



## Marion County Public Works Building Inspection Division

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## Building Inspection Policy & Procedure No. 117

P&P 117

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### Farm Stand & Similar Uses in Existing Farm Buildings

#### Issue:

It is often desirable and necessary for farm operators to offer agricultural products for sale in buildings located on their farm property. In many cases, these farm operations are open to the public and it is common for the public to enter the farm buildings located on the property. Further, zoning regulations in certain areas allow farm stands and similar uses to occur in existing farm buildings, many of which might have been constructed prior to the existence of the statewide building code or constructed as “agriculturally exempt” structures. In either case, these buildings have likely never been permitted nor evaluated for structural, health, or life safety considerations. Statutes regulating agricultural buildings do not exempt these farm structures from compliance with the building code where the public enters the building.

#### Background:

This policy has been developed to provide a uniform procedure for the permitting of existing farm buildings used in conjunction with farm stands and similar uses which are periodic, seasonal and/or temporary in nature. It is established to ensure a reasonable level of safety for occupants of the buildings without creating onerous conditions for property owners seeking to establish such facilities on their property. It recognizes that, due to the age of some farm buildings and specific existing conditions, full compliance with the current building code may be impractical. This policy is subject to periodic review and may be revoked at any time.

#### Policy:

##### **General:**

An application must be made to Marion County for a change of occupancy. Such application must include a completed application form, a site plan showing the location of the farm building(s) to be used in the farm stand or similar operation, and structural review report and acceptance letter as outlined below. Fees for the permit, review, and site inspection shall be charged hourly in accordance with currently adopted fees, minimum 2 hour charge for plan review and 2 hour charge for the site inspection. For newer structures the fee may be based on valuation as required for new commercial structures.

##### **Fire District Approval:**

Fire district approval is required for all farm stand and similar facilities operating in existing farm buildings. A fire marshal or authorized district representative from the appropriate fire district must inspect and approve the building or buildings in question for

fire department access and where applicable, firefighting water supply and other district considerations or provide a waiver from such requirements where warranted.

### **Structural Review:**

Given that existing farm buildings are unlikely to meet current building code requirements and that it may be impractical to upgrade them to meet such requirements, the Marion County Building Codes Division will accept a structural review report and letter of acceptance from a licensed design professional in lieu of a complete structural evaluation, as allowed under ORSC Section R104.10 and OSSC Section 104.10. It is the intent of this policy to provide a reasonable level of structural safety. Toward that end, the code official may take into account special conditions or circumstances in existing farm buildings when reviewing the change of occupancy application.

Therefore, a structural inspection of the building(s) to be used in the farm stand or similar operation, a report of the findings, and letter of acceptance by an Oregon licensed engineer or architect is required for all buildings subject to this policy.

Such reports shall:

- Address the overall condition of the building(s) to be used in the farm stand or similar facility.
- Identify structural or other safety conditions which must be remedied prior to occupancy, if any.
- Identify specific repairs and/or alterations to be completed and include plans and details for the repairs.
- Provide a clear statement indicating that the building is suitable for occupancy in its existing state or, where repairs must first be made, that the building is suitable for occupancy once needed repairs are completed
- Address other relevant information based on the opinion of the registered design professional

Structural repairs will be inspected upon completion by a Marion County building inspector.

### **Life Safety Inspection:**

- A floor plan showing all rooms and indicating the proposed use(s) of each area and the exiting shall be submitted.
- A statement from the owner indicated the proposed use, frequency of use, and duration of use shall be required.

Once the permit application has been received, the Building Codes Division will schedule a site inspection for the purpose of evaluating the building(s) to be used in the farm stand or similar operation. The purpose of the inspection is to determine that the building contains proper exits, is fire safe, and that other life-safety elements have been considered

prior to occupancy. Corrective actions identified during the site visit shall be completed prior to occupancy and shall be verified by a Marion County inspector. Where possible, the initial site inspection shall be performed jointly with the Fire District representative.

**Accessibility:**

Where the scope of work includes a change of occupancy only, or where required alterations are only structural in nature, existing farm buildings will not be required to meet OSSC Chapter 11 requirements, per Section 3408.1. Other alterations and additions are subject to the requirements in OSSC Sections 3408.1 and 3411.

**Restroom Facilities:**

For the purposes of this policy, a restroom facility in an adjacent building on the same property will be allowed to satisfy the requirements of Chapter 29 of the OSSC. A statement from the property owner indicating that such restroom facilities will be open and available to building occupants during normal business operations must be included with the application. Portable toilets will not satisfy this requirement; however, for occasional events allowed under ORS 215.283, portable toilets may be provided. Where portable toilets are used, a proposal identifying the number of anticipated guests, the duration of the temporary event and the number of proposed portable toilets to be provided must be submitted to the Building Official for review and approval.