



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

**Agenda  
Item  
IV.B.**

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

**Statute Edition:** 2007 Compilation

**Date:** *July 9, 2008*

**Subject:** Equine Facility Exemption

- Questions:**
1. Is the exemption from code requirements for equine facilities 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 “equine facility”?
  4. Does the equine facilities exemption constitute a separate exemption from that provided for agricultural buildings?
  5. 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)(d), & (e), are there any other considerations which must be met prior to issuance of the equine 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)(d) defines “equine facility” as 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****ORS 455.315(2)(e) goes on to state that an “equine facility” does not include:**



- 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.
4. Yes. Equine facility is defined separately in ORS 455.315 (2)(d)&(e) and comprises a wholly separate exemption from that granted to agricultural buildings. Where agricultural buildings must be used as part of the “business” of the farm, equine facilities may simply exist for pleasure.
  5. No. If the use of an equine facility meets the statutory parameters of ORS 455.315 (2)(d)&(e) and is located on a legally designated farm, the equine exemption applies.

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