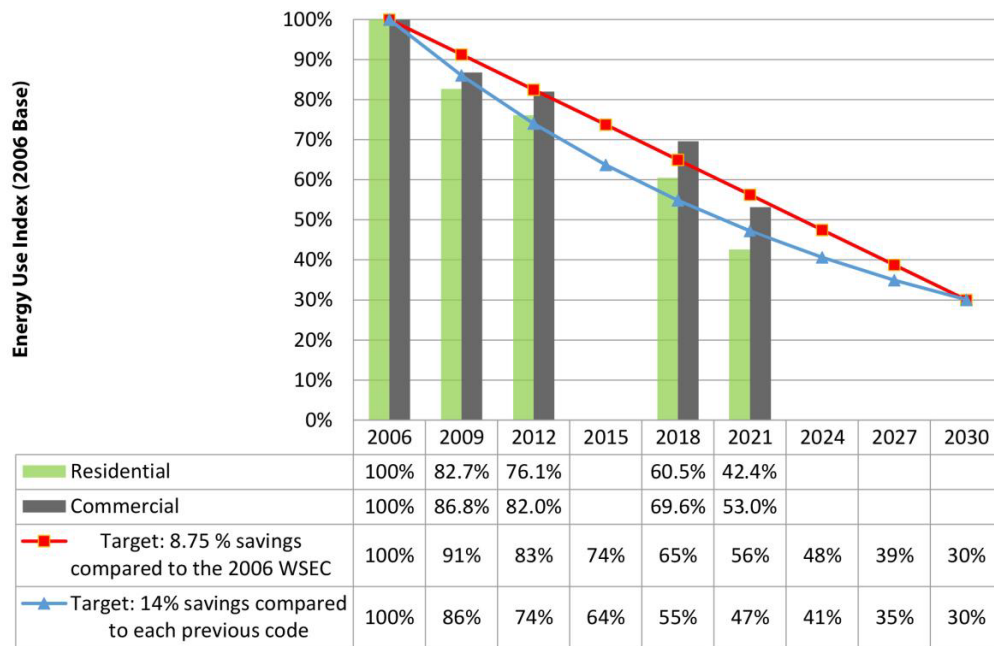
The 2021 WSECs are an incremental improvement over the 2018 codes. The 2021 WSECs are predicted to achieve approximately 57.6% in Residential buildings and approximately 47% in Commercial buildings compared to the 2006 WSEC.

A major impediment to the acceptance of the ever-increasing building energy consumption reduction is training for the designers, contractors and those responsible for compliance. A large part of that impediment to training is funding. Adequate funding, or at least increased funding, will have immediate results in reducing building energy consumption. RCW 19.27A.150 (3)(c) calls for the Department of Commerce to address the need for enhanced code training and enforcement.

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Figure 1

Incremental Improvement Compared to Targets



Significant Measures

Table 1: Significant measures for the Commercial Energy Code adopted by the Council that save energy compared to the 2018 WSEC:

Section	Description of Significant Change
C402.1.4.3	PTAC U-factors: New section requires heat loss for PTAC, PTHP and other through-wall mechanical equipment to be calculated as part of the envelope using the U-factor compliance method, with corresponding changes to Tables C402.1.3 and C402.1.4
C403.1.1, Appendix D	HVAC TSPR: Adds multifamily residential to the list of occupancy types required to comply with the Total System Performance Ratio comparison, as well as providing system updates and clarifications to the procedure.
C403.1.4, C503.4.6	Space Heating Proposal: Requires heat pump space heating rather than fossil fuel or electric space heating for all buildings to provide a reduction in carbon emissions. Exceptions are provided to allow electric resistance heating for small loads and as supplemental heating.
C403.13	Indoor Horticulture Dehumidification: Adds requirements for dehumidification efficiency for indoor growing facilities.

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Section	Description of Significant Change
C403.3.2.4	Include Split Systems in HP Requirement: Requires packaged and split systems providing heating and cooling, or cooling only to be heat pumps. The requirement previously applied to packaged systems with both heating and cooling.
C403.3.4	Boiler Controls: Adds requirements from ASHRAE 90.1 for high capacity gas-fired hot water boiler systems to have condensing boilers.
C403.3.4.2	High capacity space heating boiler: Adds requirements from ASHRAE 90.1 for high capacity gas-fired hot water boiler systems to have condensing boilers
C403.3.5.1	ERV requirements for DOAS: Increase the ERV effectiveness to 60 percent enthalpy recovery effectiveness or 68 percent minimum sensible recovery effectiveness, from the previous values of 50/60 percent. The exception is also limited to 650 square feet, with a smaller allowance for occupant load.
C403.4.1.7	DR Thermostats: Adds a requirement for demand responsive controls for thermostats in all buildings except health care and assisted living. It does not require participation in any demand response programs.
C403.7.1	DCV: Replaces the current DCV language with a new section and removes the energy recover exception and reduces various thresholds. Requires gas sensors in spaces and systems required to have VSD control. Correlating changes to C403.3.5.1 and C503.4.4.
C403.8, C503.4	Fan Power Allowance Tables: Updates the approach to fan power limitations and aligns with the Title 24 method. It also moves the threshold down to cover smaller nameplate HP fans.
C404.14	DR Water Heaters: Bring in demand response requirements for water heaters between 40 and 120 gallons to provide grid flexibility as a step towards decarbonization
C404.2.1, C404.7, C503.5.9	Heat Pump Water Heating: Provide heat pump water heating rather than fossil fuel or electric resistance water heating in commercial buildings to provide a reduction in carbon emissions. Exceptions are provided to allow electric resistance heating when used for hand washing.
C405.5.1	Exterior Building Grounds Lighting: Lowers the threshold for lighting efficacy requirements from 50 watts to 25 watts and simplifies the language.
C405.5.3	Exterior Lighting: Updates the exterior lighting tables in response to changes in technology, with an approximate 40 percent reduction across the board.

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Section	Description of Significant Change
C406	<p>Additional Efficiency Credits: Increases the required number of energy efficiency credits to be achieved. The requirements were increased approximately 16 percent, if the heat pump water heating proposal is adopted, and by approximately 33 percent if it is not.</p> <p>Section C406 was reformatted and now sets credit requirements by occupancy type. The metric for credit options was changed to carbon emission and a standard of 0.1% reduction per point was set as the basis.</p>
C406.3	<p>Load Management: Adds load management requirements for new buildings to prepare buildings to interact efficiently with the evolving electrical grid in the future. Corresponding change also made to Section C403.4.11.1.</p>
C411.1	<p>On-Site Renewable Energy: Requires on-site renewable energy generation for commercial buildings over 10,000 square feet.</p>
C412	<p>Compressed Air: New section proposed to regulate compressed air systems based on language from the Seattle code and California's Title 24 (2022 edition). This would apply to process loads.</p>
C503.6	<p>Reduce Threshold for LPA Compliance on Remodels: Requires alterations replacing 20% or more of existing lighting fixtures to comply with the lighting power allowance in Section C405. The previous threshold was 50%.</p>

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Table 2: Significant measures for the Residential Energy Code adopted by the Council that save energy compared to the 2018 WSEC:

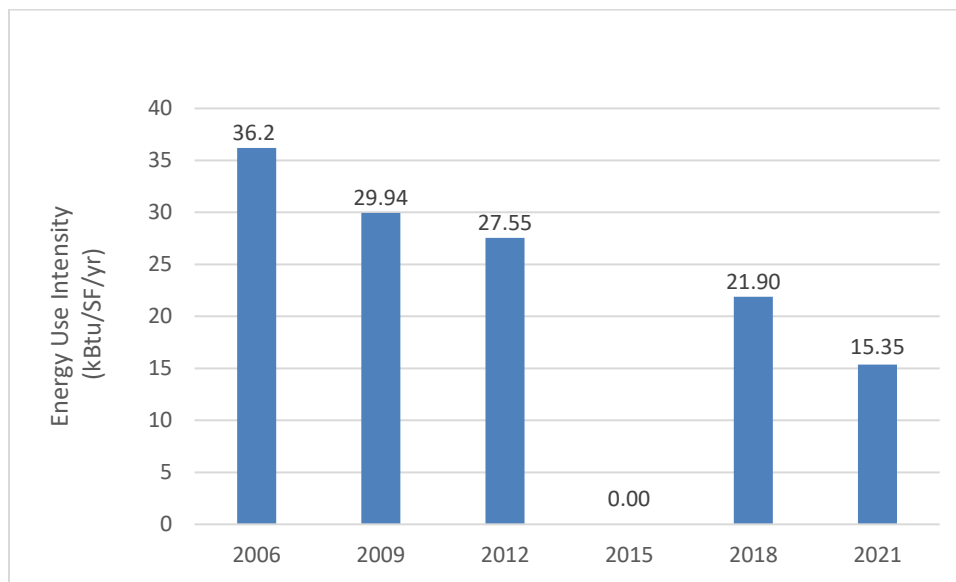
Section	Description of Significant Change
R403.13	Heat Pump Space Heating: This new section requires that space heating be provided by a heat pump—either gas or electric—as a method to reduce greenhouse gas emissions and save energy. There are exceptions provided for dwellings with small heating loads and allowances for supplementary heating following the control requirements of Section R403.1.2.
R403.5.7	Heat pump Water Heating: This new section requires that service water heaters in single family dwellings, duplexes and townhouses be provided by heat pump water heaters. Exceptions are provided for small water heaters, small dwelling units, supplemental water heating systems, and some renewable energy systems. This includes allowances for both gas and electric heat pump water heaters.
R202	Definition of Residential Building: This definition change alters the scope of the Washington State Energy Code, Residential Provisions to resemble more closely that of the International Residential Code. Multifamily buildings with dwellings directly accessed from the outdoors will remain in the residential provisions, but other R-2 buildings are moved under the commercial provisions.
R406.2	Fuel Normalization: The table was revised to include more detailed descriptions of heating systems and supplemental systems.
R406.3	Additional Efficiency Credits: The number of credits required was adjusted based on the estimated savings needed to meet the 14% savings goal over the 2018 code, keeping in mind the gains already achieved through the base code changes. The options were updated based on base code requirements and the value of the credits is based on a 1200 kWh energy savings per point.
R402.4.1.3	Maximum Air Leakage Rate: The maximum leakage rate was reduced to 4 air changes per hour for single family and 0.25 cfm (the same as the commercial requirement) for multifamily.
R403.5.5	Water Heater Location: This section requires that water heaters be located within conditioned space except for highly efficient water heaters where the standby losses are overcome by the efficiency of the unit performance. An exception is provided for heat pump water heaters.

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Table 3: Commercial Building Energy Use Savings Over 2018 WSEC-C by Type (Including Statewide Commercial Weighting by Building Floor Area)

Building Type	Annual Energy Savings (State Average)	Fraction of Total Floor Area (State Average)
Small Office	12.7%	6.2%
Large Office	8.8%	18.0%
Standalone Retail	19.2%	17.8%
Primary School	13.4%	9.2%
Small Hotel	32.5%	1.8%
Midrise Apartment	34.7%	47.0%

Figure 2: Residential Sector EUI by Code Year (2006 through 2021)



Method

In 2018, the SBCC contracted with Ecotope to establish an energy use baseline for the 2006 code to be used to evaluate building performance improvements.

For the 2021 code, the SBCC contracted with Pacific Northwest National Laboratory (PNNL) to evaluate the changes from the 2018 code. They assessed the life cycle costs and savings and greenhouse gas emissions impacts of those code changes, focusing on those changes noted above as significant measures. The methodology used for this analysis is consistent with the Washington State Office of Financial Management (OFM) Life Cycle Cost analysis. This analysis includes incremental initial costs, repairs, maintenance, and replacements. The residual value of equipment and components that have remaining useful life at the end of the study period is also included.

The cost-effectiveness analysis for the commercial code uses six building types represented by six prototype building energy models. The six prototypes shown in Table 3 provide a good representation over the overall code cost effectiveness without requiring simulation of all 16 standard prototype models and represent the energy impact of five of the eight commercial principle building activities that account for 70% of the state’s new construction by floor area. The residential analysis used two prototypes—a single-family dwelling at 2,376 square feet and a multifamily dwelling unit at 1,200 square feet—with four foundation types and four heating system types.

Estimated Energy Savings

The estimated energy savings reported here were derived from the *Final Cost-Benefit Analysis of the 2021 WSEC* reports. See [Appendix A](#).

Table 4: Commercial Building Energy Cost and Use Savings Over 2018 WSEC-C

Building Type	Annual Energy Savings	Annual Energy Cost Savings (\$/ft ²)	Net Present Savings (\$/ft ²)	Present Social Cost of Carbon (\$/ft ²)	Net Present Social Cost of Carbon (\$/ft ²)
Small Office	12.7%	\$0.07	\$0.64	\$0.15	\$0.79
Large Office	8.8%	\$0.09	\$1.69	\$0.35	\$2.04
Standalone Retail	19.2%	\$0.11	\$1.32	\$0.51	\$1.83
Primary School	13.4%	\$0.08	\$0.83	\$0.40	\$1.23
Small Hotel	32.5%	\$0.28	\$7.34	\$2.85	\$10.19
Midrise Apartment	34.7%	\$0.29	\$2.96	\$0.94	\$3.89

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Table 5: Residential Building Energy Cost and Use Savings Over 2018 WSEC-C

Metric	Compared to 2018 WSEC-R
Annual (first year) energy cost savings (\$)	\$39
LCC savings (\$)	-\$580
SCC LCC savings (\$)	\$1,294
Total LCC savings (\$)	\$714
Added construction cost (\$)	\$548
First year carbon emissions savings (tons)	30.6
Simple payback period (yrs)	13.8
Annual electric savings (kWh)	-2,124
Annual gas savings (therms)	230
Annual fuel oil savings (gallons)	0.44

Outlook

The Council continues making steady progress to achieve the goal of 70 percent net annual reduction in building energy consumption by 2031. The Council is mindful that with each code cycle the cost to achieve the additional energy reduction is higher than it was for the previous code.

Background

The WSEC is based on a national model code that is less energy efficient than the WSEC, therefore, the State adoption process requires significant work prior to considering new energy saving amendment proposals. This preliminary process alone requires approximately 300 staff and volunteer hours.

Completing the code adoption process involves multiple additional steps of code development including technical advisory group review and revision, the Council's Mechanical Ventilation and Energy Standing Committee review, Council approval of proposed rules, public comments and hearings, and final action.

Transparency throughout the process is crucial requiring extensive staff support.

The public process for code development represents a major time commitment for preparation, meetings and reporting.

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The energy code has historically drawn opposition due to differences in political and economic philosophies. Full consideration of these opposing perspectives has resulted in additional staff and volunteer time as well as the need, at times, for legal counsel.

The law mandates continuous improvement to energy efficiency in buildings. However, the law also states that if economic, technological, or process factors impede adoption, the Council may defer adoption, and that all measures standards or requirements must be technically feasible, commercially available and developed to yield the lowest overall cost to the building owners and occupant while meeting the energy reduction goals established under RCW 19.27A.160. Various stakeholders disagree on whether or not the new rules increasing energy efficiency in buildings are cost effective, and those who believe they are not advocate for deferral stating the economic burden and technological unknowns do not justify new regulations.

The Council does not operate in isolation. State law also directs the Department of Commerce to develop and implement a strategic plan for enhancing energy efficiency, which must be used to help direct the future code increases in RCW [19.27A.020](#), with targets for new buildings consistent with RCW [19.27A.160](#). While this legislation anticipates that the plan will help inform the WSEC update process, funding that would enable the anticipated level of planning and guidance from Commerce is lacking. The Council also aligns with the principles of the Office of Equity and its purpose described in RCW 43.06D.020 of promoting access to equitable opportunities and resources that reduce disparities, particularly for those who have been, and are marginalized. Such planning and guidance should consider how the benefits of energy efficiency can be shared among the most marginalized communities.

The Council consists of 15 voting members appointed by the Governor, four ex-officio legislators appointed by the Legislature, and one ex-officio member appointed by the chief electrical inspector. The Council provides independent analysis and objective advice to the Legislature and the Governor's Office on state building code issues.

The Council establishes the minimum building, mechanical, fire, plumbing and energy code requirements necessary to promote the health, safety and welfare of the people of the state of Washington by reviewing, developing and adopting the state building code.

The Council updates the state building codes every three years, on schedule with updated editions of the national model codes. There was a one-time extension to four years for the 2018 codes to accommodate a revision in the SBCC review process, and the implementation of the 2018 code was delayed seven months due to pandemic-related issues, but subsequent code cycles are back to three years. The Energy Related Building Standards law (RCW 19.27A) directs the Council to update the Washington State Energy Code every three years, synchronized with the code development cycle. In each cycle, the Council must make an incremental step toward the 70 percent reduction by 2030.

Energy Code Development Process

The Council relies on a large number of volunteers to develop energy code amendments, submit proposals, participate in the technical review, and submit testimony for SBCC consideration at final adoption.

- 205 proposals were received, 56 were not approved to move forward to the public hearing process. Of those 149 proposals, 30 were significant energy saving proposals; the remainder were editorial clarifications or minor technical changes. Of the 30 significant proposals, 4 were not adopted.
- The 30 members of the Energy Code Technical Advisory Groups each logged between 60 to 140 hours of meeting time and countless additional hours of review time over 15 months.
- The Council used a form requiring more detailed information about energy savings and cost for each proposal. See [Appendix C](#).

State and Federal Law on Building Energy Codes

The Washington State Legislature has directed the state Building Code Council to adopt energy codes. Federal Law also requires the state to meet minimum standards.

Targets set by the Climate Pollution Reduction--Energy Efficiency Act of 2009

The goal to reduce energy savings by 70 percent compared to 2006 by 2030 relates to an initiative of the American Institute of Architects (AIA). The AIA's Architecture 2030 Challenge was adopted in 2009 by the Washington State Legislature. As emphasized in testimony by Washington Environmental Council, Washington is one of nine states to adopt the Architecture 2030 initiative. According to the Architecture 2030 website, only California and Washington have adopted the 2030 challenge as mandatory for all buildings; other states have adopted Architecture 2030 for government buildings or directed that the challenge must be considered during administrative code adoption.

- Energy-Related Building Standards Law (RCW 19.27A)
- The Legislature directed the Council to reduce energy consumption in buildings, as codified in RCW 19.27A.160 **Residential and nonresidential construction — Energy consumption reduction — Council report:**

(1) Except as provided in subsection (2) of this section, residential and nonresidential construction permitted under the 2031 state energy code must achieve a 70 percent reduction in annual net energy consumption, using the adopted 2006 Washington State Energy Code as a baseline.

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(2) The Council shall adopt state energy codes from 2013 through 2031 that incrementally move towards achieving the 70 percent reduction in annual net energy consumption as specified in subsection (1) of this section. The Council shall report its progress by December 31, 2012, and every three years thereafter. If the Council determines that economic, technological or process factors would significantly impede adoption of or compliance with this subsection, the Council may defer the implementation of the proposed energy code update and shall report its findings to the Legislature by December 31st of the year prior to the year in which those codes would otherwise be enacted.

The International Energy Conservation Code (IECC) is the base model energy code adopted by the State of Washington. The IECC defines buildings in terms of “commercial” and “residential.”

- Residential buildings are defined as detached one and two family dwellings and multiple single family dwellings (townhouses) as well as apartment buildings three stories and less in height. This scoping is modified by the 2021 Washington State Energy code, which moves apartment buildings with interior corridor access into the commercial energy code.
- Commercial buildings are defined as all buildings other than residential buildings, and include residential apartment buildings over three stories.

RCW 19.27A.150: Strategic plan—Development and implementation.

- (1) To the extent that funding is appropriated specifically for the purposes of this section, the department of commerce shall develop and implement a strategic plan for enhancing energy efficiency in and reducing greenhouse gas emissions from homes, buildings, districts, and neighborhoods. The strategic plan must be used to help direct the future code increases in RCW [19.27A.020](#), with targets for new buildings consistent with RCW [19.27A.160](#). The strategic plan will identify barriers to achieving net zero energy use in homes and buildings and identify how to overcome these barriers in future energy code updates and through complementary policies.
- (2) The department of commerce must complete and release the strategic plan to the legislature and the council by December 31, 2010, and update the plan every three years.

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Federal law influencing state code development and adoption

Federal law requires states to periodically certify that the energy code adopted in their jurisdiction meets or exceeds specific national reference standards.¹ This certification is to be submitted to the Secretary of the U.S. Department of Energy (DOE). The most recent rules require each state to report that their adopted commercial building energy code meets or exceeds American Society of Heating, Refrigerating and Air conditioning Engineers (ASHRAE) Standard 90.1-2019, and the adopted residential building energy code meets or exceeds the 2021 International Energy Conservation Code.

1-42 U.S.C 6833(b)(2)(B)(i)

State Certification

Upon publication of an affirmative determination, States are required to certify that they have reviewed the provisions of their commercial building code regarding energy efficiency, and, as necessary, updated their codes to meet or exceed the updated edition of Standard 90.1 and the IECC. Additionally, DOE provides guidance to States on submitting certification statements and requests for deadline extensions. State certifications must be submitted by July 28, 2023.

Equipment Efficiency

Federal efficiency standards for building heating and cooling equipment must be applied. For residential and small commercial equipment this is primarily regulated by restricting the manufacture and sale of the equipment. Any minimum efficiency that is referenced in the energy code must be consistent with the minimum federal standards. For commercial energy codes this largely means adopting the minimum equipment efficiency tables listed in the most recent edition of ASHRAE Standard 90.1.

¹ Footnote 1: ASHRAE 90.1-2016 defines regulated and unregulated energy use as follows:

- **Regulated energy use:** energy used by building systems and components with requirements prescribed in Sections 5 through 10. This includes energy used for HVAC, lighting, service water heating, motors, transformers, vertical transportation, refrigeration equipment, computer-room cooling equipment, and other building systems, components, and processes with requirements prescribed in Sections 5 through 10.
- **Unregulated energy use:** energy used by building systems and components that is not regulated energy use. (See regulated energy use.)

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Most Recent Washington Certification

The state certifications are submitted to the Department of Energy by the Washington State Department of Commerce, State Energy Office. This certified that the state code, in general, provided greater energy efficiency than the commercial building reference standard ASHRAE 90.1 – 2013, and the residential standard, the 2015 International Energy conservation code. There were a few specific measures where Washington did not meet the federal standards.²

Washington amendments to the 2021 IECC

2021 Energy Code Development

The Council relies on individuals and interest groups to submit proposals to improve the WSEC and meet the goals set by the Legislature. A complete list of proposals is posted on the Council website for both the commercial and residential energy codes³. The amendment proposals include information on proponents, specific code language and data on the cost and benefit where the amendment has an impact.

Number of proposals	Approved as submitted	Approved as modified	Disapproved	Withdrawn
205	50	95	40	20

Technical Advisory Group (TAG) activities

The Energy Code TAGs held 21 meetings in 2021-2022, each work session was typically 6 hours long. The TAG was composed of 30 members, plus several alternates, with 18 – 25 members typically in attendance at any one meeting, depending on the discussion topic. Proponents were invited to make a short presentation of their proposal(s), after which any TAG members can make a motion and a second to approve it. Straightforward code improvements are often approved or modified within a few minutes, while more substantial or controversial proposals were debated for hours and often extensively modified in the process. Some proposals were tabled, and the proponents and opponents asked to return with more information or compromise proposals.

As part of proposing a code change, proponents were required to provide recommended changes to the code text and to complete an updated form (See [Appendix C](#)). This form asked the proponent to provide a statement justifying the code change and provide some general

² Washington State Department of Commerce, 2012 Washington State Energy Code compared to National Reference Standards, July 2013. <http://www.commerce.wa.gov/Documents/2012-energy-code-comparison.pdf>

³ See <https://sbcc.wa.gov/about-sbcc/2021-code-proposals>

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information of the cost and benefits associated with the proposal. Proposals were required to show economic information, data estimating costs and benefits. Many of the adopted proposals were extensively modified during the TAG and Council processes, which would have reduced the value of the original cost/benefit analyses.

Goals for Energy Code Development

Making buildings more energy efficient has been identified as a priority by the Legislature and the Washington State Building Code Council (Council). Improved energy efficiency:

- Saves money
- Creates good local jobs
- Enhances energy security
- Reduces pollution that causes global warming
- Speeds economic recovery
- Reduces need to invest in costly new generation

The Washington State Building Code Council (Council) finds that the following provides a guide to the Goals of the Washington State Energy Code (WSEC) per RCW 19.27A for both Residential & Nonresidential Buildings:

- 1. Per RCW 19.27A.020(2)(a)** The Washington state energy code shall be designed to construct increasingly energy efficient homes and buildings that help achieve the broader goal of building zero fossil-fuel greenhouse gas emission homes and buildings by the year 2031.
- 2. The WSEC must achieve a reduction in annual net energy consumption in buildings**
 - a. By 2030, the code must achieve a reduction of 70 percent compared to the 2006 Washington State Energy Code. This reduction includes both the building site energy that is regulated and typical unregulated energy use (see footnote 1 for definitions). Energy consumption for electric vehicle charging and industrial processes is not included in the building energy use reduction targets. Site renewable energy production is included towards the net annual reduction goals.
 - b. Each code cycle, the Council must adopt a code requiring increasingly energy efficient homes and buildings
 - c. The Council must determine and evaluate the costs and benefits of the WSEC

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3. The Council must adopt more stringent energy codes

- a. The Legislature finds that energy efficiency is the cheapest, quickest, and cleanest way to meet rising energy needs, confront climate change, and boost our economy
- b. The Legislature promotes super-efficient, low-energy use building codes
- c. The law directs the council to review the Washington state energy code every three years. Amendments adopted by the council must increase the energy efficiency of newly constructed buildings.

4. The Council must evaluate and determine the costs and the benefits

- a. The Legislature finds making homes, businesses, and public institutions more energy efficient will save money, create good local jobs, enhance energy security, reduce pollution that causes global warming, and speed economic recovery while reducing the need to invest in costly new generation
- b. Any new measures, standards, or requirements adopted by the Council must be technically feasible, commercially available, and developed to yield the lowest overall cost to the building owners and occupants while meeting the energy reduction goals established under RCW 19.27A.160.
- c. The Council has adopted a definition of cost-effectiveness based RCW 39.35 recommended by Department of Commerce
- d. The Council is directed by RCW 19.27A.020(2)(a) to adopt rules that are designed to construct increasingly energy efficient homes and buildings that help achieve the broader goal of building zero fossil-fuel greenhouse gas emission homes and buildings by 2031.
- e. A guide on how to evaluate cost-effectiveness is therefore defined by the Council as a code change that has a net present savings over a 50-year life-cycle of a building utilizing the Life Cycle Cost Tool (LCCT) as developed by the Washington State Office of Financial Management (OFM). The method of the LCCT is based on the NIST Handbook 135 methodology and utilizes specific inputs as determined by the Council with guidance from the Washington State Department of Commerce.
(<http://www.ofm.wa.gov/budget/facilities/costanalysis.asp>). The cost-effectiveness analysis shall use the average useful life years from the Appendix 7 of the BOMA Preventive Maintenance Guidebook for all building components that are evaluated (<https://icap.sustainability.illinois.edu/files/projectupdate/2289/Project%20Lifespan%20Estimates.pdf>). An alternate method of cost effectiveness analysis or determining average useful life years of building components may be applied.

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- f. If the council determines that economic, technological, or process factors would significantly impede adoption of or compliance with incremental progress towards the 70 percent reduction in annual net energy consumption, the council may defer the implementation of the proposed energy code update and shall report its findings to the Legislature by December 31st of the year prior to the year in which those codes would otherwise be enacted.

5. The Council has established rules for amendment of the WSEC

- a. Residential energy code covers residential buildings including single family homes, townhouses, and some multi-family dwelling unit buildings that are 3 stories and less.
- b. Commercial energy code covers all non-residential dwelling unit buildings, some multi-family dwelling unit buildings that are 3 stories and less, and all residential buildings that are 4 stories and more and all residential sleeping unit buildings regardless of the number of stories.
- c. The International Energy Conservation Code is the base document for the development of the WSEC. Washington state amendments are integrated into the base document.
- d. In considering amendments to the state energy code, the Council established and consulted with a technical advisory group including representatives of appropriate state agencies, local governments, general contractors, building owners and managers, design professionals, utilities, and other interested and affected parties

Life Cycle Cost Analysis of Energy Code Measures

Evaluating costs and benefits

In order to evaluate proposals to improve energy efficiency in buildings, the Council adopted the Life Cycle Cost Tool ([LCCT-Appendix B](#)) developed by the Washington State Office of Financial Management (OFM). All measures must be technically feasible, commercially available and developed to yield the lowest overall cost to the building owner and occupant while meeting the energy reduction goals established under RCW 19.27A.160, and the Council determined that a net present savings over a 50 year period meets the cost effectiveness criteria.

The Council established an Economic Workgroup to review the proposed amendment and the economic criteria. The workgroup met twice to review the TAG recommendations. The workgroup is composed of Council members. Minutes and meeting documents for the Economic Workgroup are available on the Council website.

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Some members of the workgroup expressed concern over the 50 year life cycle. For some of the measures, 50 years exceeds the expected life of the equipment. Future replacements costs and available technology are not known. The Workgroup did adopt the goals stated earlier in Section 3 of this report, with an explanation that the Life Cycle Cost Analysis would factor in equipment replacement costs and use an agreed upon set of parameters for inflation, discounts, and fuel escalation among other costs.

The methodology used to calculate the energy savings achieved through code for a large population of buildings is that used for development of the Northwest Power Plan. This method is most appropriate for documenting the costs and savings for broad application of the energy code. The NPPC model has accurately forecast energy use in the region for several decades.

In some cases, costs for measures based on estimates provided by code amendment proponents varied widely. In those cases, the Council considered a range of costs and values such as years to positive cash flow as well as net present value. Information on the Life cycle cost analysis presented during the 2021 code adoption is available on the Council website.

New Measures Bring Incremental Improvements

An initial estimate of savings under the 2021 WSEC provides some round figures based on initial proposals, TAG review and input, and public testimony.

A comparison between the 2006 code and the 2021 code was performed to provide an accurate representation of savings, and then the actual energy use of new construction should be monitored to validate the estimates. See [Appendix A](#).

For residential buildings, defined as one and two family and town houses regulated by the International Residential Code, and apartment buildings three stories and under, the incremental improvements are on target.

For commercial buildings, which include all buildings not covered by residential, the progress is also on target. The state law directs the Council to “incrementally move toward” the 70 percent reduction in energy use. The improvement targets are based on equivalent savings in each three year cycle through 2030.

Moving toward 2031 targets for building energy savings

The code development process involves several stages over the three year cycle, all of which must engage stakeholders and be transparent:

- Preliminary process to examine national model code and align proposed updates with state mandates. The 2024 IECC, on which Washington will base the 2024 WSEC, will be published in the fall of 2023.
- Technical advisory group review and revision
- Council approval of proposed rules
- Public process, including taking public comments and holding hearings
- Final revision and action

The path to achieve the 70% energy use reduction required by 2031 (RCW 19.27A) will involve continuing and accelerating the transformation of the building industry. An analysis performed by the Northwest Energy Efficiency Alliance (NEEA) was recently published that suggests that achieving the reduction may necessitate the regulation of plug and process loads not currently regulated under the State Energy Code. See <https://neea.org/resources/washington-state-commercial-energy-code-technical-roadmap>. While training is not the purview of the Council, we understand that this significant transformation requires robust training to be successfully implemented. The energy code has become more complex and incorporates more testing and skill and will continue to do so as we get closer to 2031. This will need to be paired with increasingly robust funding of training for designers, contractors, trades, and other parties to implement the energy codes.

There are several new considerations that have a relationship with the energy code development:

- 2019 Clean Buildings Law. This requires audits and potential retrofits of new and existing buildings that use more energy than the average building of that type. Deep energy retrofits will fall under the energy code as will new buildings built under the new energy code that do not meet the energy use targets. Rule-making is ongoing and the state building code council should be proactive to ensure that new buildings built to code are likely to meet the energy use targets.
- 2019 Clean Energy Transformation Act. This requires electric utilities to supply Washington customers with carbon neutral electricity by 2030, with limited offsets possible. By 2045, utilities must supply Washington customers with electricity that is 100% renewable or non-emitting, with no provision for offsets. This means that the carbon emissions from Washington buildings that do not combust fossil fuels will reach zero within the reasonable lifetime of buildings built under current and future codes. RCW 19.27A.020 states that the Washington state energy code shall be designed to:

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“construct increasingly energy efficient homes and buildings that help achieve the broader goal of building zero fossil-fuel greenhouse gas emission homes and buildings by the year 2031.” With the electricity sector required to have zero fossil fuel emissions, this means that the code council has a pathway to achieve zero fossil fuel greenhouse gas emissions homes and buildings by pursuing efficient electrification.