

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL
SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Amending the “Yamhill
County Building Code”; Declaring an
Emergency and Setting the Effective Date

ORDINANCE NO. 938

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on October 3, 2024, Commissioners Lindsay Berschauer, Kit Johnston, and Mary Starrett being present.

THE BOARD ADOPTS THE FOLLOWING FINDINGS:

WHEREAS, The Yamhill Building Code (“Code”) was originally adopted on April 8, 1966 via Yamhill County Ordinance No. 17, with the latest amendment to the Code being adopted by the Board on February 12, 1998 via Ordinance No. 641; and

WHEREAS, The Code requires various updates to better align and comply with ORS Sections 446.185, 447.020, 455.010 through 455.990, 460.085, 460.360, 479.730 and 480.535 (the “Oregon Structural Codes”) and to more accurately reflect current standard processes and procedures; and

WHEREAS, The Board seeks to amend the Code as provided in Exhibit A, attached hereto and incorporated herein; and now, therefore

THE BOARD ORDAINS AS FOLLOWS:

Section 1. Amendments to the Yamhill County Building Code. The amendments to the Yamhill County Building Code, as provided in Exhibit A, are hereby approved and adopted.

Section 3. Severability. Invalidity of a section or part of a section of this Ordinance shall not affect the validity of the remaining sections or parts of sections thereto.

Section 4. Emergency Clause; Effective Date. Pursuant to the provisions of ORS 203.045(4)-(9), an emergency has been declared to exist. This Ordinance shall therefore become effective upon passage.

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BO 24-301

DATED this 3rd day of October 2024, at McMinnville, Oregon.



ATTEST

KERI HINTON
County Clerk

YAMHILL COUNTY BOARD OF COMMISSIONERS

AYE NAY

Lindsay Berschauer

Chair LINDSAY BERSCHAUER

X

By: *Carolina Rook*

Deputy CAROLINA ROOK

Kit Johnston

Commissioner KIT JOHNSTON

X

FORM APPROVED BY:

Jodi Gollehon

JODI GOLLEHON
Assistant Yamhill County Counsel

Mary Starrett

Commissioner MARY STARRETT

X

Approved by the Yamhill County Board of
Commissioners on 10/03/2024
via Board Order 24-301

YAMHILL COUNTY CODE

TITLE 10: BUILDING AND DEVELOPMENT REGULATION

Chapter 10.05: Yamhill County Building Codes

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10.05.01 Title. This ordinance ~~Chapter~~ may be cited for all purposes as the Yamhill County Building Codes Ordinance, No. 514, 1990.

[ADOPTED VIA ORDINANCE NO. 514 cfr 09/12/90; AMENDED VIA ORDINANCE NO. 938 cfr 10/01/24]

10.05.02 Definitions. As used in this Chapter ~~and~~ ~~thereafter~~, unless the context requires otherwise:

- a) “Applicable codes” means those statewide codes and standards adopted by the County under YCC 10.05.03.
 - b) “Board” means the Yamhill County Board of Commissioners.
 - c) “Building Official” means the Yamhill County Building Official or the Building Official’s authorized deputy ~~agent~~.
 - d) “County” means Yamhill County.
 - e) “County Sanitarian” means the County Sanitarian for Yamhill County or the County Sanitarian’s authorized agent.
 - f) “Chief of the Fire Department” means the head of the rural fire protection district or fire department having jurisdiction, or the chief’s authorized deputy.
 - g) “Mobile Home” “Manufactured dwelling” means a detached structure designed for dwelling purposes, manufactured as a unit, constructed in accordance with state standards, and intended to be occupied, as a dwelling or for other purposes, in a place other than that of its manufacture. “Manufactured dwelling Mobile home” includes a manufactured housing unit, but does not include a recreational vehicle ~~travel trailer~~.
 - h) “Planning Director” means the Director of the Yamhill County Department of Planning and Development or the director’s designee.
 - i) “Road” means any public or private access road, street, highway, easement or way platted, recorded, or shown on any official map, whether or not such road is actually constructed.
 - j) “Site” means the lot(s) or parcel(s) on which construction has taken, or is taking place, or the lot(s) or parcel(s) described in an application for a building permit as the proposed area of construction. If a land use action is required prior to issuance of a building permit, the “site” is the area for which land use authority has been granted.
 - k) “YCC” means the Yamhill County Code.
- ~~ADOPTED VIA ORDINANCE NO. 514 OF 09/12/90; AMENDED VIA ORDINANCE NO. 938 OF 10/01/24~~

10.05.03 Applicable Codes.

- a) The following ~~statute~~ codes and standards, as adopted and thereafter amended by the Oregon Building Codes Agency Division, and other provisions authorized by ORS Sections 446.185, 447.020, 455.010 through 455.990, 460.085, 460.360, 479.730 and 480.535, apply in the unincorporated areas of Yamhill County under ORS 455.040:

- (i) The “Oregon Structural Specialty Code” as adopted by the State of Oregon, Building Codes Division, including as amended;
- (ii) The “Oregon Mechanical Specialty Code” as adopted by the State of Oregon, Building Codes Division, including as amended;
- (iii) The “Oregon Plumbing Specialty Code” as adopted by the State of Oregon, Building Codes Division, including as amended;
- (iv) The “Oregon Electrical Specialty Code” as adopted by the State of Oregon, Building Codes Division, including as amended;
- (v) The “Oregon Residential Specialty Code” as adopted by the State of Oregon, Building Codes Division, including as amended; and
- (vi) The “Oregon Fire Code” as adopted by the Oregon State Fire Marshal, including as amended, to the extent that the provisions of the Oregon Fire Code are applicable hereunder.
- (vii) The Uniform Building Code of the International Conference of Building Officials, with Appendix (excluding Chapter 70 thereof) entitled “Uniform Building Code, 1988 Edition, State of Oregon, 1990 Edition Structural Specialty Code” (effective January 1, 1990) and such other codes and amendments which have been adopted by the Building Code Agency of the State of Oregon;
- (viii) The Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials and the International Conference of Building Officials, and Appendices entitled “Uniform Mechanical Code, 1988 Edition, State of Oregon, 1990 Edition, Mechanical Specialty Code” (effective January 1, 1990);
- (ix) The Plumbing Specialty Code of the International Association of Plumbing and Mechanical Officials with Appendices, and updates, entitled “State of Oregon, 1990 Edition, Plumbing

Specialty Code” (effective January 1, 1990, based on the 1988 Edition of the Uniform Plumbing Code);

- (x) The 1990 National Electrical Code of the National Fire Protection Association, as amended by the State of Oregon;
 - (xi) The Council of American Building Officials One and Two Family Dwelling Code, entitled “State of Oregon 1990 Edition One and Two Family Dwelling Specialty Code” (effective April 1, 1990);
 - (xii) The Uniform Fire Code, 1988, to the extent that the code is referenced in the above listed codes.
- b) ~~The code editions listed above are those editions in effect on the date of adoption of this ordinance. It is the intent of the county to enforce amendments to these codes and new editions, simultaneously with their adoption by the Oregon Building Codes Agency. Unless the eCounty adopts provisions allowed under ORS 455.020(4), or other provisions authorized by the State Building Code Administrator under ORS 455.040, new editions of the above listed codes, and amendments to those codes, shall be fully applicable and enforced in Yamhill County as of the date they are adopted by the State of Oregon, Building Codes Division Agency. The effective date of the most recently adopted code or amendment shall be as determined under ORS 183.355.~~

- c) If the requirements or conditions imposed by a provision of this ~~ordinance~~ Chapter differ from the requirements or conditions imposed by a provision of another law, ordinance, or order having application in Yamhill County, the more restrictive provision shall govern.

[ADOPTED VIA ORDINANCE NO. 514 ~~eff 09/12/90~~; AMENDED VIA ORDINANCE NO. 938 ~~eff 10/01/24~~]

10.05.04 Land Use Approval.

- a) No person shall be entitled to a building permit unless the person has first obtained land use authority for the use proposed to be conducted on the site. The Bbuilding Official shall refuse to issue a permit for work on a site if the official has reason to believe that the owner or applicant has not complied with:

- (i) A county ordinance or code controlling the subdivision, platting, partitioning, or other division of land;
- (ii) ~~The Yamhill County Zoning Code; A county zoning ordinance; or~~ The Yamhill County Zoning Code;
- (iii) The County’s Comprehensive Land Use Plan; or
- (iv) Any “special permit area” requirements established by the Board of Commissioners with regard to a specifically designated hazard area within ~~the~~ the Yamhill ~~eCounty~~.

- b) All questions regarding land division or zoning authority that come to the attention of the Bbuilding Official shall be referred to the Planning Director, for resolution in conformance with applicable land use ordinances and codes.

[ADOPTED VIA ORDINANCE NO. 514 ~~eff 09/12/90~~; AMENDED VIA ORDINANCE NO. 938 ~~eff 10/01/24~~]

10.05.05 Subsurface Sewage Disposal. No person shall be entitled to a building permit if an on-site subsurface sewage disposal system will be required, and the proposed site does not meet the requirements or conditions imposed by the laws, regulations, or ordinances governing subsurface sewage disposal. The Bbuilding Official shall not issue any permits for work on a structure requiring sewage disposal unless community sewer service is available at the site or a subsurface sewage disposal permit has been obtained, in advance, from the eCounty Sanitarian or the Oregon Department of Environmental Quality.

[ADOPTED VIA ORDINANCE NO. 514 ~~eff 09/12/90~~; AMENDED VIA ORDINANCE NO. 938 ~~eff 10/01/24~~]

10.05.06 Access by Fire Protection Equipment.

- a) No person shall be entitled to a building permit unless the structure for which a permit is sought has suitable access for fire protection equipment or otherwise meets fire protection standards.
- b) The Bbuilding Official shall not issue a building permit for residential construction unless the applicant has first submitted a statement from the Chief of the Fire Department that the proposed residence has suitable access for fire protection equipment or otherwise meets fire protection standards. The Bbuilding Official shall make a form for this purpose available for use by the applicant.

[ADOPTED VIA ORDINANCE NO. 514 ~~eff 09/12/90~~; AMENDED VIA ORDINANCE NO. 938 ~~eff 10/01/24~~]

10.05.07 Certificates of Occupancy.

- a) A Certificate of Occupancy shall be applied for and issued prior to the use or occupancy of any building or structure as provided in ~~Section 308 of the Uniform Building Code~~ the Oregon Structural Specialty Code.
- b) If no Certificate of Occupancy is required by the Oregon Structural Specialty Code ~~code~~:
 - (i) Actual occupancy of the structure shall not take place until final inspection; and
 - (ii) The date of actual occupancy shall serve in lieu of the certificate for the purpose of calculating any time period dependent on issuance of a Certificate of Occupancy.

ADOPTED VIA ORDINANCE NO. 514 ~~eff 09/12/90~~; AMENDED VIA ORDINANCE NO. 938 ~~eff 10/01/24~~

10.05.08 Agriculture Buildings.

- a) No person shall construct or place a building intended for agricultural use without first obtaining a permit from the Building Official. The purpose of the agricultural building permit is to ensure ~~insure~~ compliance with the following zoning requirements:
 - (i) Setbacks;
 - (ii) Floodplain overlay district;
 - (iii) Willamette River Greenway, scenic river, watershed, or other overlay established pursuant to any the Yamhill County Zoning Code or Comprehensive Land Use Plan ~~ordinance~~ or otherwise ~~established by the Board~~; and
 - (iv) Any “special permit area” requirements established by the Board of Commissioners with regard to a specifically designated hazard area within the county.
- b) An application for an agricultural building permit shall include a plot plan containing all information specified in Section 10.05.0910. The distance of the proposed building from property lines shall be clearly shown on the plot plan. The level of detail of required information shall be to the satisfaction of the Building Official. Building Official review may include post-construction inspection; to ensure ~~insure~~ that the structure is for agricultural use and is located as specified in the permit.
- c) No permit shall be issued for construction of a farm or nonfarm agricultural building unless the fee owner or contract purchaser of the property on which the building will be constructed files with the Building Official an “Affidavit of Agricultural Use” on a form provided by the Building Official. The affiant shall attest that the building for which permit is sought will be used solely for agricultural purposes, and that no changes in the use of the structure will occur unless all appropriate permits are obtained in advance.
- d) No electrical, plumbing, or mechanical installation shall be made in an agricultural building unless a permit for the installation is first obtained from the Building Official.
- e) Although plan review and structural permits are not required for construction of an agricultural building, the Building Official will review and approve plans for agricultural buildings and provide inspection services upon payment of the appropriate fee.

ADOPTED VIA ORDINANCE NO. 514 ~~eff 09/12/90~~; AMENDED VIA ORDINANCE NO. 938 ~~eff 10/01/24~~

10.05.09 Pools; Signs; Demolition.

- a) Pools. No person shall construct a pool, or pool barrier, without first obtaining a building permit where not exempt by the Oregon Residential Specialty Code. Pool and barrier designs must meet or exceed requirements of the Oregon Residential Specialty Code.
- b) Signs. Signs requiring a permit by Yamhill County Zoning Code that are over seven feet in height shall not be constructed without first obtaining a building permit.
- c) Demolition. Buildings and structures that require a permit hereunder shall not be demolished without first obtaining a building permit. The permit is required to verify the sewer, water, and electrical lines have been safely capped or removed, and all debris has been removed from the site.

ADOPTED VIA ORDINANCE NO. 938 ~~eff 10/01/24~~

10.05.0910 Plot Plan Requirements.

- a) Notwithstanding the provisions of ~~Section 302 of the Uniform Building Code~~ the Oregon Structural Specialty Code, the plot plan shall show and include:
 - (i) The legal description, location, and dimensions of on which the building, structure, or manufactured dwelling ~~mobile home~~ is to be located;

- (ii) The location of any stream courses, water bodies, swamps, marshes, or areas subject to flooding or any areas of known or suspected geologic hazard or soil limitations, including slides, subsidence, or soil creeps, on the site;
 - (iii) Location and dimensions of the right-of-way of any road abutting the site;
 - (iv) The proposed use of each room or floor area of the building, structure, or manufactured dwelling mobile-home on the site;
 - (v) The location, dimensions, and use of all other buildings, structures, and manufactured dwellings mobile-home on the site;
 - (vi) The location, or proposed location, of any well or other domestic water source, if other than a community or municipal water supply;
 - (vii) The location, or proposed location, of any pit privy or septic tank and leach lines; and
 - (viii) Any other information required by this ~~Chapter~~ ~~ordinance~~, the applicable codes, or the Building Official.
- b) The plot plan of any structure, including an agricultural building, proposed to be placed in an area regulated by the County's floodplain overlay district shall also include the following information:
- (i) Elevations and grades of any road abutting the site sufficient to identify any problems of potential flooding, access, or drainage; and
 - (ii) The location, dimensions and lowest floor elevations of the building, structure, or manufactured dwelling mobile-home with respect to which the proposed work is to be undertaken;
- c) An application to carry out any work with respect to an agricultural building shall include a plot plan containing at least that level of information necessary for the Building Official to make the determinations required by Section 10.05.08.

[ADOPTED VIA ORDINANCE NO. 514 ~~eff 09/12/90~~; AMENDED VIA ORDINANCE NO. 938 ~~eff 10/01/24~~]

10.05.1140 Fees.

- a) The schedule of fees to be charged for services under this ~~Chapter~~ ~~ordinance~~, including, but not limited to, permits, plan checking, and appeals, shall be set by order of the Board. Changes in fees and state surcharges that the Board has no discretion to set under state law or an applicable code, shall become effective upon adoption by the State of Oregon, subject to incorporation into the County's uniform fee schedule at the Board's earliest convenience.
- b) If the Building Official discovers a person undertaking work in violation of this ~~Chapter~~ ~~ordinance~~ or an applicable code, the Building Official shall notify the violator to cease the violation and may require that the violator pay an investigation fee in accordance with the provisions of the Oregon Structural Specialty Code, in addition to any permit fees otherwise required hereunder ~~in an amount equal to twice the sum of the fees otherwise levied~~.
- c) A request by an applicant for refund of fees shall be made in writing to the Building Official. Fees may only be refunded if requested within 180 days of the original fee payment and in accordance with procedures established by the Yamhill County Department of Planning and Development, ~~by order of the Board, after receiving a recommendation from the building official as to whether a refund is justified~~.
- d) The Building Official shall account for all fees paid under this ~~Chapter~~ ~~ordinance~~ for any building permit or manufactured dwelling mobile-home placement permit ~~and shall deposit fees collected in the county general fund~~.

[ADOPTED VIA ORDINANCE NO. 514 ~~eff 09/12/90~~; AMENDED VIA ORDINANCE NO. 938 ~~eff 10/01/24~~]

10.05.1214 Enforcement. This ~~Chapter~~ ~~ordinance~~ may be enforced as follows:

- a) Under provisions of the applicable codes;
- b) By abatement of the violation as a public nuisance under YCC 5.20, the Yamhill County Solid Waste Management Code. A violation of an applicable code is hereby declared to be a nuisance;
- c) Under YCC 1.10, the Yamhill County Code Enforcement Code, ~~Yamhill County Code (YCC) 1.10~~. To the extent that greater penalties may be imposed pursuant to YCC 1.10 than under the applicable code(s), the penalties of YCC 1.10 shall apply;
- d) By issuance of a "Stop Work Order" in accordance with all applicable code provisions;

- e) By any other legal or equitable remedy available, including, but not limited to, proceedings to enjoin a violation; or
- f) By a combination of the above remedies.

~~ADOPTED VIA ORDINANCE NO. 514 eff 09/12/90; AMENDED VIA ORDINANCE NO. 938 eff 10/01/24~~

10.05.1342 Validity. If any section, subsection, sentence, clause, or phrase of this Chapter, ordinance or any of the applicable codes, is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter ~~ordinance or code~~.
~~ADOPTED VIA ORDINANCE NO. 514 eff 09/12/90; AMENDED VIA ORDINANCE NO. 938 eff 10/01/24~~

LEGISLATIVE HISTORY

Adopted via Ordinance No. 17 on 04/11/1966, effective 04/08/1966
Repealed via Ordinance No. 28 on 05/10/1968, effective 05/08/1968

Adopted via Ordinance No. 28 on 05/10/1968, effective 05/08/1968
Amended via Ordinance No. 38 on 02/24/1971, effective 02/24/1971
Repealed via Ordinance No. 43 on 10/11/1972, effective 11/10/1972

Adopted via Ordinance No. 43 on 10/11/1972, effective 11/10/1972
Repealed via Ordinance No. 52 on 05/29/1974, effective 07/01/1974

Adopted via Ordinance No. 52 on 05/29/1974, effective 07/01/1974
Amended via Ordinance No. 53 on 05/29/1974, effective 07/01/1974 (Mechanical Code Adoption)
Amended via Ordinance No. 54 on 05/29/1974, effective 07/01/1974 (Plumbing Code Adoption)
Repealed via Ordinance No. 173 on 07/19/1978, effective 07/19/1978

Adopted via Ordinance No. 173 on 07/19/1978, effective 07/19/1978
Amended via Ordinance No. 179 on 08/23/1978, effective 08/23/1978
Amended via Ordinance No. 193 on 03/07/1979, effective 03/07/1979
Repealed via Ordinance No. 254 on 12/31/1980, effective 12/31/1980

Adopted via Ordinance No. 254 on 12/31/1980, effective 12/31/1980
Repealed via Ordinance No. 286 on 11/25/1981, effective 11/25/1981

Adopted via Ordinance No. 286 on 11/25/1981, effective 11/25/1981
Repealed via Ordinance No. 436 on 10/08/1986, effective 10/08/1986

Adopted via Ordinance No. 436 on 10/08/1986, effective 10/08/1986
Repealed via Ordinance No. 446 on 06/17/1987, effective 06/17/1987

Adopted via Ordinance No. 446 on 06/17/1987, effective 06/17/1987
Repealed via Ordinance No. 514 on 09/12/1990, effective 09/12/1990

Adopted via Ordinance No. 514 on 09/12/1990, effective 09/12/1990
Amended via Ordinance No. 641 on 02/12/1998, effective 02/12/1998
Amended via Ordinance No. 938 on 10/01/2024, effective 10/01/2024

