

Hailey Building Board Meeting

Recording Name:
[Hailey Building 8_10_2021]

Transcript Prepared By:



T R A N S C R I P T I O N
O U T S O U R C I N G , L L C

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1 Male: Tell us about what you want in building codes and what
2 you don't want in building codes. What makes your job
3 difficult? What makes it was? Uh, the governor has
4 tasked us with repeal and replace, so we -- every five
5 years or in the next five years, I should say, we're
6 going to examine every rule that the state has in our
7 -- our rules and, um, examine every one of them, and
8 the ones that don't make sense may not make it back
9 into rule. So the building code board, uh, is tasked
10 with that, uh, that job.

11

12 Um, maybe I'll just kind of go through some
13 introductions here. This is Jim Lynch. He's, uh,
14 kind of the east region building manager/inspector
15 guy. And you probably have him on your job (inaudible
16 - 00:01:02). Uh, Dorothy, uh, oh my gosh. Uh, I'm
17 forgetting your last name.

18 Judd: Judd.

19 Male: Dorothy Judd, Tracy Thomas. Uh, they're our office
20 staff from Bellevue, Hailey, and Ketchum. Uh, and,
21 Dorothy, we're just going to see you mostly in, uh,
22 Bellevue, but we also take care of Fairfield. Um,
23 Dorothy covers that. Uh, Tim Frost is, uh, I don't if
24 I can get your title correct, Tim. Would you mind
25 telling us who you are?

1 Frost: I'm just the Regulatory Bureau Chief at DOPL.

2 Male: Just the Regulatory Bureau Chief at DOPL. Uh, and
3 he's come to every one of these so far, and I imagine
4 he'll be at all the rest of these, uh, listening
5 sessions that we're having. And, uh, one of the
6 reasons I think he'll be here is because this is his
7 responsibility to guide us, the boards, through this
8 process, and as I have seen so far, it -- it's not an
9 easy process, and it -- it does take someone who's an
10 expert to really guide, uh, us through this. Um,
11 Warren Wing is the Electrical Program Manager. He's
12 right there. Michael Hyde (ph) is the HVAC Program
13 Manger. Sean (ph) is out of the room. Michelle Byrd
14 (ph) is the Bureau Chief for building -- for what used
15 to be Division of Building Safety, and Adam Bowcutt
16 (ph) is the Regional Manager.

17
18 Um, so the building topic has not been much of a
19 topic, and I think that's because so many of us are
20 comfortable with where the building program is and
21 where the building rules and statutes are. So I'm
22 going to try to shake things up a little bit in an
23 effort to try to get some conversation going.

24 Um, for example, uh, the International Building Code
25 is part of something that we have to adopt because of



1 state statute -- state law requires it. However, um,
2 I've got one, two pages of deletions, uh, from that
3 code, which make it suited to be adopt -- for use in
4 Idaho. It's very specific things that we take out,
5 um, of the code because they're not applicable for
6 Idaho.

7
8 Uh, one thing we did add this year, uh, as part of the
9 statute is provisions for mass timber construction,
10 um, and so statute required the board to make those
11 provisions in rule, and the board did that. Um, and,
12 uh, what I want to know from everybody in this room,
13 what needs to be changed with the International
14 Building Code to make jobs easier, to make them, uh,
15 less restrictive, or, uh, what, um, things are
16 obsolete that we need to take out of there that just
17 doesn't make sense for Idaho? If you have any
18 comments on that, please come up and, uh, as we go
19 through this please come up to the podium because we
20 have -- we're recording this, and we want to document
21 all the comments.

22 Giese: Hello, uh, Jeff Giese, Blaine County Building
23 Official. I feel that the suite of codes, the
24 building, uh, codes, electrical codes, and the HVAC
25 codes, they all work in unison together, and I feel

1 like the state's done a good job on making the
2 building code what we need and appropriate for our,
3 uh, constituents, our economic, uh, the economic
4 environment that we have. And, uh, I -- I, uh, I
5 think you guys have done a great job in the past with
6 this, and I'm not sure what I would suggest as any
7 further deregulation. Um, I feel it's important to
8 keep -- keep it at least where we have it. Life
9 safety, is -- is paramount, obviously, but everything
10 else works in unison with that, and I -- kind of
11 reading between the lines of our last meeting with the
12 electrical board, everything kind of seemed to boil
13 back down to life safety.

14
15 But there's immediate life safety, and then there's
16 the long-term effects of a bad built environment. You
17 know, there's a lot of things that go into play here,
18 but, you know, the immediate life safety is clearly
19 paramount for the -- for the regulation that we have.
20 But I don't really have anything to say as far as any
21 further deletions or amendments would go. I think the
22 board has done a great job to this point, and I would
23 like to go on the record that, uh, Blane County is
24 definitely in opposition of any deregulation of the
25 building codes. I would definitely like that to go



1 the record, and, uh, that's all I have to say. Thank
2 you.

3 Male: Thank you, Jeff. Does anybody else want to make a
4 comment? Okay. Well, I'm going to step forward
5 through the residential code, then, which I think many
6 people in this valley are pretty familiar with.
7 Again, uh, statute requires the building code board to
8 adopt, uh, International Residential Code. However,
9 the board also has the ability to amend that, uh, to
10 make it more usable for the State of Idaho.

11
12 Um, as I look through these pages, I see deletion
13 after deletion, and what I'm wondering is are there
14 other things that need to be deleted out of
15 residential code? Anybody have a comment on that,
16 more deletions? Okay. Go ahead, go ahead.

17 Giese: Basically just, uh, basically what I said before.

18 Male: Bruce, do you have a --

19 Graham: Bruce Graham (ph) Quality Heating and Electric. Um, I
20 -- I don't have specific, you know, deletions or
21 anything in -- in mind there. I just want all the
22 boards to basically keep in mind that the
23 International Building Codes are being lobbied all the
24 time, and we have new products, new building products,
25 etc., etc., whether it's building product -- products

1 or -- or ways to achieve, uh, more efficiency or -- or
2 better code compliance, whatever.

3
4 But, anyway, that board that builds that code book,
5 they're being lobbied all the time. So if they can
6 get something put in there that says we have to
7 increase -- and I'm just throwing -- throwing out some
8 -- something -- increase installation, you know to --
9 to an R50 or whatever, and they -- and the company
10 that's lobbying that board has a product that makes
11 that R50 and -- and nobody else has that product, you
12 know, and -- or very few other people have that
13 product. They're lobbying that board for a reason.
14 They're putting money in their pockets, okay? And
15 I -- I think it's, uh, the responsibility of the
16 different boards here to go through all that, weed
17 through all that and go, "Does this really make sense,
18 or is this just something that's a -- that's a gimmick
19 to try to, uh, enhance somebody's pockets?"

20 Male: Sure, thank you.

21 Graham: Okay.

22 Male: Um, anybody else want to comment on residential code?
23 All right, I'm going to bring up the International
24 Energy Conservation Code, which is also required by
25 statute to be adopted. Um, and, uh, after the free

1 conversation between sessions, I might ask Bruce
2 Graham if he would mind stepping up to comment on one
3 of the things we spoke about that was, uh, the life
4 safety aspects of the International Conservation Code.
5 Um, would you mind? I don't want to put you on the
6 spot.

7 Graham: Sure. Bruce Graham again. Um, I -- I -- I'm very
8 vocal about -- about the state basically sticking
9 with, uh, life safety issues, etc. But -- and I --
10 and I know there's a lot of -- we -- we've got to
11 increase our -- our energy efficiencies through
12 everything, you know, and it's -- and it's mandated by
13 the federal government. But it's also going to be
14 mandated by your pocket.

15
16 But, by the same token, I always look at things the
17 other -- on the flipside. I think everybody's
18 entitled to a house, and not everybody can build this
19 house that -- that's at budget. Most people have to
20 start out down here, and then hopefully they work
21 their way up.

22
23 So when we start putting too much requirement on
24 houses. I -- I -- I guess the energy codes, I feel,
25 could be and maybe they are to a certain extend, could

1 be increased, like, with the size of the house and the
2 amount of energy you're going to use. An 800 square
3 foot house definitely doesn't require the same type of
4 construction that an 8000 square foot house does as
5 far as -- because they're -- they're not going to burn
6 a lot of energy. Yes, they're going to be -- they
7 could be inefficient, but you've got to give everybody
8 a place where they can get into some shelter and --
9 and -- and then work their way up.

10 Male: So how would you say that ties to the life -- how can
11 you tie that to life safety?

12 Graham: And it doesn't tie to life safety, and once again,
13 I'll come back to my original statement. I -- I -- I
14 really don't feel that the -- the state has a right to
15 tell people what they need to do to their home if it
16 doesn't involve safety issues.

17 Male: Okay. Good, thanks.

18 Graham: Okay.

19 Male: Sorry to kind of poke you, but we've been, um, not
20 getting very many comments in the last two sessions,
21 and I'm kind of trying to tease some comments out of
22 the audience here. Um, so the energy code is kind of
23 a hot topic, and, um, there's a lot to it, but, uh,
24 it's going to be up to the folks that are in the
25 industry to, uh, kind of guide the board, and, um,

1 that's what we'd kind of like to hear preliminarily
2 right now. So if there are issues that you want to
3 bring up, please do. Should we add more or should we
4 take some out?

5
6 Um, one of the questions I -- I circled here is, uh,
7 we deleted R402.4.1 and replaced it with our own
8 building thermal envelope, uh, requirements. Part of
9 those became extinct, uh, July 1, and now we have a --
10 a new part that -- I'm going to read this to you.
11 "Effective July 1, 2021, the building thermal envelope
12 of 80% of all new single family homes constructed by
13 each builder shall comply with section blah, blah."
14 That's the installation section, and either Section
15 402.4.1 -- that's testing, or Section 402.4.1.3,
16 that's visual inspection. Uh, "the sealing methods
17 between dissimilar materials shall allow for
18 differential expansion and contraction." So what this
19 says is, "Mr. Contractor, 80% of the houses you build
20 have to meet these certain criteria, 20% may not, but
21 at least 80% have to be tested and proved that -- that
22 they do meet this." Should that be different? Should
23 it be changed? Should it be added to? What -- are
24 there any thoughts on that?

25 Male: I would have to sit down and read the code section a

1 couple of times to really understand your -- your
2 question.

3 Male: Okay. All right, well what it says is, uh, you know,
4 okay. Um, so maybe that's -- I did want to point out
5 here. Um, uh, but it -- it indicates that the
6 building envelop shall be tested for tightness and,
7 uh, that's a new thing that's coming from the State of
8 Idaho. Uh, and we've tried to phase this in gradually
9 by saying that, "Okay. We're not going to make 100%
10 on your buildings required to meet that rule. We'll
11 make 80%." Um, I guess I'm looking for any kind of
12 input on the building envelope. Uh, are we on track?
13 Do we need to change things? Does anybody have any
14 comments?

15 Graham: So how are you going to make timber structures and,
16 uh, well, houses, etc., meet a building tightness? We
17 all -- we all know how that -- the -- the logs and
18 timber breathe, and you -- you cannot get that level
19 of tightness.

20 Male: Yeah, and in our rules, we accommodated that by -- log
21 homes have their own section, which is a little bit
22 relaxed from other types of construction.

23 Graham: Devil's advocate. Like, why does a log home get a --
24 get a pass when they -- and none of the others do?

25 Male: I'll turn that around to you and say is that something

1 that should happen, or is that something that we
2 should look at, and maybe log homes shouldn't be --

3 Graham: I -- I've been in the HVAC industry for -- for over 40
4 years, and we -- I, you know, I was all for tight
5 houses for -- for -- for, uh, controlled ventilation,
6 etc. I'm still for that as far as efficiency, but I'm
7 not so sure that healthier homes -- we didn't have
8 healthier homes back when the wind blew through them.

9 Male: Good comment. Okay. Thank you. Um, um, one of the
10 other things I'm going to throw out there that seems
11 to be, uh, sometimes, uh, uh, a talking point and that
12 is the requirement for lighting. The requirement
13 says, "minimum of 75% of lamps in permanently
14 installed lighting fixtures shall be high efficiency
15 lamps." Uh, and should that be the case? Is there a
16 comment on whether light fixtures should have a re- --
17 restriction on them? If you don't mind, please go up
18 to the podium so we can -- the mic doesn't reach very
19 far.

20 Giese: I feel most of the requirements, uh, Jeff Giese,
21 again. Uh, most of the requirements in the Energy
22 Conservation Code have been addressed by the industry.
23 Uh, you don't see too many fluorescent lights. These
24 are probably LEDs in here now. Uh, incandescent
25 bulbs, good luck finding those in five years. Um, so

1 I believe that stuff like that, uh, the industry is
2 caught up to the requirement. Uh, I believe that in
3 most cases in the residential portions of the, uh,
4 International, uh, Energy Conservation Code.

5 Male: So you think that's something that could be removed?

6 Giese: Uh, it could be removed, or it stays in place, uh,
7 just as, uh, a mechanism, uh, to verify that somebody
8 is -- if somebody wants to - yeah. To answer your
9 question, it could be removed. I think that the, uh,
10 the industry's caught up with that. Uh, clearly the
11 International Code Council has vetted this code at a
12 national level, and they've determined that it needs
13 to stay in there, but, uh, possible, yeah.

14 Male: Thank you.

15 Giese: You're welcome. Uh, any other comments on that? Are
16 there any comments on building codes other than what
17 we've talked about so far, anybody? Because I don't
18 have much else to talk about if you don't.

19 Male: I would just like to state that, uh, regulations
20 statewide in Idaho, it's -- it's a really tricky
21 thing. We kind of have, uh, we have an interesting
22 clientele here dynamic. The homes that we're
23 building, you know, they're anywhere from, you know,
24 the 400 square foot little home down here on the ranch
25 to the 15,000 square foot home that's, uh, uh, a

1 sprawling complex. And the -- the building codes and
2 the verification process that goes into that by the
3 inspectors and the plan reviews and everything else,
4 we do not have a representative from the Building
5 Contractors Association here today, which we
6 should've. I reached out to them, nobody showed up.
7

8 Uh, but the verification process really helps to -- to
9 cover the contractors and the liability that they end
10 up with on some of these homes. Uh, almost everybody
11 has an attorney these days, and it as soon as
12 something goes wrong, the finger gets pointed at the
13 contractors, and, uh, just one small litigation
14 lawsuit could put somebody out of business. And it's
15 nice for the -- for the building contractors to have
16 that backup from the jurisdiction saying, "Yeah,
17 you're home was built per code, and it was inspected."
18 And I just -- I know that's probably not really in the
19 scope of what today's listening is about, but it's
20 just, uh, it's something that I'd like to add for you
21 guys to ponder as -- as the board goes through this
22 regulation and, you know, it's -- it's not just about
23 the person building the home. It's also about the
24 other people that are -- the contractors building the
25 homes, and, uh, yeah, it's -- it's an important --

1 it's important to have that verification process in
2 our climate here, at least.

3 Male: (Inaudible - 00:22:29). Um, I have -- I have a
4 question about the timeline on this. What's -- what
5 are -- what are -- what's your guys' timeline on this?
6 What -- what should the jurisdictions expect of that
7 from you guys from this listening session?

8 Male: Michelle, do you have any comment on that part of it?

9 Byrd: Sure. So ZBR, they -- these boards will be going
10 through ZBR in the '23 legislative session. So we're
11 doing a year of, you know, input, basically, listening
12 sessions.

13 Male: Okay.

14 Byrd: And then next year, we'll actually be working on the
15 Zero Based Regulation to present the next year in the
16 legislature, so July of '23.

17 Male: July of '23? Okay. And then, uh, when would be
18 expect --

19 Byrd: May of 20 -- whenever.

20 Male: Is there, uh, a date set for adoption of new
21 regulations? Would that be the following session, the
22 following year, then?

23 Byrd: New regulations, you mean? So this is -- the -- that
24 is specific to the rules --

25 Male: Okay.

1 Byrd: -- and, um, the ZBR is -- is the Zero Based Regulation
2 on the rules -- on the administrative rules. And so
3 we haven't started diving in to -- to regulation to
4 the -- to the (inaudible - 00:23:56).

5 Male: Okay.

6 Byrd: And that could be at any time that we see things that
7 we would need to update on that.

8 Male: Got you. So the -- so you meet in 2023, and then at
9 that point the next legislative session, is that when
10 things could go into -- it could be repealed and
11 reinstated?

12 Byrd: Well, what we have to take in to the legislative
13 session in 2023 is our repealed rules and -- and the
14 repealed and replaced version.

15 Male: Okay.

16 Byrd: So they'll -- that will be the first time the
17 legislature will actually see what we intend to
18 replace in our -- in our -- in our rules. So '23 is
19 really when it will happen.

20 Male: Okay.

21 Byrd: Yeah.

22 Male: Great. And then is that, uh, I'm sure our
23 representatives or somebody will keep us in tune when
24 this goes into session, or when will our voices be
25 heard again?

1 Byrd: So, um, I think we anticipate that this is the, um,
2 kind of the listening session, and then we'll have,
3 basically, negotiated rule-making next year and take
4 public comment and -- so that will all be '22 -- 2022
5 --

6 Male: Okay.

7 Byrd: -- we'll be taking formal comments.

8 Male: Great, thank you.

9 Byrd: This just kind of gives us a place to start, like,
10 where do we even look? What's the industry -- the
11 industry saying to us? So, that's what we're doing
12 right now.

13 Male: It's a pretty monumental task.

14 Byrd: It is, it is.

15 Male: While you're on that, do you -- do you find Zero Based
16 Regulations?

17 Byrd: Um, you know, that depends on -- I think every board
18 will be a little bit. But we really come back to what
19 is the regulation needed to, you know, protect
20 citizens of the -- of the state? Um, health and
21 safety is a huge part of it. If it does not fall into
22 the health and safety mode, then we're going to have a
23 hard time bringing it back, but, um, we're not -- Zero
24 Based Regulation does not mean that we don't have
25 licenses.

1 Male: Just -- just to push that up -- just to ask a little
2 bit further, uh, and I'm probably just behind in
3 everything, so what has happened to DBS and board
4 structures, etc.?

5 Byrd: What has happened? You're just asking?

6 Male: Yes.

7 Byrd: So, um, a year ago the (inaudible - 00:26:25), uh, put
8 out an executive order in June that basically put 11
9 agencies under one -- they consolidated under one
10 umbrella. And that's what DOPL is. It's the
11 consolidation of all 11 agencies. It was 49 boards
12 under one, um, one division. DBS -- all the DBS
13 boards were brought into that division and, um, we put
14 -- honestly, we -- we -- the goal is to, um, serve the
15 consumers in a more efficient manner. We don't really
16 anticipate the consumers will see much difference.
17 Um, you'll see a different letterhead. We're going to
18 send out some communication that basically says,
19 "You're used to seeing DBS, but this is what you're
20 letterhead is going to look like now."

21
22 Um, we are getting a new licensing system that will
23 help us be more efficient on permits and inspections
24 and licensing. Um, if you've -- if you've used the
25 licensing system at -- at DBS at all, you'll know

1 that --

2 Male: I sure have.

3 Byrd: -- that would be welcome.

4 Male: (Inaudible - 00:27:38).

5 Byrd: So, we're -- we're -- we're hoping, you know, those
6 things will be really beneficial for the -- for the
7 consumer.

8 Male So the boards are staying the same, then, etc. etc.?

9 Byrd: Absolutely. I -- I think in -- in the future, they'll
10 look at very board and say, "You know, is this board
11 necessary to exist," but I have not heard it at all
12 that we are going to collapse any of the boards.

13 Male: Okay.

14 Male: This is a copy of the executive order, Zero Based
15 Regulation. If you would like to look through that,
16 pass it around or whatever.

17 Male: It's been awfully quiet back there. You should at
18 least give me a hard time.

19 Male: The boss does the talking.

20 Male: Um, well, I'd like to coax more comments out of
21 people. Mr. Lynch, do you have code comments?

22 Lynch: I do not.

23 Male: Do you want to get rid of building codes?

24 Lynch: Nope, I'm looking forward to, uh, what you come up
25 with.

1 Male: Great, he should be a politician.

2 Male: It's an awfully long way to come to not say anything,
3 and I won't be able to see you next week probably.

4 Lynch: I'll be there, and you won't be there?

5 Male: I might be there, but will you be there?

6 Lynch: Mm-hmm.

7 Male: All right. Well, maybe you'll come up with something
8 for me. Anybody else? We've got a little time to
9 kill here. If not, feel free to head out for lunch.

10 Male: What time's HVAC, at 12:00?

11 Male: 1:00 o'clock.

12 Male: 1:00 o'clock?

13 Male: Yes, sir.

14 Male: All right. Thanks guys.

15 Male: Thank you.

16 Male: Appreciate it.

17

18

19

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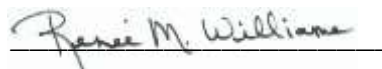


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I, Renee' M. Williams, do hereby certify that I have listened to the recording of the foregoing; further that the foregoing transcript, Pages 1 through 19, was reduced to typewritten form from the digital recording; and that the foregoing is an accurate record of the recording as above transcribed in this matter.

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