

IDAHO BUILDING CODE BOARD

April 12, 2022 – 9:00 a.m. (MT)

Division of Occupational and Professional Licenses
1090 East Watertower Street, Suite 150, Meridian

DRAFT MINUTES OF THE MEETING

NOTE: The following report is not intended to be a verbatim transcript of the discussions at the meeting, but to record the significant features of those discussions.

Chairman Andrew Bick called the meeting to order at 9:03 a.m. (MT)

Board Members:

Andrew Bick, Chairman
Sam Zahorka
Kent Soelberg
Kelly Daniels
John Cotner
Nick Guho
Ron Johnson
Rob Brooks
Jon Laux
Jeremy Maxand (absent)

DOPL Staff:

MiChell Bird, Bureau Chief
Tim Frost, Deputy Administrator
Michael Hyde, Executive Officer
John Nielsen, Program Manager
Yvonne Dunbar, Legal Counsel
Ron Bassett, Board Services Manager
Renee Bryant, Board Support Supervisor
Linda Pratzner, Board Support Specialist
Carlotta Zito, Board Support Specialist

Approval of the October 19, 2021 and February 22, 2022 Meeting Minutes

There were no minutes to approve; therefore, they will be added to the agenda for the next meeting.

Board Business

Adopting Building Codes on a Set Cycle – Chairman Bick asked for suggestions on what kind of set cycle would work best for reviewing the international building and energy codes. Also, it would be helpful if each board member had a copy of the supplemental manual with the significant changes to the codes. Board Member Johnson met with deputy fire marshals, and their main concern for adopting a six-year cycle is how it would affect insurance points. Executive Officer Hyde met with Idaho Fire Marshal Knute Sandahl, who agreed to support the decision of the Board for code adoption on a cadenced cycle, if so determined. Board Member Zahorka would like the codes to be transparent and a set standard. Board Member Brooks commented the longer between code cycle adoption, the more codes that will need to be reviewed.

Deputy Administrator Frost stated the Governor's Zero-Based Regulation, Executive Order 2020-01, requires every board to have a five-year cycle in which to review its rule chapter. Executive Officer Hyde suggested the Board start with the 2021 Significant Code Change Manual as a steppingstone to analyze prior to the 2024 code release. DOPL can provide the

board members with the Significant Code Changes Manual. This can begin immediately after negotiated rulemaking and start by having a cadenced discussion with industry in early fall of 2022.

Idaho is typically a code cycle behind due to the grace period given to industry for enforcement. Chairman Bick recommended a six-year cycle for adoption with a three-year review. In between cycles, and considering the needs of the industry, the Board can revise and amend the code as deemed necessary by industry and stakeholders.

Zero-Based Regulations (ZBR)

Redline Review: PowerPoint Presentation – The ZBR process reviews the current adopted rule chapter and amends the IDAPA rules as deemed necessary by industry and various stakeholders through open public meetings, both formal and informal, to reduce the overall regulatory barriers and burdens that are non-life threatening or non-life safety or creates unnecessary financial burden. Any rules that are renewed or continued shall have gone through a thorough prospective analysis to ensure all over regulatory burdens and supportive statutory authority have been identified. The first step will be to repeal the entire rule chapter then apply the prospective analysis to the rules and develop a new rule chapter with reduction of overall regulatory burden. Executive Officer Hyde reviewed the following redlines of the rules:

- 004. *Code Adoption and Incorporation* was changed to combine all the codes into one.
- Rephrased and reduced word count on Section 305.2.3.
- Deleted Section 308.2.4 and 308.5.4 to follow the 2018 International Building Code. Under Section 308.5.4, Jason Blais, City of Boise, recommended to not delete sprinklers for R3 occupancy.
- Amended Section 310.4 by adding “Dwelling units providing day care for twelve (12) or fewer children”.

Mr. Blais stated in the past, the board members wrote the current rule around the 2018 code, not all residential is in the International Residential Code, and if the rule is condensed too far the meaning may be lost.

- Section 3113.1 was amended due to the section not within the scope of Title 39 Chapter 41, as it is under the Factory Built Structures Program and advisory board.
- Amended Section R105.2 by reducing word count and replacing the words “24 inches (610 mm)” with “four (4) feet (one thousand, two hundred, nineteen (1219) mm)” deep.

Patrick Sullivan, City of Nampa, suggested to put the name of the code next to the section that was amended.

- On amendments to Section R314.2.2 and R315.2.2., Mr. Blais inquired if electrical permits were covered in the base code. Executive Officer Hyde will look into it.

- Section R322.2.1 *Elevation requirements* was modified to be at the flood plain, as well as three (3) feet rather than two (2) feet. Mr. Sullivan stated there are some jurisdictions with seasonal flood zones and with their elevated floor foundation higher, they may have their own ordinances. Chairman Bick recommended giving local jurisdictions flexibility. Executive Officer Hyde will table this change, meet with local jurisdictions, Idaho Department of Water Resources, and address at the June meeting.
- Section R602.10 was amended to rephrase and reduce word count.
- Deleted 03. *International Existing Building Code* as it is an unnecessary place holder.
- Building code amendments within IDAPA 24.39.30 shall be in accordance with Title 39 Chapter 41.
- Struck Section C403.5 due to lack of statutory authority and falls under the HVAC system.
- Deleted table C404.5.1 as it falls under the plumbing system, and deleted sections C403, C404, C405, C406, C407, C408, C502.2.3, C502.2.4, C502.2.6, C503.4, C503.5 and C503.6 as they fall under the HVAC, plumbing and electrical systems.

The intent is to identify whether the Building Code Board has the statutory authority to enforce code requirements on mechanical, electrical, and plumbing systems. Executive Officer Hyde will verify with legal counsel for clarification on what statutory authority the Board has and provide an update at the June meeting. Board Member Zahorka asked if the mechanical, electrical, and plumbing boards reviewed the energy codes as it is a family of codes. Executive Officer Hyde will pose that question to the other boards and provide an update.

Executive Officer Hyde recommended a visual option for envelope testing on air sealing for minimum code inspection for amendment R402.4.1 as this has been an acceptable method since the adoption of the 2018 energy code for 80% of the residential homes constructed in Idaho and has been a consistent approach by most local jurisdictions. Mr. Blais suggested blower doors be an option as well. Johanna Bell, Association of Idaho Cities, had concerns about poor air quality with the looseness of the house and if it is a life safety issue.

- Amended Section R402.6 for residential log home thermal envelope by extracting electrical, plumbing, and total building performance. Chairman Bick stated the adoption of 2009 codes prohibited construction of log homes; however, the Board immediately changed that, which works with the 2018 verbiage. Mr. Blais would like to keep REScheck for log homes.
- Deleted Sections R403.3.1, R403.3.6, R403.3.7, R403.5.3, R404.1, R403, R404, and R405 as these sections apply to mechanical, electrical, and plumbing installations.
- Deleted 05. *References to Other Codes* and 01. *Listed* since they are already addressed in the adopted codes.
- Deleted 027. *Permits* and 028. *Plan Review* as they are already addressed in Title 39 Chapter 41. Chairman Bick recommended checking to see if smaller towns, that have not adopted a building program, are covered.

- Deleted 01. *Plans Specifications* and 04. *Addenda and Change Order Due* to unnecessary code language and does not help with the code enforcement.
- Changed 03. *Fees* for annual permits from “per hour” to “per inspection” and is consistent with other IDAPA chapters.
- Struck Sections 030. *Right of Entry*, 031. *Work Proceeding without Permit or Approval*, and 032. *Stop Work Orders* because they are already addressed in adopted codes.
- Struck 01. *Definitions*, a. *Fundamental Commissioning* and b. *Integrated Design* because this is duplicative of statute. These statutes live in Title 33 Chapter 3 Section 56.
- Changed 01. *Technical and Educational Information* to include a hyperlink to DOPL’s website.

Local Building Official & Inspector Meetings – Notices were sent to IDABO, AIC, IAC, BCA and AGC regarding upcoming public inspector meetings for feedback regarding full chapter repeal and replace of the building code. Once the meetings take place, Executive Officer Hyde will gather all feedback and include, as necessary, the comments within the redline rule copy at the June ZBR meeting.

Division Updates

Legislative Update – The Governor has signed House Bill (HB582). At the last meeting, there was a concern on who can pull those permits and a primary contact. The Legislature heard this and added additional language to address those items. On HB660, the Legislature took out the energy code sections out of Title 39 Chapter 41 that dealt with building codes, making its own chapter within statute. There was language added that preempts local jurisdictions from going above and beyond what the Board has adopted. As of July 1, 2018, a retroactive clause comes into effect and will remain within the language of the statute. Deputy Administrator Frost stated the signed bill adopted the 2018 IECC into a new chapter and adopted the code with the cycle of 2018; therefore, if Idaho was to move to a new code cycle the Legislature must amend the statute to do so. The Building Code Board has the authority to amend and revise the energy code.

Building Program Report – There are 219 incorporated cities and counties with ordinances in place that have amendments to the building code. Executive Officer Hyde asked how the Board would like to begin a local ordinance review to ensure consistency of the building codes are being realized and the amendments fall within statutory authority as requested by the Board at the previous board meeting. Chairman Bick recommended to concentrate and begin with ordinances that may be above and beyond state code or not within the statutory authority.

The permit and plan review report is forthcoming. Executive Officer Hyde met with the Department of Public Works as they are working on streamlining state project processes to expedite permitting and plan reviews. One project, which is significant, is the new Idaho Cobalt Mine outside of Salmon, Idaho. This is a modular structure for miners. DOPL is working with the local jurisdiction on what they need from the Division.

Financial Report – Reviewed was the Frequently Asked Questions document and snapshot of the finances for April 2020.

Employment of Inspectors and Plan Reviewers – Board Member Cotner stated employment of inspectors and plan reviewers has been a significant issue for local jurisdictions and inquired if DOPL may assist with plan reviews. Bryan Gilbert, Ada County, agreed that finding inspectors and plan reviewers is difficult; however, is still maintaining three inspectors. Board Member Zahorka has six positions open with the city of Meridian and is utilizing private consultants, which is costly. DOPL is experiencing similar issues with attracting electrical inspectors. Chairman Bick asked if some of the monies could be utilized in hiring. Executive Officer Hyde stated that DOPL is continuously exploring innovative methods to attract and recruit new employees.

Adjournment

MOTION: Board Member Laux made a motion to adjourn the meeting. Board Member Johnson seconded.

The meeting adjourned at 12:13 p.m. (MT)

ANDREW BICK, CHAIRMAN
IDAHO BUILDING CODE BOARD

MICHAEL HYDE, EXECUTIVE OFFICER
DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSES

DATE

DATE

These draft minutes are subject to possible correction and final approval by the Board. 07/08/2022rb