



Farm Agriculture/Equine Building Exemption Request

Mid-Columbia Building Codes Services

1113 Kelly Avenue

The Dalles, OR 97058

P: (541) 298-4461 F: (541) 298-2667

Authorized Agricultural Building Exemption: State law (ORS 455.315) allows exemption from the requirement for a building permit and inspections under the Oregon State Structural Specialty Code when the proposed building meets the agricultural-building requirements.

INSTRUCTIONS

Important information: This exemption applies to the structural permit only. You must obtain the appropriate permits if the building includes electrical wiring, mechanical (heating, ventilation, or air conditioning), a boiler, plumbing or septic system.

This form is for use only in the following jurisdictions served by the MCBCS field office:

- The counties of Wasco, Sherman, Gilliam, and Wheeler.
1. Complete the applicant information.
 2. Include the legal description of the property where the building is to be constructed.
 3. Provide the building information as appropriate. If the building will be wired, Page 4 of this form must be completed.
 4. Sign and date the form.
 5. Obtain approval and signature from the local planning office (*BCS cannot issue local zoning permits. If the local jurisdiction determines the property is not a farm, not zoned appropriately, or denied for any other purpose, BCS will not exempt the building.*)
 6. If the building will contain plumbing, sanitation approval from the DEQ or Wasco County Health Department will be required prior to approval.
 7. If the form is approved, submit it to MCBCS at:
Mid-Columbia Building Codes Services
Attn: Bob Futter
1113 Kelly Avenue
The Dalles, OR 97058
or Fax: (541) 298-2667

APPROVAL PROCESS

BCS will review the Exemption Request and verify if the building you intend to construct meets the requirements for a farm agricultural exemption. The decision will be mailed to you.

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Exemption of Agricultural Buildings, Grading, and Equine Facilities (ORS. 455.315)

Nothing in this chapter is intended to authorize the application of a state structural specialty code to any agricultural building, agricultural grading or equine facility.

As used in this section:

- (1) **Agricultural Building** means a structure located on a farm and used in the operation of the farm for:
 - A. Storage, maintenance or repair of farm machinery and equipment
 - B. The raising, harvesting and selling of crops
 - C. The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees
 - D. Dairying and the sale of dairy products
 - E. Any other agricultural or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use and disposal by marketing or otherwise.
- (2) **Agricultural Building** does not mean:
 - A. A dwelling
 - B. A structure used for a purpose other than growing plants in which 10 or more persons are present at any one time
 - C. A structure regulated by the State Fire Marshal pursuant to ORS chapter 476
 - D. A structure used by the public
 - E. A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated there under.
- (3) **Agricultural Grading** means grading related to a farming practice as defined in ORS 30.930
- (4) **Equine Facility** means a building located on a farm and used by the farm owner or the public for:
 - A. Stabling or training equines
 - B. Riding lessons and training clinics
- (5) **Equine Facility** does not mean:
 - A. A dwelling
 - B. A structure in which more than ten (10) persons are present at any one time
 - C. A structure regulated by the State Fire Marshal pursuant to ORS chapter 476
 - D. A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated there under.

Notwithstanding the provisions of subsection (1) of this section, incorporated cities may regulate agricultural buildings and equine facilities within their boundaries pursuant to this chapter (formerly 456.758 and then 456.917; 1995 C.783 §1; 2003 c.74 §1; 2005 c.288)

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APPLICANT INFORMATION

Owner/Applicant Name: _____ Phone: (_____) _____

Email: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Job Site Address: _____

City: _____ State: _____ Zip: _____ Tax Lot#: _____

Directions to Job Site:

PROPOSED BUILDING INFORMATION (A plot plan **must** be attached to this application)

- Is the subject building located on a farm and used in the operation of the farm? Yes No
If the answer is 'no' it cannot be farm exempt. Submit building permit application, local government approvals, plans and fees to Mid-Columbia Building Codes Services.
- Which of the following systems will the proposed structure have?
 Electrical (see page 4) Mechanical Boiler Plumbing (DEQ authorization required prior to approval)
A Separate permit is required for each of these four systems.
- Will this structure be used by the public at any time? Yes No
- What is the proposed maximum number of people (including employees, owners, etc.) that will be in the building at any one time? _____
- Check which of the following agricultural-building uses apply to your building:
 Storage, maintenance, and repair of farm machinery, equipment, and supplies used on this farm.
 Raising, harvesting, or selling of crops raised on this farm.
 Feeding, breeding, management, and sale of livestock, poultry, furbearing animals, or honeybees on this farm.
 Dairying and sale of dairy products produced on this farm.
 Other agricultural, horticultural, or animal husbandry use.
 Equine facility: Stabling, training, riding lessons, clinics.
- Agricultural building **MAY NOT** be used for any residential or non-agricultural purpose.

Describe specific use: _____

I have received a copy of ORS 455.315 (see page 2 of this form), definition of agricultural building. I understand that if the subject building is used for or converted to non-agricultural use (e.g. garage, home occupancy, etc.), I must obtain a building permit before the conversion. Failure to obtain appropriate permits may result in action to enforce the applicable building codes for such structure and use. I understand that a post-occupancy inspection may be made to ensure continuing compliance with the agricultural-building requirements.

Signature of Owner/Authorized Agent

Date

Print Name

OFFICIAL USE ONLY (Not valid until **all** signatures are received)

Zoning Approved Denied

Print Name: _____

Signature: _____

Date: _____

Flood Hazard Yes No

Sanitation Approved Denied

Print Name: _____

Signature: _____

Date: _____

Building Official Approved Denied

Print Name: _____

Signature: _____

Date: _____



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THIS PORTION *MUST* BE COMPLETED IF THE BUILDING WILL CONTAIN ELECTRICAL WIRING

1. Will there be a concrete slab either within or immediately adjacent to the building? Yes No
2. Will there be farm animals (poultry excluded) within the building at any time? Yes No
On the slab? Yes No

(If the answer to questions 1 & 2 is YES, see 'A' below. An electrical permit is required before placing concrete).

3. Will the building be used for storage of feed, hay, or straw? Yes No
4. Will the building be used for major repair of motor vehicle equipment? Yes No
The National Electrical Code defines major repair as... "engine overhauls, painting, body and fender work, and repairs that require draining of the motor vehicle fuel tank."

Electrical concerns if an answer to any of the above questions is yes:

- A. If there is a concrete slab either in the building or immediately adjacent, in an area where farm animals will occupy or stand at any time, the animals may be either distressed or killed by current that would not affect humans. The slab is required to have an electrical grounding system (547.10).
- B. If the building is used for storing feed, hay, or straw, the electrical wiring must be installed in a dustproof manner [547.5 (C), 547.1 (A)].
- C. If the building is used for major repairs of motor vehicle equipment, the electrical wiring may have to meet special wiring requirements (547.3) (Article 500-501)

These electrical requirements are not difficult or expensive when incorporated during original building construction. However, they can be expensive to retrofit.

If the answer to both items 1 & 2 above are 'YES' contact the local electrical inspector or your electrical contractor to determine the requirements for the grounding system in the slab prior to placing the concrete.

Provide your electrical contractor with a copy of this page or contact the local electrical inspector for specific requirements before beginning electrical work.

Owner's Signature: _____ Date: _____

RESTRICTIVE COVENANT
“Exempt” Agricultural Buildings and Equine Facilities

The undersigned Owner hereby agrees that the _____ foot wide by _____ foot long by _____ foot tall structure on the property described below, will be used solely as an agricultural building as defined by ORS 455.315(2). This agreement further serves as notice to Owner and Owner’s successors in interest that no change in use of the structure may occur without obtaining the necessary land use approval from the Wasco County Planning Department and applicable building permits from MCCOG Building Codes Services. This covenant is binding upon the Owner and Owner’s heirs, successors and assigns.

Map/Taxlot	Site Address
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Planning Department File#	Acct#
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This covenant shall not be modified or terminated except by the express written consent of the property owner and the Wasco County Planning Department, as hereafter provided.

Wasco County, a political subdivision of the State of Oregon, shall be considered a party to this covenant and shall have the right to enforce any or all of the covenant contained herein by judicial or administrative proceeding. This covenant is made pursuant to provisions of the Wasco County Land Use and Development Ordinance.

ORS 455.315 Exemption of agricultural buildings

(1) Nothing in this chapter is intended to authorize the application of a state structural specialty code to any agricultural building, agricultural grading or equine facility.

(2) As used in this section:

Agricultural building means a structure located on a farm and used in the operation of the farm for: Storage, maintenance or repair of farm machinery and equipment; the raising, harvesting and selling of crops; the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees; dairying and the sale of dairy products; OR any other agricultural or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use and disposal by marketing or otherwise.

Agricultural building does not mean a dwelling; a structure used for a purpose other than growing plants in which 10 or more persons are present at any one time; a structure regulated by the State Fire Marshal pursuant to ORS chapter 476; a structure used by the public; OR a structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

Equine facility means a building located on a farm and used by the farm owner or the public for stabling or training equines; OR riding lessons and training clinics.

Equine facility does not mean a dwelling; a structure in which more than 10 persons are present at any one time; a structure regulated by the State Fire Marshal pursuant to ORS chapter 476; OR a structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

**After Recording, Please Return to:
Wasco County Planning Department**



