

**IDAHO BUILDING CODE BOARD
VIDEOCONFERENCE MEETING**

Tuesday – June 15, 2021 – 9:30 a.m. (MDT)

**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 JUNE 15, 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 9:30 a.m. (MDT)

Board Members Present:

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

DBS Staff Members Present:

Ron Whitney, Administration
Spencer Holm, Deputy Attorney General-Telecon.
Jeff Egan, Building Program Manager
Lisa Stover, Building Program Supervisor
Adam Bowcutt, Regional Manager, Region 3
Chuck Knapp, Regional Supervisor, Region 1
Renee Bryant, Administrative Assistant 2

◆ **Open Forum**

Conditioned Space and Supplemental Heat in Garages--Update – Rather than address this issue through a building code addendum, and possibly open up the energy code to all types of revisions, it was decided to ask IDABO to generate a policy on how to provide supplemental heat in garage space and furnish to their jurisdictions. Idaho Energy Code Circuit Rider Dave Freelove, and Patrick Sullivan, Director of Building Safety and Facilities Development, City of Nampa, are currently working on the policy.

◆ **Approval of the June 15, 2021 Agenda and April 13, 2021 Meeting Minutes**

MOTION: Rob Brooks made a motion to approve the agenda as presented and minutes as written. Jon Laux seconded. All in favor, motion carried.

◆ **Omnibus Temporary Rule Chapter Proposal--IDAPA 24.39.30**

For Idaho administrative rules to become final, the Senate and House of Representatives must pass a concurrent resolution to approve administrative rules that impose a fee or charge, with exceptions, and reject certain agency rule dockets that are not approved. The Senate introduced and passed Senate Concurrent Resolution 108; however, the House of Representatives did not take up or address the Resolution. Similar to the two previous years, the only pathway for agencies to reauthorize administrative rules is through the Governor's temporary rulemaking authority pursuant to Section 67-5226, Idaho Code.

IDAPA 24.39.30.004.01(j) introduces the new mass timber language. Portions of manufactured homes and modular buildings have been deleted from the building rules and moved to the factory built structures rules, and language pertaining to insignias has been removed from the building and factory built structures rules since it is in Idaho Code §39-4304 *Insignia of Approval – Cost – Placement*.

Chairman Andrew Bick asked, and Deputy Attorney General (DAG) Spencer Holm recommended, to adopt/incorporate the new mass timber language by reference in an appendix, similar to the City of Denver, and then incorporate into the rules. This would meet the January 1, 2022 deadline, and accomplish the requirements of House Bill 143, which is to adopt a specific section of the International Building Code (IBC) to allow Idaho to use mass timber in commercial and residential construction. Board Member Jason Blais questioned if the Board should adopt the 2018 IBC, to include the sections of the 2021 IBC. DAG Holm reiterated the intent of the legislature on mass timber, as well as the background for the approval of the Omnibus temporary rule.

Board Member Rob Brooks raised the following questions regarding language in IDAPA 24.39.30.004.01(j): 1) Is an individual to use both the 2018 and 2021 IBC to design a mass timber building that happens to be amended in the 2018 code, 2) Is a designer to use both codes for the same building, and 3) Which code should be referenced, 2018 or 2021 IBC, when constructing a mass timber building with exterior fire resistance rated walls.

Based on the International Code Council's (ICC) formatting of their codes, and the restructuring of the State codes, i.e., removal of the word "Title" from the heading in IDAPA 24.39.30.001, Chairman Bick questioned whether it would be difficult to adopt future ICC codes. In addition, would city/county jurisdictions have to revise their ordinances to match the state's layout. Tim Frost, Operations and Regulatory Bureau Chief with the Division of Occupational and Professional Licenses, stated the changes made were based off the recommendation of the Division of Financial Management, which oversees the Office of the Rules Coordinator, and the written publication *The Idaho's Rule Writers Manual*. The DAG was not aware of any legal requirements to have the "Title" in the heading. The easiest route to edit/modify the language would be to adopt the rules as presented with exceptions. Building Program Supervisor Lisa Stover noted in IDAPA 24.39.30.030, *Right of Entry*, a space is needed between Chapter and 41.

◆ **Vote to Rescind Existing Temporary Rule Chapter--IDAPA 24.39.30**

Hearing no further questions or concerns, Chairman Bick looked for a motion to vote to rescind existing temporary rule chapter IDAPA 24.39.30.

MOTION: Jon Laux made a motion to rescind existing temporary rule chapter IDAPA 24.39.30. Ron Johnson seconded. All in favor, motion carried.

◆ **Vote to Adopt Temporary Omnibus Rule Chapter--IDAPA 24.39.30**

Chairman Bick looked for a motion to vote to adopt temporary omnibus rule chapter IDAPA 24.39.30.

MOTION: John Cotner made a motion that pursuant to Section 67-5226, Idaho Code, the Governor has found that temporary adoption of this rule is 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. Therefore, we are adopting this temporary rule, with an effective date of July 1, 2021, as presented with the following exceptions: 1) Remove the reference of mass timber from IDAPA 24.39.30.004.01(j), and 2) Insert a space between Chapter and 41, two areas, in IDAPA 24.39.30.030, *Right of Entry*, as well as rescind the existing temporary rule with an effective date of July 1, 2021. Jon Laux seconded. All in favor, motion carried.

◆ **Program Manager Report**

Construction – Since the April 13, 2021 meeting, the Building Program has received plans for the following State projects: 1) Department of Finance (remodel), Boise, \$2.5 million; 2) Department of Transportation (new Port of Entry), Declo, \$1.2 million; 3) Idaho Parks and Recreation (new Thousand Springs State Park), Hagerman, \$6 million; and 4) DOPL (remodel) Boise, \$4.8 million.

◆ **Administration Report**

Construction (Cont’d) – The Coeur d’Alene office is being remodeled to include the expansion of the board room and additional offices.

New Licensing and Permitting Software – DOPL now has a program office comprised of a project manager, business analysis and program champion, as well as program steering, program advisory, and executive committees. All are working towards developing a Request for Proposal for the new software program.

Financial Report – FY 2021’s projected revenue is at 106%, and expenses are at 91% of budget.

Permit Activity – From 2019 to 2020, permit activity rose 10%, and for the first five months of 2021, year-to-date, it increased an additional 19% over 2020.

◆ **Adjournment**

With no further comments or questions, Chairman Bick asked for a motion to adjourn.

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

The meeting adjourned at 11:04 a.m. (MDT)

ANDREW BICK, CHAIRMAN
IDAHO BUILDING CODE BOARD

RON WHITNEY, ADMINISTRATION
DIVISION OF BUILDING SAFETY

DATE

DATE

09/02/2021rb