

AG/Forestry/Additional Uses— Agricultural Exemption Includes analysis of HB 2441 (2013) and HB 2611 (2021)

Department of Consumer
and Business Services

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Oregon Revised Statute (ORS): ORS 455.315(1) & (2), and ORS 455.068

Date: Issued: May 26, 2011
Updated: September 2021

Subject: AG/Forestry/Additional Uses—
Agricultural exemption from the application of the Oregon Structural Specialty Code (OSSC)

Questions:

- 1) Is the exemption from code requirements for agricultural buildings in ORS 455.315 limited to the Oregon Structural Specialty Code?
- 2) What is the definition of an “agricultural building”?
- 3) Is the building official authorized to determine what constitutes a “farm operation” or “forest operation” as the term is applied in ORS 455.315(2)?
- 4) Where a given parcel has been designated a farm or forest operation in conjunction with an agricultural building and the proposed building meets the respective statutory definitions of ORS 455.315, are there any other considerations before the issuance of the structural specialty code exemption?
- 5) Is a farm agricultural building permitted to be converted to another use?
- 6) Is a forest agricultural building permitted to be converted to another use?
- 7) Is a farm owner permitted to store items, such as recreational vehicles, boats, etc., in an agricultural exempt structure, where such items “are personal to the farm owner and the farm owner’s immediate family or household” and do not pose a greater hazard to persons or property than the uses listed in subsection (2)(a) of the section?

Answers:

- 1) Yes. The exemption only applies to the requirements of 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) ORS 455.315(2)(a) defines “agricultural building” as a structure located on a farm or forest operation and used for:
 - a. Storage, maintenance or repair of farm or forestry machinery and equipment;
 - b. The raising, harvesting and selling of crops or forestry products;
 - 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, 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, or farm produce or forest products.

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.
- 3) No. The determination of what constitutes a farm or forest operation is vested with the local planning department in conjunction with adopted zoning ordinances. The building official acting under the authority granted in ORS 455 has no authority in this determination.
 - 4) No. If the indicated use meets the statutory parameters of ORS 455.315 (and is located on a legally designated parcel for the intended use, the exemption applies.
 - 5) Yes. Owners may work with their local building departments in changing a previously exempted farm agricultural building to a regulated occupancy classification.
 - 6) No. Per House Bill 2441 (2013), a forest use agricultural building may not be converted to any other use. As such, a change of use or occupancy through the local building department is not permitted.
 - 7) Yes.

Analysis:

2021 Update: HB 2611, as passed by the 2021 Legislature, added section (4) to ORS 455.315 to address “additional uses” allowed in “agricultural buildings.” These amendments are effective Jan. 1, 2022. The purpose of HB 2611 was to expressly allow farm owners to store items such as recreational vehicles, recreational equipment, family furniture, etc. in an agricultural exempt structure, where the additional uses “are personal to the farm owner and the farm owner’s immediate family or household.” In addition, the additional uses must be incidental and accessory to the uses listed in subsection (2)(a) of the section, and the items cannot pose a greater hazard to persons or property than the uses listed in subsection (2)(a) of the section.

2013 Update: HB: 2441, as passed by the 2013 Legislature, expanded the definition of agricultural building to include “forest operations” as noted in ORS 455.315(2)(a). These amendments became effective Jan. 1, 2014. The bill also amended certain land use laws in ORS 215.700 to 215.780 noting that an “agricultural building” [as redefined in ORS 455.315(2)(a)] is “an authorized use on land zoned for forest use or for mixed farm and forest use.”

As such, agricultural buildings used for forest operations that are located on forest use or mixed forest use lands are exempt from compliance with the Oregon Structural Specialty Code. Consistent with the consideration of a farm, local planning departments must be consulted for a determination that a subject property is zoned appropriately to allow for the siting of a building used in forest operations.

In addition, ORS 215.760 stipulates that; “[a] person may not convert an agricultural building authorized by this section to another use.” In short, this provision is unique to forest operations. Such buildings not permitted to be converted into any other occupancy or use.

Other interpretations related to ORS 455.315

Equine Facilities: [Oregon.gov/bcd/codes-stand/Documents/interp-equine-exemption.pdf](https://www.oregon.gov/bcd/codes-stand/Documents/interp-equine-exemption.pdf)

Wineries: [Oregon.gov/bcd/codes-stand/Documents/interp-wineries-exemption.pdf](https://www.oregon.gov/bcd/codes-stand/Documents/interp-wineries-exemption.pdf)

Dog training facilities: [Oregon.gov/bcd/codes-stand/Documents/interp-dogtraining-exemption.pdf](https://www.oregon.gov/bcd/codes-stand/Documents/interp-dogtraining-exemption.pdf)

Contact: Visit the division website to [contact a building code specialist](#).