

**No: ORS 455.315(1) and (2)
Agricultural Exemption**

Statute Reference: Oregon Revised Statute (ORS) 455.315(1)&(2)

Statute Edition: 2007 Compilation

Date: *July 9, 2008*

Subject: Agricultural Building Exemption

- Questions:**
1. Is the exemption from code requirements for agricultural buildings in ORS 455.315(1) limited to the Oregon Structural Specialty Code?
 2. Is the building official authorized to determine what constitutes a “farm” as the term is applied in ORS 455.315(2)?
 3. What is the definition of an “agricultural building”?
 4. Assuming that a given parcel has been designated a farm by the proper authority and the proposed building falls within the statutory parameters of ORS 455.315(2)(a)&(b), are there any other considerations which must be met prior to issuance of the agricultural exemption?

- Answers:**
1. Yes. The exemption is only from the Oregon Structural Specialty Code. Any electrical, plumbing or mechanical work is subject to permit and must comply with the respective specialty code provisions.
 2. No. The determination for what constitutes a farm is vested with the local planning department in conjunction with adopted zoning ordinances. The building official has no authority in this determination.
 3. ORS 455.315(2)(a) defines “agricultural building” as 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.

ORS 455.315(2)(b) goes on to state that an “agricultural building” does not include:

- 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.
4. No. If the use of an agricultural building meets the statutory parameters of ORS 455.315 (2)(a)&(b) and is located on a legally designated farm, the agricultural exemption applies.

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