

## BURNS Laura L \* DCBS

---

**From:** Balkema, Johnathan <Johnathan.Balkema@cityofalbany.net>  
**Sent:** Monday, February 15, 2021 1:36 PM  
**To:** DCBS RulesCoordinator BCD \* DCBS  
**Cc:** ROCCO Anthony J \* DCBS; COX Alana \* DCBS  
**Subject:** Public Comment for the 2021 Oregon Residential Specialty Code Adoption, OAR 918-480-0005

BCD Rules Coordinator-

I would like to start by thanking BCD staff for their hard work in preparing this and the other codes during the challenging times we faced in 2020. I also would like to thank the BCD administration for reversing course to provide a technical review committee and to allow for a more defined proposal process. With future adoption cycles, I would ask BCD return to the more formal amendment process. The previous system allows for more input from interested parties, particularly those that are affected by a change in model code or a proposed amendment, and it allows for others to have time to review the proposals to formulate support for a proposal or provide comments of unintended consequences of a proposal.

With the challenges that we all continue to face, I appreciate the Division's willingness to provide for a longer phase-in period then we have become accustomed to over the last handful of code adoption cycles. That said, with the restructure of the administrative chapter and its clarification on: statutory limitations, provisions not regulated by the statewide code but open to local adoption, and changes to the work exempt from permitting requirements; I would ask that BCD consider amending the adoption language to have the Chapter 1 administrative provisions effective on April 1, regardless of which code a new application intends to be built under. The technical requirements could then enjoy the phase-in period as requested by industry. The premise of the request is similar to BCD's own reasoning that separated Chapter 1 from the technical review committee. The administrative chapter is not a technical piece but rather BCD's implementation of their statutory requirements. Statute also provides support for the request in ORS 455.112, where the legislature provided BCD the authority to initiate the adoption of rules that "promote consistency", "reduce confusion", or where provisions are "in conflict with another". Having two administrative chapters in effect that vary as much as these do, becomes a consistency concern and potentially conflicting administrative provisions.

In closing, I would ask that BCD consider adopting the proposed Chapter 1 administrative provisions on April 1, 2021 and provide a phase-in period for the technical requirements (Chapter 2-43, et al) through October 1, 2021.

Thank you for your time and consideration.



### **Johnathan Balkema**

Building Official Manager  
541-791-0199 phone | 541-917-7598 fax

### **Community Development**

City of Albany, Oregon  
333 Broadalbin St SW, Albany, Oregon 97321



[www.cityofalbany.net](http://www.cityofalbany.net)

Get news releases and emergency notifications from the City of Albany by email or text message. Sign up at [nixle.com](http://nixle.com) or text 97321 to 888-777.

**New online permitting!** Apply for permits, pay permitting fees, and schedule inspections online at [www.cityofalbany.net/permits](http://www.cityofalbany.net/permits).

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.