

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 Adopting an Ordinance Allowing)
 the Exemption of Certain Owner-Built Dwellings)
 and Outbuildings in Rural Areas from the) ORDINANCE 722
 Requirements of the Structural Code, Pursuant to)
 ORS 455.325 to 455.350; and Declaring an)
 Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in informal session on December 19, 2002, Commissioners Robert Johnstone, Thomas E.E. Bunn, and Leslie Lewis being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

- A. Oregon law requires all dwellings and outbuildings to comply with the terms of the Structural Code for the welfare and safety of persons and property in the event of an earthquake, or similar event;
- B. Recognizing that compliance with the terms of the Structural Code might prove onerous and unnecessary for persons constructing buildings which are isolated in rural areas and pose little danger in case of collapse, Oregon law permits counties to exempt certain owner-built dwellings and outbuildings from the Structural Code, pursuant to ORS 455.330; NOW THEREFORE:

IT IS HEREBY ORDAINED BY THE BOARD that:

- A. As limited by the remainder of this ordinance, certain owner-built dwellings and outbuildings are exempt from compliance with certain requirements of the Structural Code adopted by the state of Oregon Building Codes division, pursuant to ORS 455.325 to 455.350, in those areas of the county that are outside city limits and outside any recognized urban growth boundary as shown in the county's Comprehensive Plan and Zoning Map.
- B. This ordinance exempts owner-built dwellings and outbuildings from compliance with certain requirements of the Structural Code only, and all necessary permits, fees, land use permission, plan checks, and inspection provisions still apply; nor is any building of any kind any where in the County exempt from those provisions of the Structural Code relating to fire egress, fire retardant, smoke alarms or detectors, maximum bending stress allowed for structural members, or insulation or energy conservation.

02-882

C. Following the required inspections by the county building official of the owner-built dwelling or outbuilding the county Department of Planning shall inform the owner-builder in writing of those items which fail to comply with code standards and are exempt from code standards and make that information part of the permanent inspection record on the structures.

D. An owner-builder of a structure exempted from the structural code under this ordinance shall file a notice with the county clerk who shall make the notice a part of the permanent deed record of the property. That notice shall contain the information provided to the owner-builder under subsection C. of this section and a description of the property sufficient if it were contained in a mortgage of the property to give constructive notice of the mortgage under the law of this state.

E. Any person, or that person's agent, selling an owner-built dwelling or outbuilding exempted from the structural code under this ordinance shall notify each potential buyer of the existence, location and contents of the notice filed under section E of this ordinance prior to any commitment to purchase the property.

F. For purposes of this ordinance, "owner-built dwelling and outbuildings" means a single-family residence and adjacent auxiliary structures the components of which, that are exempted from the structural code under this ordinance, are constructed entirely by the owner who intends to occupy the structures or by that owner and friends and relatives of the owner assisting on an unpaid basis.

G. No person shall receive a building permit for an owner-built dwelling and/or outbuilding more than once every five years.

H. This ordinance, being necessary for the health, safety and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective upon passage.

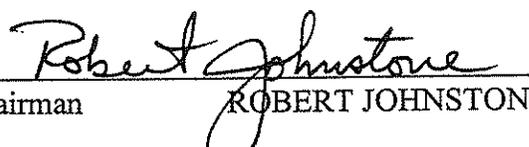
DONE at McMinnville, Oregon this 17th day of December, 2002.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES J. FERN
County Clerk
By: 
Deputy County Clerk

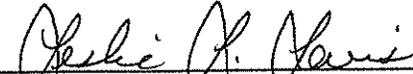



Chairman ROBERT JOHNSTONE


Commissioner THOMAS E. E. BUNN

FORM APPROVED BY:


RICK SANAI
Assistant County Counsel


Commissioner LESLIE LEWIS