



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

**Agenda  
Item  
IV.C.**

**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.**

**Contact:**

Richard S. Rogers, Structural Program Chief  
[richard.rogers@state.or.us](mailto:richard.rogers@state.or.us)  
(503) 378-4472