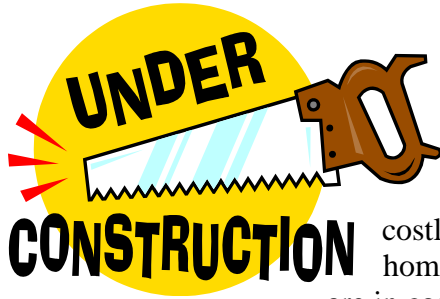




RESIDENTIAL CODES 101 FOR REALTORS



I am planning a remodel of my home. Why should I get a building permit?

This is a question many people may ask themselves when planning alterations to their home. A decision not to get a permit could be very costly. Some homeowners are finding when they try to sell or refinance their home, prospective buyers or lending institutions want proof that alterations are in compliance with local codes and permits and inspection were acquired.

Without a permit and inspection on record, there is no proof. The homeowner must then apply for a permit with no guarantee that the remodel will meet the codes, and they face the possibility that the remodel must be redone or removed. This is costly and frustrating and could cause delays in refinancing or a lost sale of their home.



What is the purpose of permits and codes?

The purpose behind building codes is to give reasonable assurance that a home is safe from structural failure, fire hazards from electrical and heating systems, electrical shock, and health risks. The permits provide a permanent record of the work performed and inspections conducted on the project. Your home is your biggest financial investment, why wouldn't you want to protect this investment?

Do all Building Departments have the same building codes or are each different?

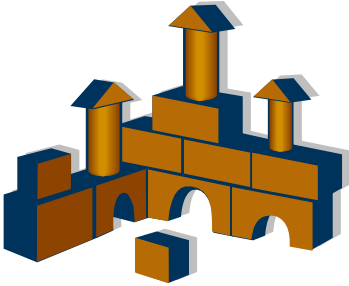
Yes, the International Code Council (ICC), develop all codes through the process of code hearings. Each State adopts these codes and each jurisdiction adopts the state codes along with the state amendments. Zoning code and Engineering standards, on the other hand, vary widely from jurisdiction to jurisdiction.

When selling or buying a home, what are some of the most common repair requests from the buyer and would a permit or permits be required for these repairs?

- Replacing a furnace – Yes a mechanical and electrical permit would be required.
- Replacing a water heater – Yes a plumbing permit would be required
- Replacing a water service – Yes a plumbing permit would be required and depending upon the type of pipe used an electrical permit may be required for electrical grounding.



- Replacing a sewer line – Yes a plumbing permit would be required and if the repair is within the Right-of-Way, a Right-of-Way permit would also be required. Street cuts usually require a bond or street opening deposit. Check with the local jurisdiction for their specific requirements.
- Repairing or replacing a roof – Depends upon the scope of the re-roof. On residential re-roofing, a permit is only required if the structural members need to be replaced under the sheathing.



Do I need a permit for everything I do to my home?

According to the Oregon Residential Specialty Code (ORSC), Section R105.1; a permit shall be obtained through application to the building official when constructing, enlarging, altering, repairing, moving or changing the occupancy, or installing any electrical, gas, mechanical or plumbing system regulated by this code. This requirement applies to an owner, contractor or authorized agent who constructs, enlarges alters, repairs moves, or changes the occupancy of a building or structure; or for the purpose of erecting, installing, enlarging, altering, repairing, converting or replacing any electrical, gas mechanical or plumbing systems.

No, not all items require permits. The following is a list of items that *do not* require a permit.

Note: Even though a permit is not required, the project must still comply with all applicable construction and zoning codes.

Permits are **not required for the following** when related to single family homes and do not encroach over a subsurface drain system, public utility easement, or into required setbacks from property lines:

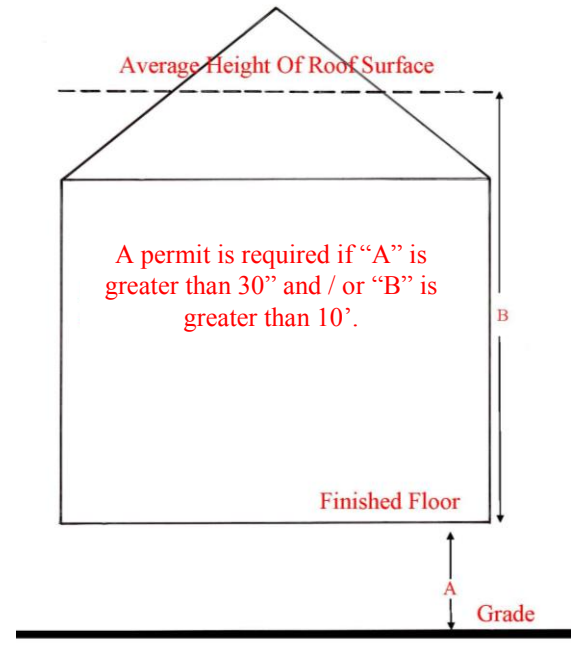
EXCEPTIONS:

Building:

1. Non-habitable one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet and a height of 10 feet measured from the finished floor level, to the average height of the roof surface.
2. Except for barriers around swimming pools as required in Appendix G, fences not over 6 ft high.
3. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.



5. Concrete sidewalks, slabs, and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops, interior wall, floor or ceiling covering and similar finish work.

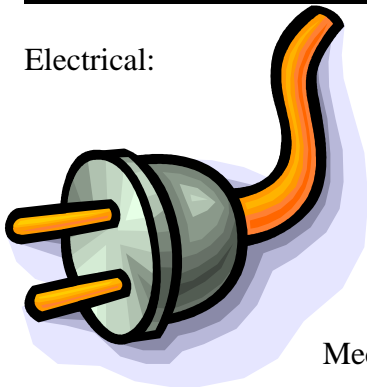


7. Prefabricated swimming pools accessory to a Group R-3 occupancy where the pool walls are entirely above the adjacent grade. Barrier requirements found in Appendix G are not exempt. (See Appendix G in the Oregon Residential Specialty Code)
8. Swings and other playground equipment.
9. Patio and porch covers not over 200 square feet and supported by an exterior building wall.
10. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
11. Nonbearing partitions, except when such partitions create habitable rooms.
12. Replacement or repair of siding not required to be fire-resistive.
13. Retrofitted insulation.
14. Masonry repair.
15. Porches and decks, where the floor or deck is not more than 30 inches above adjacent grade measured at any point within 3 feet horizontally of the floor or deck, and where in the case of a covered porch, the covered portion of the porch does not come closer than 3 feet to property lines.
16. Gutters and downspouts.
17. Door and window replacements (where no structural member is changed.)
18. Re-roofing, where replacement or repair of roofing does not exceed 30 percent of the required live load design capacity and the roof is not required to be fire resistant.
19. Plastic glazed storm windows.
20. Framed-covered nonhabitable accessory buildings not more than 500 square feet in area, one story in height and not closer than 3 feet to a property line, where the structure is composed of a rigid framework that supports a fabric membrane.



EXCEPTIONS CONTINUED:

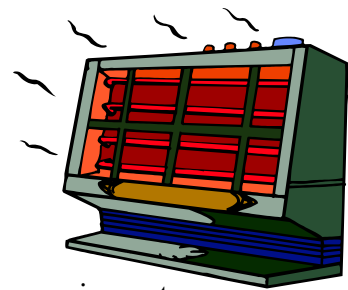
Electrical:



1. Listed cord-and-plug connected temporary decorative lighting.
2. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

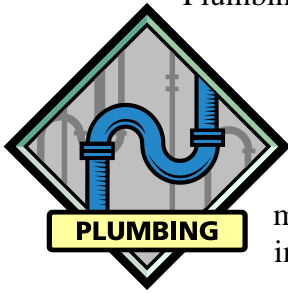
Mechanical:

1. Portable heating appliances, cooking or clothes drying appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot-or chilled-water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds or less of refrigerant or that are actuated by motors of 1 horsepower or less.



8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:



The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such will shall be considered a new work and a permit shall be obtained and inspection made as provided in this code.

The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

Emergency repairs:

Where mechanical equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.



Repairs:

Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any water supply sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

Don't permits cost thousands of dollars?

Not necessarily. A new home has far more fees associated with it than remodels because of development fees. These development fees are not charged each time that an alteration is made. Building permit fees are based on the value (construction costs including materials and typical labor costs) of the work to be done. As an example, an alteration with a value of \$10,000.00 would have a building permit fee (including plan review) of around \$300.00. Each person will have a different view of what is and is not expensive; however, a few hundred dollars now may save thousands in the future. Other permits such as plumbing, electrical and mechanical (heating and cooling) have fees based on the number or type of installations.

Depending upon the scope of work, other department reviews and fees may be required. Each jurisdiction has adopted their own fee schedule so always check with the local jurisdiction for fee estimates.





If I take out a permit to remodel a home built twenty years ago, do I build to the code in effect when the home was originally built?

No. The new portion must meet the current codes unless the remodel creates a hazard for the existing building, such as overloading an existing beam.

What if I have made an alteration to my home without realizing I needed a permit and I want to correct the situation – will I be subject to a fine? Do I have to tear the whole project down and start over?

Penalties can be levied for those who refuse to comply with the law. Building Department's would rather see a building conform to the code than punish a homeowner. If a homeowner discovers that they did not obtain a permit when required, they do not necessarily have to tear the project down and start over. If the alteration can meet the applicable codes, they will be approved. Inspectors won't necessarily approve something they cannot see and may require small sections of wall or roof covering be removed to verify the construction meets the code. There can be no guarantee that some changes may need to be made, and some may not be easy to accomplish.



How long are permits good for and do they ever expire?

According to the 2011 Oregon Residential Specialty Code, every permit shall; become invalid unless the work authorized by such permit is commenced within 180 days after it's issued, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Each time an inspection is called on a permit, the permit is extended another 180 days. In the event that a permit does expire, the building official has the authority to extend a permit one or more time.

What happens if I do not get a final inspection on my project from the building department?



According to Oregon Archives Division, Administrative Rules, Edition: June 15, 2007, section 166-200-0025(6) (c) Building Records states, expired permits shall be retained for 2 years after expiration date. Section 166-200-0025 96) (a) states, completed structural permits shall be retained for the life of the structure.

Two years after a permit expires, all records are destroyed. As stated earlier, when trying to sell or refinance your home, there is no proof of permits or inspection on record for the prospective buyers or lending institutions which could cause delays in refinancing or a lost sale. Remember permits and inspections go hand in hand.

What about required record retention for projects that have been completed and a final inspection is approved by the building department?

Building permits are retained for the life of the structure, demolition permits are retained for two years after demolition, final inspection record is retained for the life of the structure, all other inspections are retained for two years and plans are retained for 2 years.

Why should I use a licensed contractor?



For one thing, any contracted person doing work who is not currently registered with the State Construction Contractors Board (CCB) is doing so illegally. Would you want this type of person working on your home?

Another reason is the registration provides some protection to the homeowner from being charged for work and materials not provided or paying twice for them (material suppliers and subcontractors can place a lien on your home if they do not receive payment from your contractor). There are also trade

licenses for those persons doing plumbing and electrical work to provide some assurance that they have adequate knowledge and training in those fields. Always check with CCB to see if a contractor is licensed.

As an owner, can I do the work myself?

Yes, as an owner you can do all the work yourself but you still need to get permits before the work begins with the exception of the following; if the structure is intended to be sold or offered for sale before or on completion of the project, you must hire licensed contractors to do all the work.

Do I have to have a license to do work on my own home?

No. A homeowner *(who owns and occupies the house) may do any or all of the work (building, plumbing, mechanical, {heating and air conditioning}, and electrical. If you are not sure of your abilities to do any or all of the work, it is recommended that you hire a licensed professional.

*This does not apply to plumbing and electrical work done by renters, landlords, their employees, or other persons who do not own and occupy the home (they must have an appropriate license).

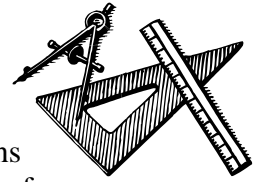
How long does it take to get a permit?



Simple residential projects involving only interior work will typically be reviewed within a few days to a few weeks, depending upon the jurisdiction and additions and projects involving exterior alterations could take up to two weeks or longer before they are reviewed. So plan your project wisely to allow ample time for plan review. Check with the local jurisdiction to see what their timeline is for plan review for your project.

Do I have to have my plans drawn by a Professional Designer, Architect or Engineer?

Not necessarily, the owner or anyone they choose may draw the plans as long as they are clear, drawn to scale and detailed enough to indicate what and how the project will be built. In some cases, the complexity of the project may require the skills of a professional. If the plans include the need for new beams, lateral support (earthquake or wind resistance), and they are not designed using standard software or prescriptive designs obtained from the building code, an engineer or architect will need to provide calculations for those items. Again check with the local building department for their specific requirements.



Why do I need inspections and do I have to pay for these inspections?

Inspections are required at various stages of the project to see that the work is following the approved plans and codes. There is no additional charge for the inspection's, they have been paid for with the permit fees.

How do I know if a bedroom has an egress window that meets building code to make it a legal bedroom?

All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet. Minimum net clear opening height shall be 24", minimum net clear opening width shall be 20 inches and a sill height of not more than 44 inches above the floor.

My client is interested in purchasing a home built in the early 50's and would like to complete an unfinished basement that has ceiling height that does not meet current code. How do I know if it could even be brought up to meet the current code to be able to finish the basement and make it a living space?

Minimum ceiling height in habitable space shall not be less than 7 feet but portions of basements that do not contain habitable space, hallways, bathrooms, toilet rooms and laundry rooms shall have a ceiling height of not less than 6 feet 8 inches.

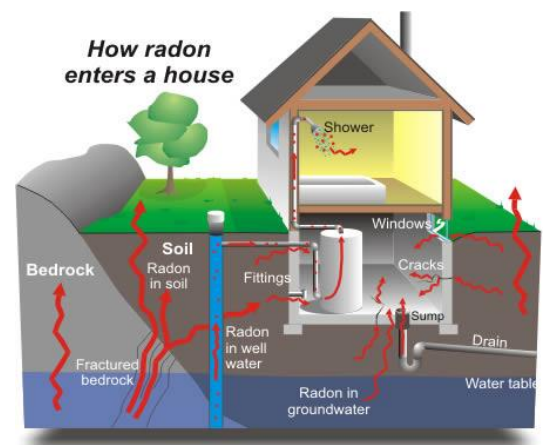
Because there are a lot of older homes where the basement could not meet the current code for minimum ceiling height, a lot of jurisdictions have designed standards for this short fall. Contact the local building department for more information on any specific concessions they may have.

What is radon gas and how does it enter a home?

Radon gas (the silent killer) is the second leading cause of lung cancer in the United States, believed to be responsible for 22,000 deaths per year.

Radon gas occurs naturally through the breakdown of Uranium in soil, rocks and water and then moves up through the soil and into the air.

The EPA estimates that 1 in 15 homes nationwide has elevated levels of radon.



How can I protect my family from radon gas?

Effective April 1, 2011 Senate Bill 1025 required that the Division adopt radon mitigation standards for Group R-2, and R-3 occupancies constructed in Baker, Clackamas, Hood River, Multnomah, Polk, Washington and Yamhill Counties. Appendix F of the ORSC provides standards for radon mitigation applicable to all newly constructed R-3 occupancies.

Radon mitigation for new and existing residences would require a mechanical permit.

Is a carbon monoxide alarm required for additions or just new construction?

Carbon monoxide alarms are required in all new construction and residential structures that undergo reconstruction, alteration or repair for which a building permit is required and shall be located in each bedroom or within 15 feet outside of each bedroom door.

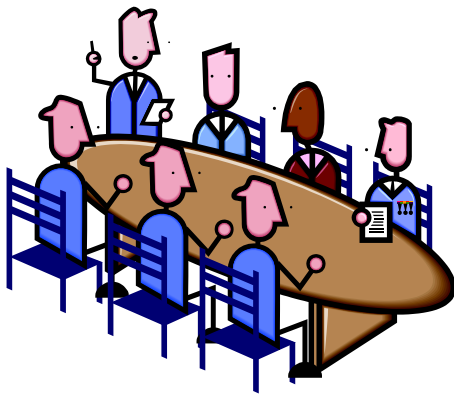
According to the Journal of the American Medical Association, approximately 2,100 people die from carbon monoxide poisoning every year in the United States. There are more than 10,000 injuries annually from carbon monoxide. Contact the Oregon Association of Realtors or Building Codes Division for more information.

Are there any special requirements when installing a sprinkler system in my yard?

Yes, all new irrigation systems need to be installed with backflow protection in the form of a testable; State of Oregon approved double check valve assembly and a plumbing permit is required for this installation. The device is required to be tested every year by a licensed tester and the results forwarded to the local water department. In addition to a plumbing permit, if more than 500 square feet of soil is disturbed, an Erosion Control permit and plans may be required.

How does the tax assessor's office know additions and remodels are done so they can assess additional taxes?

Building departments are required to send copies of all building permits to the tax assessor's once a permit is issued.



If I want to add on or do a remodel to my home , do I only need to talk to the building department?

No, you should always talk to the Engineering and Planning departments too. Each department has different regulations. For example, your project may trigger street improvements by the Engineering Department or the Planning Department may not allow your type of proposed project in your particular zone. Get familiar with each departments requirements in each jurisdiction.

What are some projects that may trigger Engineering Departments Requirements?

A New Single Family Residence (NSFR) or some additions may require ½ or full street improvements for curbs, sidewalks, planter strips or street widening. The impact of these requirements vary widely from jurisdiction to jurisdiction and can become quite costly. Always do your due diligence before investing money into a project

Will I need a permit to replace or widen a driveway approach?

Yes a Right-of-Way (ROW) permit will be required. Driveway standards vary from jurisdiction to jurisdiction so always check with the local engineering department for their specific standards.



What is zoning?

“Zoning” refers to the collection of laws and regulations that are applied to various land uses. Zoning regulations establish different types of areas, or zones, according to their primary uses, such as residential, industrial, commercial, or open space. Other types of zones include airports, historical zones, and mixed uses among different types. Within each geographically defined zone, the regulations define the permitted uses, conditional uses, special exceptions, and sometimes even specific unpermitted (or prohibited) uses.

Why can't I do whatever I want with my property?

Zoning offers several benefits: provides protections from nuisances; protects the health and safety of the public, and allows property owners a reasonable expectation of what can happen on neighboring properties. For example, areas zoned Residential would likely prohibit a heavy industry that would be disruptive (traffic, noise, etc.) to residences. Similarly, Industrial zones often limit or prohibit retail and residential uses so that industrial lands, which are in short supply in Oregon, are maintained for industrial uses.



How do I find out what Zone my property is in?

Many municipalities have their zoning map accessible via their website. You can also call your local planning department with your address and they will be able to look it up for you. Once you know your zone, most municipalities in Oregon have their Zoning Code online, which allows you to find out what the basic regulations for your zone are. If you are planning something in particular, you should always check with your local planning department BEFORE you start your design to find out any restrictions or design requirements.

Why can't I do what I want to with my property?

In addition to establishing use zones, zoning regulations include development standards. These standards (sometimes called “bulk regulations”) are the combination of controls that determine the maximum size and placement of a building on a lot. The standards vary by zone and generally regulate minimum lot size, maximum lot coverage, minimum vegetation, height, setbacks, and density. Some zones may also have design standards, which shape the appearance and scale of buildings. These standards typically regulate the percentage of windows on the front of the building, the location of the main entrance, the materials that may be used, and architectural details that must be incorporated into the design.



What if what I want to build doesn't quite meet the development standard?

Every municipality has the ability to grant 'variances' for some types of standards to prevent 'undo hardship.' What types of things, and how much of a variance can be granted, vary from city to city, so you will need to check with the jurisdiction to see if, and under what circumstances, a variance can be granted, and what kind of review process is required. Variances aren't granted lightly, and require the

applicant to explain what benefits to the community the variance would result in. Good reasons for variances include: wanting to change a setback to save a heritage tree, having an oddly shaped lot that requires special design. Reasons like "I want to put the shed in my front yard so I have more room in my backyard" have little public benefit and isn't likely to be approved...

When does my land use application need a hearing, and why?

Oregon state law has strict requirements for when a land use approval can be done 'administratively' (by staff review) and when a public hearing is required. Decisions that can be weighed against clear standards (like whether a building meets a 10 foot setback) can be done administratively and are usually called a "Type I" or "Type II" land use application.

However, if the decision requires the exercise of discretion (called 'quasi-judicial'), requires public notice to nearby property owners and a hearing open to the public (usually at either a Planning Commission or City Council meeting, or both, depending on what approval is being sought).

What if I purchased a home and found out later that my home is actually within the setbacks? Would I have to tear it down?

It depends – if it was constructed illegally (without permits or land use approvals when it was built), you may need to tear it down or 'make it legal' by either altering the construction or applying for a Variance.

If the house, or any later addition that is within the setbacks, was constructed legally, then the building would be considered 'legal but nonconforming.' There are many buildings that fall into this category either because they were established before land use and development regulations existed or because they conformed to the regulations in place at the time and those regulations have since changed. Special regulations apply to these nonconforming uses.

Can my building or use be "grandfathered in"?

Nonconforming uses and development (often called "grandfathered") are uses and development that do not conform to a community's current land use and development regulations. Most types of nonconforming uses and development can be maintained, but may require land use review before they are altered. Also, if they are destroyed by fire or other natural disaster, they can be rebuilt. However, if you tear a building down, any new building must meet the current standards.

Examples of nonconforming uses and development include: a single-family home that is built on property zoned for manufacturing or industrial uses; an apartment building that is located on a property zoned for single-family homes; an old house that was built prior to zoning codes that is built closer to the property line than is currently allowed in that zone.



What are some common zoning terms and what do they mean?



- Adjustment or variance: the process by which an applicant can request deviation from the rules a municipality applies to land use and land development, typically a zoning ordinance, building code or municipal code. The manner in which variances are employed can differ greatly depending on the municipality.
- Change in use: a change in the primary use from one use to another or the addition of other uses, not including accessory uses.
- Development: all improvements on a site, including, but not limited to: buildings, accessory structures, parking and loading areas, paved or graveled areas, improved open areas (such as plazas or walkways), above-ground utilities, landscaping, and areas devoted to exterior display, storage, or activities.
- Dwelling unit: a building, or portion of a building, that includes its own independent living facilities—including provision for sleeping, cooking, and sanitation—and is designed for residential occupancy by 1 or more people.
- Floor area ratio: the amount of building floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 2 to 1 means 2 sq ft of floor area for every 1 sq ft of site area.
- Lot coverage: the amount of area covered by building(s) on a lot expressed as a percentage of the total lot area.
- Minimum vegetation: the area of a lot that supports vegetation expressed as a percentage of the total lot area.
- Use: the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

Helpful Links

Oregon Building Codes available on line	http://www.oregonbcd.org/
Think Permit	http://www.thinkpermit.com/home.php
Information on lead based paint	http://public.health.oregon.gov/HealthyEnvironments/WorkplaceHealth/Work-RelatedLeadPoisoning/
Construction Contractors Board (CCB)	http://www.oregon.gov/CCB/pages/index.aspx
Radon Gas Information	www.healthoregon.org/rps/radon
Carbon Monoxide Information	http://www.oregon.gov/OSP/SFM/Pages/CommEd_CO_Program.aspx
Oregon Association of Realtors	http://www.oregonrealtors.org/
Clackamas County's online mapping application	http://cmap.clackamas.us/
Portland's online mapping application	http://www.portlandmaps.com/
Washington County online mapping	http://www.co.washington.or.us/AssessmentTaxation/GISCartography/maps-online.cfm
Clackamas County "C-Map" year built, size of site, tax map etc.	http://cmap.clackamas.us/
Portland Map (neighborhoods demographics)	http://www.portlandmaps.com/