

Exempt Agricultural Building Frequently Asked Questions (FAQ)

Land Use Planning Division



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1. What is an “Exempt Agricultural Building”?

The phrase is used for agricultural buildings and equine (horse) facilities that are exempt from State Structural Building Codes under Oregon law.

2. Do Exempt Agricultural Buildings have to comply with zoning requirements?

Yes. Buildings have to meet local zoning requirements. Zoning rules vary depending upon where a property is located; however, typical standards include building setbacks from property lines, maximum height limitations, and vehicle access requirements. Equine facilities are specifically regulated in most zone districts and may require a land use permit. Please speak with our staff if you have questions about the zoning of your property.

3. Are electrical, plumbing, or mechanical building permits required?

Yes. If the building is wired for electricity, plumbed, or includes mechanical systems for heating or ventilation the appropriate specialty building permits must be obtained.

4. Must Exempt Agricultural Buildings be located on a farm?

Yes. The structural code exemption requires agricultural buildings be located on a farm.

5. What is a farm?

The term “farm” means the current employment of land for the primary purpose of obtaining a profit. It includes raising, harvesting and selling crops or the feeding, breeding, management and sale of livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof.

6. Are there limitations on how I can use an Exempt Agricultural Building?

Yes. An exempt agricultural building must be exclusively used in the operation of the farm. Typical uses include:

- Storage, maintenance or repair of farm machinery and equipment;
- The raising, harvesting, and selling of crops;
- The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees; or
- Dairying and the sale of dairy products.

Also, the following structures cannot qualify as an exempt agricultural building:

- Dwellings;
- Structures accessory to a dwelling, such as shop buildings or enclosures for storage of non-farm vehicles or goods;
- Structures, other than those used for growing plants, within which more than 10 persons are present at any given time;
- Structures regulated by the State Fire Marshal pursuant to ORS Chapter 476 (e.g. occupied structures where people sleep or congregate);
- Structures used by the general public;
- Structures subject to the National Flood Insurance Act of 1968, as amended (e.g. construction within the 100 year floodplain of a watercourse).

7. Is an equine facility different than an agricultural building?

Yes. An equine facility is a building located on a farm that is used by the farm owner or the public for:

- Stabling or training equines; or
- Riding lessons and training clinics.

8. Are the rules for equine facilities the same as those for agricultural buildings?

No. The exemption in the State Structural code distinguishes between agricultural buildings and equine facilities. In 2006 the State Building Codes Division issued a code interpretation clarifying the equine facilities exemption. The interpretation notes that equine facilities located on a farm need not be used as part of the farm business in order to qualify for the exemption.

Also, an equine facility may be occupied by members of the general public, provided no more than 10 people are present at any given time. Agricultural buildings cannot be occupied by the general public.

9. What will I need to do in the future if I want to change the use of the building?

A change in use must meet local zoning requirements. Building permits may also be required for a change of occupancy and for alterations needed to make the structure suitable for the new use.

10. What other requirements might I be subject to if I construct an exempt building?

Fire and life safety codes for fuel reduction (i.e. fire breaks), access, and water flow for fire suppression; State or County permits to construct a new approach onto a public road; erosion control for earthwork that is not related to a farm practice; flood hazard review; and rules requiring storm run-off be managed for new impervious surfaces are common requirements that may apply.

Note: For information about agricultural practices in your area please contact your local soil and water conservation district at 503-238-4775, <https://wmswcd.org/> (West County) or 503-222-SOIL, <https://emswcd.org/> (East County).