

Enrolled
House Bill 2611

Sponsored by Representatives BREESE-IVERSON, SMITH DB; Representatives BONHAM, BOSHART DAVIS, CATE, DRAZAN, HAYDEN, LEIF, LEVY, LEWIS, MORGAN, NEARMAN, OWENS, STARK, WRIGHT, ZIKA, Senator KNOPP (Presession filed.)

CHAPTER

AN ACT

Relating to the application of state structural specialty codes to agricultural buildings; amending ORS 455.315.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 455.315 is amended to read:

455.315. (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 of forest 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.

(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.

(4) An agricultural building may be used for uses in addition to the uses listed in subsection (2)(a) of this section if the additional uses:

- (a) Are incidental and accessory to the uses listed in subsection (2)(a) of this section;**
 - (b) Are personal to the farm owner and the farm owner’s immediate family or household;**
- and**
- (c) Do not pose a greater hazard to persons or property than the uses listed in subsection (2)(a) of this section.**

Passed by House April 15, 2021

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 Timothy G. Sekerak, Chief Clerk of House

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 Tina Kotek, Speaker of House

Passed by Senate May 24, 2021

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 Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

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 Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

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 Shemia Fagan, Secretary of State