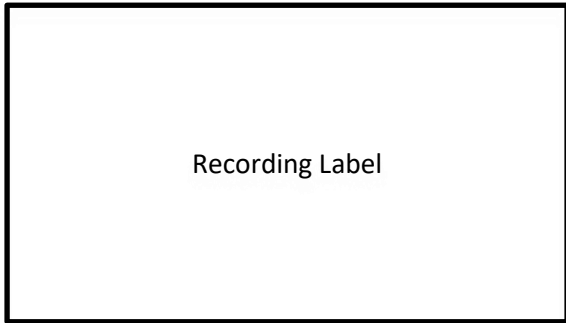


**BUILDING PERMIT EXEMPTION COVENANT
(ORS 455.315)**



THIS COVENANT, made this _____ day of _____, 20____, by and between _____ (owners) and Malheur County (County) in consideration of the County’s issuance of Agriculture/Equine Exemption Approval No. _____, which is incorporated herein by this reference, for the placement of a structure on real property located in Malheur County, Oregon. The property is described as follows:

Attach Legal Description as “Attachment A”

Owners do hereby promise and covenant as follows:

The structure proposed under Agricultural/Equine Approval No. _____ located on the real property described above, and generally depicted on the plot plan, will be used solely as an agricultural building or equine facility as defined by ORS 455.315(2)(2), respectively (see below).

In farm zones or land devoted to farm use in a mixed farm/forest zone, this agreement further serves as notice to the owners and all successors in interest that no change in use of the structure shall occur without obtaining the necessary land use approval and building permits from Malheur County.

This covenant will run with the land and is intended to and hereby binds owners, their successors, heirs, assigns and lessees.

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, breeding, 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.

Dated this _____ day of _____, 20_____.

Owner: _____ Owner: _____

State of _____

County of _____

On this _____ day of _____, 20_____, personally appeared

_____ and acknowledged the foregoing to be his/her/their voluntary act and deed.

Notary

Return to:
Malheur County Planning Department
251 B St W #12
Vale, OR 97918
Farm/Equine Restrictive Covenant