

Farm Agriculture/Equine Building Exemption

Review Process and Applicable Standards



216 SE 4th ST, Pendleton, OR 97801, (541) 278-6252
Email: planning@umatillacounty.gov

State law (ORS 455.315) allows exemption from the requirement for a building permit and inspections under the Oregon State Structural Specialty Code for certain agricultural buildings. A landowner must obtain approval and signature from the local planning office to qualify for this type of permit. Farm Exempt structures are only allowed on resource zoned land (EFU and GF) where a bona fide "farm" is being operated. The property must be assessed under the "Farm Deferral" tax program. (UCDC 152.026 amended via Ord. 2008-09).

ORS 455.315 Exemption of agricultural buildings, agricultural grading and equine facilities. (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 products; 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.

(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.
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Processing This Type of Permit

Complete and sign the following applications. The County Planning Department will review and sign both applications if the use qualifies, prior to the applications being reviewed by State BCD.

- County Zoning Permit Application
- State BCD Farm Agriculture/Equine Building Exemption Request Application
- Provide a copy of both applications signed by the County Planning Department to State BCD.



Farm Agriculture/Equine Building Exemption Request

Department of Consumer and Business Services

Building Codes Division • Pendleton Field Office

800 S.E. Emigrant Ave., Suite 360, Pendleton, Oregon 97801

541-276-7814 • www.oregon.gov/bcd

building.department@dcbs.oregon.gov

INSTRUCTIONS

Oregon Revised Statute 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.

This form is for use only in the following counties served by the Building Codes Division field office:

- Coos
- Umatilla
- Sherman
- Wheeler

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.

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.
4. Sign and date the form.
5. Obtain approval and signature from the local planning office (*The Building Codes Division 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, the Building Codes Division will not exempt the building.*)
6. If the building will contain plumbing, sanitation approval from the DEQ or if applicable, the county health department.
7. If the form is approved, submit it to the Building Codes Division.

Building Codes Division
800 S.E. Emigrant Ave., Suite 260
Pendleton, OR 97801
or Fax: 541-276-9244

APPROVAL PROCESS

The Building Codes Division 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.

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

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



Department of Consumer
and Business Services



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455.315 Exemption of agricultural buildings, agricultural grading, equine facilities and dog training facilities.

- (1) The provisions of this chapter do not authorize the application of a state structural specialty code to any agricultural building, agricultural grading, equine facility or dog training facility.
- (2) As used in this section:
 - (a)(A) “Agricultural building” means a structure located on a farm or forest operation and used for:
 - (i) Storage, maintenance or repair of farm or forestry machinery and equipment;
 - (ii) The raising, harvesting and selling of crops or forest products;
 - (iii) The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;
 - (iv) Dairying and the sale of dairy products; or
 - (v) Any other agricultural, forestry 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, the preparation and storage of forest products and the disposal, by marketing or otherwise, of farm produce or forest products.
 - (B) “Agricultural building” does not mean:
 - (i) A dwelling;
 - (ii) A structure used for a purpose other than growing plants in which 10 or more persons are present at any one time;
 - (iii) A structure regulated by the State Fire Marshal pursuant to ORS chapter 476;
 - (iv) A structure used by the public; or
 - (v) 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.
 - (b) “Agricultural grading” means grading related to a farming practice as defined in ORS 30.930.
 - (c) “Dog training facility” means a farm building used for dog training classes or testing trials permitted under ORS 215.213 (1)(z) or 215.283 (1)(x) in which no more than 10 persons are present at any one time.
 - (d)(A) “Equine facility” means a building located on a farm and used by the farm owner or the public for:
 - (i) Stabling or training equines; or
 - (ii) Riding lessons and training clinics.
 - (B) “Equine facility” does not mean:
 - (i) A dwelling;
 - (ii) A structure in which more than 10 persons are present at any one time;
 - (iii) A structure regulated by the State Fire Marshal pursuant to ORS chapter 476; or
 - (iv) 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, equine facilities and dog training facilities within their boundaries pursuant to this chapter.
- (4) An agricultural building may be used for uses in addition to the uses listed in subsection (2)(a)(A) of this section if the additional uses:
 - (a) Are incidental and accessory to the uses listed in subsection (2)(a)(A) of this section;
 - (b) Are personal to the farm owner and the farm owner’s immediate family or household; and
 - (c) Do not pose a greater hazard to persons or property than the uses listed in subsection (2)(a)(A) of this section.
[Formerly 456.758 and then 456.917; 1995 c.783 §1; 2003 c.74 §1; 2005 c.288 §3; 2013 c.73 §3; 2021 c.120 §1; 2021 c.552 §11]



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APPLICANT INFORMATION

Owner/applicant name:		Phone:	
Email:			
Mailing address:			
City:	State:	ZIP:	
Job site address:			
City:	State:	ZIP:	County:
Directions to job site:			

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

- Is the subject building location on a farm and used in the operation of the farm? Yes No
If no, it cannot be farm exempt. Submit permit application, local approvals, plans and fees to Building Codes Services.
- Which of the following systems will the proposed structure have? **Separate permits are required for each system.**
 Electrical Mechanical Boiler Plumbing (*DEQ authorization required before approval*)
- 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, or repair of farm machinery, equipment, and supplies used on this farm
 - Raising, harvesting, or selling of crops raised on this farm
 - Feeding, breeding, management, or sale of livestock, poultry, fur-bearing animals, or honeybees on this farm
 - Dairy and sale of dairy products produced on this farm
 - Other agricultural, horticultural, or animal husbandry use
 - Equine facility: stabling, training, riding lessons, clinics
 - Dog training facility
- Describe specific use: _____

OWNER SIGNATURE

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 (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 post-occupancy inspection may be made to ensure continuing compliance with the agricultural building requirements.

Signature of owner/authorized agent

Print name

Date

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

Zoning <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Sanitation <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Building official <input type="checkbox"/> Approved <input type="checkbox"/> Denied
Print name:	Print name:	Print name:
Signature:	Signature:	Signature:
Date:	Date:	Date:
Flood hazard <input type="checkbox"/> Yes <input type="checkbox"/> No		