



OREGON PROPERTY OWNERS — ASSOCIATION —

Senate Committee on Energy and Environment OPOA Testimony in Support of House Bill 2611A

May 11, 2021

Chair Beyer and Committee Members:

The Oregon Property Owners Association (OPOA) submits this testimony in support of House Bill 2611A, a bill that clarifies the existing exemption from the state commercial building code for barns and other agricultural buildings. The existing exemption is found in ORS 455.315.

The Oregon Legislature authorized the creation of a statewide commercial building code in 1973. Unfortunately, the 1973 legislature failed to distinguish between barns and other agricultural buildings, which are occupied infrequently by a person or small group of people, and other commercial buildings which are open to the public and occupied continuously by large numbers of people.

Consequently, the 1975 legislature immediately addressed this issue and created an exemption from the commercial building code standards for barns and other agricultural buildings. There are sideboards with this exemption to ensure that the barn or other structure is not open to the public or occupied in large numbers at any time. Assuming the sideboards are met, the building is exempt from the commercial building code. This exemption has been a great benefit to Oregon property owners for over 45 years.

Unfortunately, the statutory language contains an ambiguity that has not been addressed. An “agricultural building” is defined in ORS 455.313(2)(a) as a structure located on a farm or forest operation that is “used for” various farm/forestry related activities. The ambiguity is in the term “used for”. Does this language mean that the barn can only be “used for” farm or forest uses, or does it mean that it must be “used for” some certain amount of farm or forest related uses? If it is for a certain amount of farm or forest use, what is that amount, and how is it measured? This is the question that HB 2611A addresses.

HB 2611A amends the exemption language in ORS 455.315 to clarify that a farmer may use an agricultural building for both farm uses and non-farm uses, provided the non-farm uses are:

1. Incidental and accessory to the farm/forestry uses;
2. Personal to the farm owner and the farm owner’s family and household;

3. Don't create a greater hazard to persons or property than that created by the farm/forestry uses; and
4. All the existing sideboards remain, including limitations on the number of people who can occupy the building at a given time, and a ban on use of the building as a business for use by the public.

The amendments in HB 2611A reflect reality – if farmers are prohibited from using barns and other agricultural buildings from any non-farm activity, then every farmer and rancher in Oregon will lose the ag exemption for their structures, as barns are multi-purpose buildings used by farmers for such benign activities as storing the family RV during the winter, parking an antique car that will be repaired and restored in the future, or storing family furniture or recreational equipment.

Punishing a farmer for using the barn in the same manner as people in town use their garage is punitive, helps no one, and is not what the legislature intended in 1975. HB 2611A resolves this issue, without harming anyone. We hope you will support the bill and move it forward.

Very Truly Yours,



David J. Hunnicutt
President