The meeting was called to order by Chairman Ron Whitney at 9:33 a.m. on Tuesday, April 6, 2010.

Board Members Present:
Ron Whitney, Chairman
Carol Alexander, Vice Chairman
Michael Arrington
Scott Buck
Jan Welch
Chuck Bleth
Bobby Ball
Andrew Bick
Mike Tracy

DBS Staff Members:
C. Kelly Pearce, Administrator
Steve Keys, Deputy Administrator, Operations
Janice Foster, Deputy Administrator, Administration
Patrick Grace, Deputy Attorney General
Kirk Weiskircher, Financial Specialist, Principal
Jack Rayne, Building Bureau Chief
Bill Hatch, Public Information Officer
Arlan Smith, Plan Review Program Manager
Renee Bryant, Administrative Assistant 2/Board Secretary
Sharon Chisom, Office Specialist 2

Administrator Kelly Pearce acknowledged State Fire Marshal Mark Larson for his assistance and contributions to the Division of Building Safety.

Ken Sommer was recognized for his many years of service on the Board as the representative of county building officials.

Open Forum
No items were addressed.

♦ Approval of the April 6, 2010 Agenda
MOTION: Andrew Bick made a motion to approve the Agenda. Mike Tracy seconded. All in favor, motion carried.

♦ Approval of the February 9, 2010 Board Meeting Minutes
To comply with the negotiated rulemaking process, Chairman Ron Whitney requested the June 9th meeting date, in the last sentence of “Potential Code Amendments” on page two, be removed.

MOTION: Andrew Bick made a motion to approve the minutes with the amendment of the June 9th meeting date stricken from the record. Jan Welch seconded. All in favor, motion carried.

♦ Public Testimony
This public hearing/testimony is informational only. The Board will review proposed amendments to the International Residential Code (IRC) and the International Building Code (IBC); voting on them at the June 8th meeting.
Fire-Resistance Rated Walls–(IRC) R302.2 – Lynn Transtrum, Pocatello city building official, submitted a proposal to amend the “Exception” to the code. The recommendation is to have two separate independent one-hour fire resistant walls between two townhouses; one for each dwelling unit.

It was further discussed and determined reintroducing two single one-hour walls into the current exception is redundant.

Required Inspection–(IBC) 109.3 – The city of Nampa submitted a proposed amendment to modify the second sentence in the IBC 109.3 to read, “Permit valuations shall include total value of work, including all site development costs, materials and labor, which are part of the development or construction of the project being permitted.”

The building codes no long prescribe the issue of permit and plan review fees. As stated in code, the final building permit valuation shall be set by the building official. Therefore, each jurisdiction has the ability to amend the code and set their fees by the creation of local ordinances.

Definition for Townhouses–(IBC & IRC) 101.2, Page 1 – IDABO’s proposal is to delete the “Exception” where live/work units complying with the requirements of 419 of the IBC shall be permitted to be built as one-and-two-family dwellings or townhouses. The reason for the deletion is the exemption implies all Group R, Division 3 (R3) occupancies are fire sprinkled, which places it in conflict with the Idaho legislature’s prohibition against the requirement for fire sprinkling of one and two family dwellings.

Arlan Smith explained the section of the IBC that applies to live/work units is new and that it states live/work units will be classified as R2 occupancy. It is his understanding the sprinkler system would still apply.

Work Exempt from Permit–Prefabricated Swimming Pools–(IRC) R105.2, Page 3 – IDABO proposes to modify item seven, “Prefabricated swimming pools that are not greater than 48 inches in height.” The current language caps the height of an exempt pool at a maximum of 24 inches, which is too restrictive.

Work Exempt from Permit–Fences–(IRC) R105.2, Page 3 – The proposal from IDABO modifies item two, “Fences not over 6 feet (1829 mm) high may be exempted from the requirement for a building permit in the absence of any land use regulations governing the installation, height, type or other provisions contained therein.” This exemption would make the code more congruent with local zoning ordinances.

Log Homes–IDAPA 07.03.01.004.04 – The Division, log home industry, and legislators representing the log home industry have created legislation amending the 2009 International Energy Conservation Code (IECC) to allow the log home industry to construct log homes without having to use 14-inch diameter logs.

**ACTION:** The Board to vote on code amendments at the June 8, 2010 meeting.
Bureau Chief Report

Legislation – Seven rules were approved by the 2010 legislature. An eighth rule was held in committee and rejected as the Division had two separate rules proposing to adopt the 2009 IECC. The better of the two rules was chosen and passed. The Agency anticipates enforcing the 2009 Codes in January 2011.

Modular Building Plants – There are nine modular building plants in southern Idaho and one in north Idaho. There has been increased activity in the modular building industry over the last several months. The Bureau currently has one full-time, one part-time, and one inspector-in-training to maintain the plant inspections. Jack Rayne occasionally assists with inspections.

Contract City Building Inspections – The Bureau has had decreased activity with the contract city building inspection programs in northern Idaho the last couple of years and has cancelled 15 agreements. The remaining eight city contracts, in central Idaho, have recently been terminated. The cities will have to do or get their own inspections.

Staff – The Building Bureau is down approximately half the staff from two years ago. Several building inspectors have retired or transferred. The current two full-time plan examiners are cross-trained to assist each other as needed.

Revenue – Approximately 79 percent of the Bureau’s revenue source, associated with the Building Code Board, is from state project plan reviews. HUD in-plant inspections under the HUD Manufactured Housing program, constitutes 11 percent, and ten percent is from occasional school plan reviews.

Local Jurisdictions–Code Amendments – Local governments enforcing building codes shall do so only in compliance with the provisions in Idaho Code (I.C.) 39-4116. They may amend by ordinance the adopted codes or provisions of referenced codes, provided the amendments establish at least an equivalent or higher level of protection to the adopted building code. A local jurisdiction shall not have the authority to amend any accessibility standards or provisions.

The IBC, IRC, and IECC are the three basic codes the state prescribes in I.C. 39-4109. The counties have to, as a minimum, adopt the IBC, IRC, and IECC as prescribed in the other portion of the law.

Administrator Report

Plan Review Fees – The Division is moving towards electronic plan reviews and is revisiting its fees. Arlan Smith briefly demonstrated the Division’s new electronic program, Project DOX. The program allows individuals the ability to quickly review two overlaid sets of plans for modifications. Pursuant to I.C. 39-4113, plan review fees charged by the Division are established by this Board.

ACTION: A proposal to revise the Division’s plan review fees will be presented at the June 8, 2010 meeting.

Fundamental Commissioning and Integrated Design – In cooperation with the Office of Energy Resources, the Division created a brochure designed to go to architectural firms, engineering firms, and school districts addressing the subject of fundamental commissioning and integrated design. This program allows school districts to save money by constructing buildings that are more energy-efficient. It is anticipated school districts will recoup their additional up-front costs over a five-year period through maintenance matching fund savings.
Safety Alert Bulletin – The Division created and distributed a “Safety Alert” bulletin to school district superintendents in areas with heavy snowfall throughout the state of Idaho. Kelly Pearce expressed appreciation to Jan Welch for her contribution.

Contract City Building Inspections – Kelly Pearce addressed the termination of the building inspection services to eight north central cities in Idaho, and the impact the county-option legislation would have on the agency if passed.

CAS – The presentation on CAS was waived by the Division since it had been presented to the Board at a previous meeting.


Administrator Pearce reviewed the Governor’s recommendation for the Agency’s fiscal year 2011 budget. Comparing the 2010 appropriation and the request for fiscal year 2011, as approved by the Governor’s office, there is a decrease of 21.4 percent.

The Agency currently, and through June 30th, has an authorized full-time personnel (FTP) staff of 152 individuals. The Governor’s request is for a reduction of 11 positions from our current status, taking the DBS to 141 positions. As of today, the Division is down 28 positions.

Furloughs vs. Layoffs – Kelly Pearce explained why the Division has chosen layoffs as opposed to furloughs.

First In/First Out (FIFO) – FIFO is a tax term and has been used to describe the Agency during the current economic time. The Division’s revenue is generated through the construction industry by the issuance of permits and inspections and is the first state government agency in and out of financial adversity.


MOTION: Mike Tracy motioned to adjourn the meeting. Scott Buck seconded. All in favor, motion carried. The meeting adjourned at 11:48 a.m.