



Farm Agriculture/Equine Building Exemption Request

Department of Consumer and Business Services

Building Codes Division

1535 Edgewater St. NW, Salem, Oregon

Mailing address: P.O. Box 14470, Salem, OR 97309-0404

Phone: 503-378-4133 • Fax: 503-378-3656

Web: bcd.oregon.gov

Agricultural Building Exemption: State law (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/equine building requirements. See page 4 for complete text of OAR 455.315(2)(E).

INSTRUCTIONS

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.

Obtain approval and signature from the local planning office. BCD does not issue local zoning permits. If the local jurisdiction determines the property is not a farm, is in a *flood plain**, is not zoned appropriately, or is denied for any other purpose, BCD may not exempt the building.

This form is for use only in the following jurisdictions served by BCD field offices:

- Coos County – Coquille office
- Umatilla County – Pendleton office

1. Complete the applicant information and answer each question. Incomplete applications may be returned.
2. Include the legal description of the property where the building is to be constructed.
3. Provide the building information as appropriate. If the building will be wired, you must complete page 3 of the form.
4. Sign and date the form.
5. Submit it to BCD at:

Oregon Building Codes Division
 Building Official
 700 SE Emigrant
 Pendleton, OR 97801
 Fax: 541-276-9244

Oregon Building Codes Division
 Building Official
 749 Riverside Drive, Ste. A
 Coquille, OR 97423
 Fax: 541-396-3974

APPROVAL PROCESS

BCD will review the Exemption Request and verify that the building you intend to construct meets the requirements for a farm agricultural exemption. The decision will be mailed to you.

CHECKLIST

- 1. Has form been approved by the local planning department? See page 3.
- 2. Is property located in flood plain? (If yes, additional information may be needed.)
- 3. Job site address completed. If no address is assigned, provide the legal description.
- 4. Form dated and signed. Form must be completed.

***If the property is located in a flood plain, the following documents must be included with this application, OAR 455.315(2)(E): Plot plan, legal description of the property, and FEMA flood plain map showing the property and its boundary lines.**

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APPLICANT INFORMATION

Owner/applicant name: _____ Phone: _____
E-mail: _____
Mailing address: _____
City: _____ State: _____ ZIP: _____
Job site address: _____ Tax lot no.: _____
City: _____ State: _____ ZIP: _____
Directions to the site: _____

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

1. Is the subject building located on a farm and used in the operation of the farm, with county approval? Yes No
2. Which of the following systems will the proposed structure have?
 Electrical (See Page 3): Yes No Mechanical: Yes No
 Plumbing: Yes No Septic (DEQ permit required): Yes No
 Boiler: Yes No
A separate permit is required for each of these five systems.
3. Will this structure be used by the public at any time? Yes No
4. What is the proposed maximum number of people (including employees, owners, etc.) that will be in the building at any one time? _____
5. Where will restroom facility be provided? _____
6. Check which of the following agricultural-building uses apply to your building:
 Storage, maintenance, and repair of farm machinery, equipment, and supplies used on this farm.
 Raising, harvesting, or selling of crops raised on this farm.
 Feeding, breeding, management, and sale of livestock, poultry, furbearing animals, or honeybees on this farm.
 Dairying and sale of dairy products produced on this farm.
 Other agricultural, horticultural, or animal husbandry use.
 Equine facility: Stabling, training, riding lessons, and clinics.
 Describe specific use: _____

I understand that if the subject building is converted to nonagricultural use (e.g., 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 a post-occupancy inspection may be made to ensure continuing compliance with the agriculture-building requirements.

Signature of owner/authorized agent

Date

Print name

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This portion must be completed if the building will contain electrical wiring.

1. Will there be a concrete slab either within or adjacent to the building? <input type="checkbox"/> Yes <input type="checkbox"/> No
2. Will there be farm animals (poultry excluded) within the building at any time? <input type="checkbox"/> Yes <input type="checkbox"/> No On the slab? <input type="checkbox"/> Yes <input type="checkbox"/> No (If the answers to questions 1 and 2 are “yes,” see “A” below. An electrical permit is required before placing concrete.)
3. Will the building be used for storage of feed, hay, or straw? <input type="checkbox"/> Yes <input type="checkbox"/> No
4. Will the building be used for major repair of motor vehicle equipment? <input type="checkbox"/> Yes <input type="checkbox"/> No The National Electrical Code defines major repair as “engine overhauls, painting, body and fender work, and repairs that require draining of the motor vehicle fuel tank.”
Electrical concerns if an answer to any of the above questions is yes:
A. If there is a concrete slab either in the building or immediately adjacent, in an area where farm animals will occupy or stand at any time, the animals may be either distressed or killed by current that would not affect humans. The slab is required to have an electrical grounding system. (547.10)
B. If the building is used for storing feed, hay, or straw, the electrical wiring must be installed in a dustproof manner. [547.5 (C), 547.1 (A)]
C. If the building is used for major repairs of motor vehicle equipment, the electrical wiring may have to meet special wiring requirements. (547.3) (Article 500-501)

These electrical requirements are not difficult or expensive when incorporated during original building construction. However, they can be expensive to retrofit.

If the answer to both items 1 and 2 on Page 3 are “yes,” contact the local electrical inspector or your electrical contractor to determine the requirements for the grounding system in the slab prior to placing the concrete.

Provide your electrical contractor with a copy of this page or contact the local electrical inspector for specific requirements before beginning electrical work.

Owner’s signature: _____ Date: _____

OFFICIAL USE ONLY	
Land Use and Farm Recognition	Structural Building Permit Exemption
This application has been reviewed for land-use compatibility and recognition as operating as a farm and is: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	This application has been reviewed for compliance with standards that allow agricultural or equine facility exemption as allowed by ORS 455.315 and is: <input type="checkbox"/> Approved <input type="checkbox"/> Denied
Comments: _____	Comments: _____
Property is in a flood zone: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Zone: _____	
Print name: _____	Print name: _____
Position: _____	Position: _____
Signature: _____ Date: _____	Signature: _____ Date: _____

OAR 455.315 Exemption of agricultural buildings, agricultural grading, and equine facilities.

- (1) Nothing in this chapter is intended to authorize the application of a state structural specialty code to any agricultural building, agricultural grading or equine facility.
- (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.
 - (c) “Agricultural grading” means grading related to a farming practice as defined in ORS 30.930.
 - (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.
- (3) Notwithstanding the provisions of subsection (1) of this section, incorporated cities may regulate agricultural buildings and equine facilities within their boundaries pursuant to this chapter. [Formerly 456.758 and then 456.917; 1995 c.783 §1; 2003 c.74 §1; 2005 c.288 §3]