

YAMHILL COUNTY CODE

TITLE 10: BUILDING AND DEVELOPMENT REGULATION

Chapter 10.45: Yamhill County Construction Erosion and Sediment Control Code

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LEGISLATIVE HISTORY

10.45.01 Title. This Chapter shall be known as the “Yamhill County Construction Erosion and Sediment Control Code.”

[ADOPTED VIA ORDINANCE NO. 932 eff 06/12/24]

10.45.02 Purpose. The purpose of this Chapter is to minimize the amount of sediment reaching waterways, wetlands, and the public storm drainage and surface water system for the duration of construction site activities.

[ADOPTED VIA ORDINANCE NO. 932 eff 06/12/24]

10.45.03 Definitions. For the purposes of this Chapter, the following words shall have the following meanings:

- a) “**Applicant**” means the owner of real property or the owner’s authorized agent. “Applicant” includes any person who would be required to obtain a County permit, but who neglects or otherwise fails to do so.
- b) “**Authorized agent**” means the developer, architect, contractor, engineer, builder, personal representative, or anyone designated by the owner to have control or supervision of a site involving construction site activity.
- c) “**Board**” means the Yamhill County Board of Commissioners.
- d) “**Common plan of development**” means a contiguous construction project or projects where multiple separate and distinct construction activities may be taking place at different times on different schedules but under one plan.

- e) **“Construction site activity”** means any ground disturbing activities at a location where a County permit is required.
- f) **“County”** means Yamhill County.
- g) **“Director”** means either the Director of Public Works or designee, or the Director of Planning and Development or designee.
- h) **“Emergency”** has the same meaning as found in ORS 401.025.
- i) **“Erosion”** means the wearing away of the ground surface, or the movement, detachment or dislocation and transport of sediment including soil particles by the action of water or wind.
- j) **“Final stabilization”** is determined by satisfying the following criteria: (1) there is no reasonable potential for discharge of a significant amount of construction related sediment or turbidity to surface waters; (2) construction materials and waste have been removed and disposed of properly. This includes any sediment that was being retained by temporary erosion and sediment controls; (3) all temporary erosion and sediment controls have been removed and disposed of properly, unless doing so conflicts with local requirements; (4) all ground disturbing activities have stopped and all stormwater discharges from construction activities that are authorized by this permit have ceased; (5) all disturbed or exposed areas of the site are covered by either final vegetative stabilization or permanent stabilization measures that covers at least 80% of the areas. However, temporary or permanent stabilization measures are not required for areas that are intended to be left unvegetated or unstabilized following construction (such as dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, or materials); provided, that measures are in place to eliminate or minimize erosion.
- k) **“Ground disturbing activities”** means any activity that exposes soil, including, but not limited to, construction, landscaping, removal of vegetation, stockpiling of soil or construction debris, grading, excavating, filling, clearing, trenching, drilling, transport or fill, or utility work, or working of land at a particular location.
- l) **“Public storm drainage and surface water system”** means natural or manmade drainage courses for the conveyance of surface water.
- m) **“Sediment”** means finely divided loose material that can be suspended and transported in water or air and may originate from disturbed soil, landscaping, or construction activities or materials.
- n) **“Storm event”** means a storm event (as defined at 40 CFR 122.21(g)(7)(ii)) with greater than 0.1 inch of rainfall and at least 72 hours after the previously measurable storm event with greater than 0.1 inch of rainfall.
- o) **“Stormwater management area”** means an area designated as a stormwater management area by the Department of Environmental Quality under the County’s jurisdiction.

[ADOPTED VIA ORDINANCE NO. 932 eff 06/12/24]

10.45.04 Permit(s) Required.

- a) Subject to YCC 10.45.05, an erosion prevention and sediment control permit is required inside a stormwater management area if construction site activity(ies) will expose at least one quarter of an acre (10,890 square feet) of soil, either in isolation or as part of a common plan of development.
- b) If construction site activities expose at least one acre (43,560 square feet) of soil, either in isolation or as part of a common plan of development, a 1200-C Construction Stormwater General Permit must be acquired from the Oregon Department of Environmental Quality and a copy the approved Stormwater Pollution Prevention Plan (SWPPP) and Erosion and Sediment Control Plan must be submitted to the County before ground disturbing activities begin. 1200-C permit documents, resources, and forms are located on the Oregon DEQ website: [1200 Series Construction Stormwater Permits - General Use](#).

[ADOPTED VIA ORDINANCE NO. 932 eff 06/12/24]

10.45.05 Exemptions. The following activities are exempt from the permit required under YCC 10.45.04:

- a) Established (ongoing) farming, ranching, and silviculture activities such as plowing, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices;
- b) Maintenance (but not construction) of drainage ditches;
- c) Construction and maintenance of irrigation ditches;

- d) Construction and maintenance of farm or stock ponds;
- e) Construction and maintenance of farm and forest roads, in accordance with best management practices; and
- f) Maintenance of structures such as dams, dikes, and levees.

[ADOPTED VIA ORDINANCE NO. 932 eff 06/12/24]

10.45.06 Erosion Prevention and Sediment Control Plan

- a) An erosion prevention and sediment control plan is required for all erosion prevention and sediment control permits. The plan must be submitted by the Applicant and approved by the Director for issuance of the erosion prevention and sediment control permit, prior to the issuance of a County permit and commencement of ground disturbing activities. The plan must contain protection techniques that will eliminate runoff siltation created from the construction activity both during and after construction. Site-specific considerations shall be incorporated.
- b) The erosion prevention and sediment control plan must include sizing criteria, performance criteria, design specifications, guidance on selection and placement of controls, and specifications for long-term operation and maintenance, including appropriate inspection intervals and a self-inspection checklist.
- c) The County may perform inspections to ensure compliance with this Chapter.
- d) The erosion prevention and sediment control plan shall be kept on site and available for review by inspectors.
- e) The erosion prevention and sediment control plan must include clear steps for project phase completion, final stabilization, and permit closure.

[ADOPTED VIA ORDINANCE NO. 932 eff 06/12/24]

10.45.07 Permit Fee. The County may establish a fee for review of plans and inspections required by this Chapter by order of the Board. The Board shall set the fee to recover the County's costs of providing an Applicant's erosion prevention and sediment control permit, inspections, and plan review.

[ADOPTED VIA ORDINANCE NO. 932 eff 06/12/24]

10.45.08 Construction Site Deposits on Public Streets and Into Storm Drains. No person shall cause or allow visible and measurable erosion or sediment related to construction site activity inside a stormwater management area as defined herein to enter the public storm drainage and surface water system. Any person causing visible and measurable erosion or sediment shall immediately abate or remove it. The removal shall be accomplished by hand labor or approved mechanical means.

[ADOPTED VIA ORDINANCE NO. 932 eff 06/12/24]

10.45.09 Maintenance.

- a) The Applicant shall maintain all erosion and sediment control measures in proper functioning order for the duration of the ground disturbing activities or until at least 80% ground cover has been established.
- b) The Applicant shall inspect, maintain, adjust, repair, and replace erosion and sediment control measures as necessary within 24 hours following a storm event to ensure that the measures are functioning properly.
- c) During active ground disturbing activity, the Applicant shall inspect and maintain erosion and sediment control measures weekly or within 24 hours of a storm event.
- d) The erosion prevention and sediment control plan must be maintained and updated as site conditions change, to prevent sediment or pollutant contaminated water from leaving the site.
- e) Permit finalization requires one of the following to be achieved:
 - (i) Individual lots or phases of a qualifying common plan of development obtain individual erosion prevention and sediment control permit coverage prior to the issuance of County permit(s). The Director shall be notified of sale of individual lots or phases of a common plan of development no less than 14 calendar days prior to the date of closing. Until such time as an individual erosion prevention and sediment control permit is obtained, the lot or phases sold shall continue to be the responsibility of the overall development's erosion prevention and sediment control permit; or
 - (ii) Final stabilization.

[ADOPTED VIA ORDINANCE NO. 932 eff 06/12/24]

10.45.10 Falsifying Information. No person shall knowingly make any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Chapter.

[ADOPTED VIA ORDINANCE NO. 932 eff 06/12/24]

10.45.11 Stop Work Orders.

- a) In the event there is a violation of this Chapter, and it is necessary to obtain compliance with this Chapter, the Director may issue a stop work order requiring that all work, except work directly related to the elimination of the violation, be immediately and completely stopped. If the Director issues a stop work order, the Applicant shall not resume work until such time as the Director gives specific approval in writing. The stop work order shall include:
 - (i) The date of the stop work order;
 - (ii) The erosion prevention and sediment control permit and/or permit number if applicable;
 - (iii) The site address, legal description, or location applicable to the stop work order;
 - (iv) A description of all violations; and
 - (v) The conditions under which the work may resume.
- b) The stop work order shall be in writing and posted in a conspicuous location at the site. Other means of communication of the stop work order may be exercised in the discretion of the Director.
- c) No person may remove, obscure, mutilate or otherwise damage a stop work order.
- d) A stop work order shall be effective upon posting or upon verbal delivery under subsection (e) of this section.
- e) When an emergency condition exists, the Director may issue a stop work order verbally. A written stop work order shall be posted in a conspicuous location at the site within 24 hours of the verbal order.

[ADOPTED VIA ORDINANCE NO. 932 eff 06/12/24]

10.45.12 Enforcement.

- a) Violations of this Chapter shall be prosecuted in the name of Yamhill County as provided under the Yamhill County Code Enforcement Code, YCC 1.10.
- b) Violation of this ordinance shall be punishable, upon conviction, by a fine of not more than \$500 for a noncontinuing offense and a fine of not more than \$1,000 for a continuing offense.
- c) The provisions of this Chapter are in addition to and not in lieu of any other procedures and remedies provided by law including equitable relief and damages.

[ADOPTED VIA ORDINANCE NO. 932 eff 06/12/24]

LEGISLATIVE HISTORY

Adopted via Ordinance No. 932 on 03/14/2024, effective 06/12/2024