

**IDAHO BUILDING CODE BOARD
VIDEOCONFERENCE MEETING**

Tuesday – February 23, 2021 – 9:30 a.m. (MST)

**Division of Building Safety
1090 East Watertower Street, Suite 150, Meridian
1250 Ironwood Drive, Suite 220, Coeur d’Alene
155 North Maple Street, Blackfoot**

MINUTES OF THE FEBRUARY 23, 2021 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 9:34 a.m. (MST)

Board Members Present:

Andrew Bick, Chairman
Jason Blais, Vice-Chairman
Phil Roberts
John Cotner
Jon Laux
Nick Guho
Rob Brooks-Telecon.
Kent Soelberg-Telecon.
Chuck Bleth-Telecon.
Jeremy Maxand-Telecon.

DBS Staff Members Present:

Ron Whitney, Administrator
Patrick Grace, Deputy Administrator
Spencer Holm, Deputy Attorney General-Telecon.
Jeff Egan, Building Program Manager
Larry Jeffres, Regional Manager, Region 1
Adam Bowcutt, Regional Manager, Region 3
Lisa Stover, Building Program Supervisor
Renee Bryant, Administrative Assistant 2

◆ **Open Forum**

There were no new issues to address under open forum.

◆ **Recognition**

After 30 years in emergency services, Fire Captain Phil Roberts is retiring, as well as resigning as the fire officials representative on the Board. Captain Roberts was recognized for his dedication and service to the citizens of the state of Idaho.

Jeremy Maxand was welcomed as the newest member of the Board; representing the disabled community.

◆ **Approval of the February 23, 2021 Agenda**

Chairman Andrew Bick stated agenda item 03 *IWS Code Clarification* would not be addressed as the presenter was unable to attend the meeting.

MOTION: Jon Laux made a motion to approve the agenda as amended. Nick Guho seconded. All in favor, motion carried.

◆ **Approval of the October 20, 2020 Meeting Minutes**

MOTION: John Cotner made a motion to approve the minutes as presented. Jon Laux seconded. All in favor, motion carried.

◆ **Authorize Notice of Adoption of Temporary Rule Regarding IDAPA 24.39.30**

In the past, fee rules have not been reauthorized by the legislature. In preparation of it possibly happening again, the Governor's office has asked all boards with rulemaking authority to reauthorize the fee rules on a temporary basis. The substance of the rules have not changed since being submitted to the 2021 legislature and would become effective at sine die. At the 2022 session, the legislature would be required to reauthorize the fee rules.

MOTION: John Cotner made a motion that pursuant to Section 67-5226, Idaho Code, the Governor has found that temporary adoption of these rules are appropriate to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules. The Governor has also found that the fees or charges being imposed or increased are justified and necessary to avoid immediate danger to the agency/department/board/commission's budget, to the state budget, to necessary state functions and services, and to avoid immediate danger of a potential violation of Idaho's constitutional requirement that it balance its budget. Therefore, we are adopting IDAPA 24.39.30 to be effective upon sine die of the 2021 session of the Idaho Legislature. The approval is conditional and will only become effective if the rules are not otherwise approved or rejected by the Legislature and/or not extended pursuant to the Idaho Administrative Procedure Act, including sections 67-5291 and 67-5292, Idaho Code." Jon Laux seconded. All in favor, motion carried.

◆ **Recognition (Cont'd)**

Upon arrival, Chairman Bick presented Board Member Phil Roberts with a plaque for his years of service as the Fire Official Representative on the Idaho Building Code Board.

◆ **Definition of Conditioned Space: IECC**

One issue recently brought up in the building industry is if a homeowner would like to add supplemental heat into their garage space, how would jurisdictions actually apply the code to that definition. One exception in the 2018 energy code is for areas that do not contain conditioned space; i.e., garages; however, it was questioned by adding supplemental heat are you then taking that space to a conditioned space and how do you approve or not approve it. There have been multiple discussions with building officials throughout the state on how they apply this in their areas.

Dave Freelove, Idaho Energy Code Circuit Rider, presented a draft amendment to the energy code. Exceptions were added to sections R402.1 (new construction) and R503.2 (existing structures) for attached or detached garages.

Mr. Freelove agreed to exempt Section 403.7 regarding Manuals S and J in the amendment, as supplemental heating systems are not primary heating/space conditioning systems and do not need to be sized/calculated.

To keep the Idaho HVAC Board informed when setting limitations, HVAC Program Manager Michael Hyde asked if Mr. Freelove would be willing to make a presentation to the Board at its March 10, 2021 meeting.

It was determined it would be best to bring this topic to the April 13, 2021 meeting as an action item; sending it to the Governor's office as a special provision and then begin the negotiated rulemaking process as the Board would like the amendment to be in place prior to January 1, 2022.

ACTION: The topic *Definition of Conditioned Space: IECC* will be placed as an action item on the agenda for the April 13, 2021 Idaho Building Code Board meeting.

◆ **Amend Language in 2021 IBC – Mass Timber Construction, Types IV-A, IV-B and IV-C**

In the packet was House Concurrent Resolution 36, *Idaho Wood Products*, sponsored by Representative Caroline Troy at the 2020 legislative session. Page two, line 44, of the legislation states in part, "... that the Idaho Legislature urges that federal, state, local, and other building projects include as much safe, renewable, and environmentally friendly wood products grown and produced in Idaho as possible in their building and construction plans." This is a precursor to House Bill 143, currently at the 2021 legislature. If the bill passes, the language in Idaho Code § 39-4109A. *Mass Construction*, would state, "By January 1, 2022, the Idaho building code board shall amend the current Idaho building code to include the provisions of the 2021 International Building Code relating to mass timber construction. This must include permitting the three (3) new mass timber construction types IV-A, IV-B, and IV-C, along with the corresponding maximum heights and fire safety features."

Unsure of Representative Troy's expectations of the Board, it was suggested to begin the negotiated rulemaking process once the bill becomes effective; drawing in portions of the 2021 International Building Code into the 2018 code and then potentially run it as a temporary/proposed rule. That would allow it to take effect by January 1, 2022, as directed in the proposed bill, but it would still have to go through the 2022 legislature to be finalized.

Kraig Stevenson, International Code Council (ICC), explained that several states have done exactly that; bringing in the 2021 language and amended their codes. Mr. Stevenson agreed to email the language by those jurisdictions to the Division, to be forward to the Board. It was suggested Mr. Stevenson copy Representative Troy on the email as well.

◆ **Program Manager Report**

Building Program – The majority of DBS employees are working remotely with inspectors using their vehicles as offices. The Division is testing the viability of video and photo inspections.

Training – Within the last six months, the Building program staff has and/or will participate in the following trainings: 1) Two-day in-house plan review course; 2) January 2021, virtual training through IDABO; and 3) March 1 through 5, 2021, EduCode by ICC.

Construction – Since the beginning of 2021, the Building program has received plan reviews for the following projects: 1) Replacement stairs, married student housing, University of Idaho (U of I), Moscow, \$6K; 2) Flammable storage building/roof replacement, Department of Health & Welfare, Old Penitentiary Road, Boise; 3) Phase Two remodel, new offices, Chinden Campus, Boise, \$84K; 4) Small office space remodel, copy center, Idaho State University (ISU), Pocatello, \$24K; 5) Lionel Hampton School of Music and Ridenbaugh Hall, acoustic upgrades and renovation to include asbestos abatement, new flooring, windows and accessible restrooms, U of I, Moscow, \$3.7 million; 6) Department of Administration, new office spaces, Idaho State Library, Boise, \$14K; 7) Remodel accessible restroom facilities, new flooring and mechanical upgrades, College of South Idaho, Twin Falls, \$1.3 million; and 8) Repair utility tunnel, replace steam and condensate lines, ISU, Pocatello, \$1.2 million.

◆ **Administrator Report**

IRC and IECC – The Division is in the final draft phase with ICC to incorporate amendments to IDAPA rules with the Idaho Residential Code and Idaho Energy Conservation Code. It is estimated the codes with the blended rules will be posted on ICC’s website and available within the next couple of weeks.

Legislation – The majority of the reauthorization of rules moved through both the Senate and House committees with no issues. However, when first introduced to the Senate Commerce Committee, the electrical, building safety and public works rules were pulled. Ultimately, those three items went separately to the Senate Commerce Committee and passed. At the House Business Committee, electrical apprentice to journeyman ratios were removed in its entirety from the electrical rules.

Senate bills 1024, 1026, and 1056, relative to the new Division of Occupational and Professional Licenses (DOPL), and the transitioning of DBS into DOPL, passed in the Senate Commerce Committee with a vote of 31-2-2.

In addition, the Division is watching the following House bills: 1) 143, Mass timber construction; 2) 145, Apprentice to journeyman ratios; and 3) 173, Part of the DOPL reorganization; moving the Office of School Safety and Security from DBS to the Board of Education.

Financial Report – The Board’s financials look good with the construction activity going on throughout the state of Idaho.

Permits – Despite Covid, permit activity for calendar year 2020 was higher than 2019 by ten percent, and January 2021 versus January 2020, permits have increased by seventeen percent.

House Bill 201 – This legislation would put two exemptions in Idaho code: 1) Allow firefighters to replace smoke detectors and carbon monoxide detectors in one- and two-family dwellings, and 2) Provide an exemption for the installation or replacement of a fire alarm panel

communication device. It seemed there was some confusion with the way the second exemption, paragraph H, Idaho Code 54-1016 *EXEMPTIONS*, was written.

◆ **Adjournment**

MOTION: Jon Laux made a motion to adjourn the meeting. Nick Guho seconded. All in favor, motion carried.

The meeting adjourned at 11:32 a.m. (MST)

ANDREW BICK, CHAIRMAN
IDAHO BUILDING CODE BOARD

RON WHITNEY, ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE

03/25/2021rb

DATE