

AGRICULTURE/EQUINE & FORESTRY BUILDING PERMIT EXEMPTION REQUEST



POLK COUNTY COMMUNITY DEVELOPMENT
850 MAIN STREET, DALLAS, OR 97338
Phone: (503) 623-9237 ♦ Email: cd.permits@co.polk.or.us

Office use only:

Permit #: _____

Date: _____

Amount: _____

Receipt #: _____

Property Owner: _____

Proposed Location: _____

Property Location Acreage: _____ Total # Of Acres In Farm or Forest Operation: _____

T: _____ S, R: _____ W, SEC.: _____, Taxlot(s): _____ Zone: _____

1. Is this property classified by the Assessor as a farm deferred? ☐ YES ☐ NO Or forest deferred? ☐ YES ☐ NO

2. Are you located within the Urban Growth Boundary? ☐ YES ☐ NO

3. BE SPECIFIC in describing your farm or forest enterprise, size of operation, and annual profit:

4. BE SPECIFIC in describing the use of and/or commodities that will be stored in the proposed structure:

5. What is the size of the proposed building? Length _____ Width _____ Height _____ Area _____

6. Is the proposed structure located within a flood plain? ☐ YES ☐ NO

7. Will the proposed structure have any of the following systems? If yes - separate permits are required.

Electrical ☐ YES ☐ NO **Plumbing** ☐ YES ☐ NO **Heat/Cool/Ventilation** ☐ YES ☐ NO **Septic** ☐ YES ☐ NO

8. What is the maximum number of people present in the building at any one time during the year? _____

9a. Do you have employees? ☐ YES ☐ NO 9b. Where will the restroom facilities be provided? _____

10. Is this structure used by the public at any time? ☐ YES ☐ NO

Explain _____

11. What is the distance from the proposed structure to property lines and/or other structures?

Front _____ Rear _____ Left Side _____ Right Side _____ Other _____

12. **This application will not be considered complete without a site plan (8 ½ x 11) that includes the size of the building and setbacks to property lines.**

See the attached definition of "Farm Use" and related laws for agricultural buildings under ORS 455.315. You must clearly state the intended use of the building in order for the Building Official to determine if the use qualifies as "farm use" and/or uses defined under ORS 455.315. Along with the application, you must submit one (1) copy of a plot plan on 8.5" x 11" paper depicting building placement on the property.

Who is constructing the structure? ☐ **Owner** or ☐ **Licensed Contractor**

Contractor: _____ Phone: _____

I certify that I have read this application and state that the information given is correct. I agree to comply with all state laws and county ordinances relating to building construction. I hereby acknowledge that any permitted change in use of the building that is not defined in ORS 455.315 and/or defined as "Farm Use" (definition attached), shall remove the agricultural exemption, thereby requiring me, or my successors, to obtain a building permit, pay all applicable fees, and make any changes dictated by the building code governing the new use. I acknowledge that if the building is determined to be in the floodplain, I will be required to obtain a building permit.

Owner's Signature: _____ Date: _____

Mailing Address: _____

City State Zip

Phone: _____ Email: _____

FOR OFFICE USE ONLY

Planning: Approved _____ Denied _____ Date: _____

Building: Approved _____ Denied _____ Date: _____

AGRICULTURAL / FORESTRY BUILDINGS

The exemption is to the building *inspection* review and associated fees, but not the actual construction standards or setbacks from property lines, etc. To better understand “agricultural building” and “farm use”, please see the following provisions from the Oregon Revised Statutes (ORS):

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

- (1) The provisions of this chapter do not 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 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 forest 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 products and the disposal, by marketing or otherwise, of farm produce or forest products.
 - (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 [*an agricultural exempt building can not be located in the regulated Floodplain or Floodway*].
 - (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]

ORS 215.203 "farm use" means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce 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. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. "Farm use" does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in subsection (3) of this section or land described in ORS 321.267 (1)(e) or 321.415 (5).