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/equine building requirements. See page 4 for complete text of OAR 455.315(2)(E).

INSTRUCTIONS

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

Obtain approval and signature from the local planning office. The Building Department does not issue local zoning permits. If the local jurisdiction determines the property is not a farm, in a flood plain**, is not zoned appropriately, or is denied for any other purpose, the Building Department may not exempt the building.

This form is for use only in Malheur County

1. Complete the applicant information and answer each question. Incomplete applications may be returned.
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, you must complete page 3 of the form.
4. Sign and date the form.
Submit it to Malheur County Planning & Zoning.

Malheur County Planning & Zoning
251 B St West
Vale, OR. 97918
Fax (541) 473-5140
Email: Eric.Evans@malheurco.org or Tatiana.Burgess@malheur.org

APPROVAL PROCESS

Once the building department receives planning and zoning approval, the building department will review the Exemption Request and verify that the building you intend to construct meets the requirements for a farm agricultural exemption. The decision will mailed to you.

CHECKLIST

☐ 1. Has form been approved by the local planning department? See Page 3
☐ 2. Is property located in flood plain? (If yes, additional information may be needed.)
☐ 3. Job site address completed. If no address is assigned, provide the legal description.
☐ 4. Form dated and signed. Form must be completed.

** If the property is located in a flood plain, the following documents must be included with this application, OAR 455.315(2)(E). Plot plan, legal description of the property, and FEMA flood plain map showing the property and its boundary lines.
OWNER INFORMATION

Property Owner name: _____________________________ Phone: ___________________

Cell Phone: _____________________________ Email: _____________________________

Mailing Address: _____________________________ City: __________ State: _____ Zip: __________

Jobsite address: _____________________________ Legal Description: _____________________________

City: _____________________________ State: __________ Zip: __________

Directions to the site: ____________________________________________________________

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

1. Is the subject building located on a farm and used in the operation of the farm, with county approval? □Yes □No

2. Is the structure located in the flood plain? □Yes □No

3. Describe specific use of building & items to be contained within: ____________________________________________________________

4. Building Dimensions: _______ Width X _______ Length X _______ Height of proposed structure

5. Which of the following systems will the proposed structure have:
   - Electrical (see page 3) .......... □ Yes □ No
   - Plumbing .................................. □ Yes □ No
   - Boiler ........................................ □ Yes □ No
   - Mechanical ................................ □ Yes □ No
   - Septic (DEQ Permit required) ........ □ Yes □ No

A separate permit is required for each of these five systems.

6. Will this structure be used by the public at any time? ................................................................. □ Yes □ No

7. What is the proposed maximum number of people (including employees, owners, etc.) that will be in the building at any one time? ________________

8. Where will restroom facility be provided? ____________________________________________________________

9. Check which of the following agriculture-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, fur-bearing 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, and/or clinics. –If checked please fill out additional information related to Equine exemption criteria: # of stalls/horses ______ # of stalls/horses for personal use only ______ # of stalls/horses used for commercial or trade purposes ______

I understand that if the subject building is converted to nonagricultural use (i.e., 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 agriculture-building requirements.

_________________________________________   ________________   _________________________________
Signature of owner                                  Date                                                   Print Name

Continue to Page 3
This portion must be completed if the building will contain electrical wiring.

1. Will there be a concrete slab either within or 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 answers to questions 1 and 2 are “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 and 2 on page 3 are “yes” contact the local electrical inspector or your local electrical
contractor to determine the requirements for the grounding system in the slab before 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.

Owners Signature:__________________________________________ Date:__________________________
OAR 455.315 Exemption, of agricultural buildings, agricultural grading, and equine facilities

(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:
   (a) “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, breading, management, and sale of, or the produce of livestock, poultry, fur-bearing animals, or honeybees;
       (D) Dairying and the sale of dairy projects; or
       (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.
   (b) “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; or
       (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 thereunder.
   (c) “Agricultural grading” means grading related to farming practice as defined in ORS 30.930.
   (d) “Equine facility” means a building located on a farm and used by the farm owner or the public for:
       (A) Stabling or training equines; or
       (B) Riding lessons and training clinics.
   (e) “Equine facility” does not mean:
       (A) A dwelling;
       (B) A structure in which more than 10 persons are present at any one time;
       (C) A structure regulated by the State Fire Marshal pursuant to ORS Chapter 476; or
       (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 thereunder.

(3) 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; 2003 c.74; 1;2005 c.288; 3].