

Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

525 NE 4TH STREET • McMinnville, Oregon 97128

Phone: 503-434-7516 • Fax: 503-434-7544 • TTY: 800-735-2900 • Internet Address: <http://www.co.yamhill.or.us/plan>

DATE: April 17, 2020

SUBJECT: Agricultural Exempt Structures

This memo is to clarify and explain the procedure and requirements to obtain an agricultural exempt permit. The exemption applies only to building permits, and does not apply to electrical, plumbing, and mechanical installations. Please note that the wiring methods for an exempt building are different and must comply with Article 547.5 of the Electrical Specialty Code. If an agricultural building goes through a change of occupancy later, a standard building permit and inspections will have to be obtained. It is important to understand how these issues will affect construction prior to proceeding, as they can be costly to address later.

Before an agricultural exempt permit can be issued, the Planning Division must first determine if the property is located on a farm or forest property. Only structures located on a farm or forest parcel qualify for the exemption. To apply for an agricultural building permit exemption, an applicant must fill out the Agricultural Building Affidavit and sign before a Notary Public. The intended use of the building must clearly be stated on the affidavit in order for the planner to determine whether the structure and intended use(s) qualify for an agricultural exempt permit. A plot plan showing the locations of the proposed structure, any other structures on the property, septic system location (if applicable), well location, and their relations to property lines shall be submitted with the affidavit. If the agricultural building permit exemption is approved, the building may be constructed without a standard building permit (however, a zoning permit and setback inspection will be required). If the exemption is not approved, an application for a standard building permit is necessary.

A farm is defined as "private land used for **THE PRIMARY PURPOSE OF OBTAINING A PROFIT IN MONEY** by raising, harvesting, and selling of crops or by the feeding, breeding, management, and sale of, or the product of, livestock, poultry, fur-bearing mammals or honeybees..." A farm is a business, and those not engaged in the primary business of farming do not, in fact, have a farm. So called "hobby farms," vegetable or flower gardens for private consumption and enjoyment, herds of pet horses or goats, and the like are not farms under the legal definition. If the principal use of a property is as a residence, the building will not qualify for exemption.

In order to determine what constitutes a farm under ORS 455.315, Yamhill County developed the following policy: In order to qualify for an agricultural building exemption the application must state that the structure will be used as part of the farm or forestry operation, some portion of the property shall be on a farm or forest deferral, and the property must be zoned for farm or forest use or both. In order to qualify for an equine facility exemption some portion of the property shall be receiving farm deferral and the zone in which the property is located must allow farm use.

An agricultural building is a structure **LOCATED ON A FARM OR FOREST OPERATION** and used in the operation of such farm for:

- a. Storage, maintenance or repair of farm or forest machinery and equipment;
- b. Raising, harvesting and selling of crops;
- c. Feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees; or
- d. Dairying and the sale of dairy products.

An agricultural building does **NOT** include:

- a. A dwelling;
- b. A structure used for 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 located in the flood plain.

An "equine facility" is 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.

An equine facility does **NOT** include:

- a. A dwelling;
- b. A structure 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 located in the flood plain.

Forestland is defined as "land that is used for the growing and harvesting of forest tree species." Forest tree species are any tree species that are capable of producing logs, fiber or other wood materials suitable for the production of lumber, sheeting, pulp, firewood or other commercial forest products except trees grown to be Christmas trees.



Yamhill County Department of Planning and Development

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AGRICULTURE & EQUINE PERMIT EXEMPTION

Information and Affidavit to be completed by the property owner or lease holder

Owner/Applicant name: _____

Site address: _____

Mailing address: _____

Phone/e-mail: _____

Tax lot number: _____ Zoning Designation: _____

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1. Is the property on a farm or forest tax deferral program? Yes No
2. Is the primary purpose of your farmland to obtain a profit in money? Yes No
3. Is the predominant purpose of this land to grow and harvest trees of a marketable species? Yes No
4. Will your agricultural structure be used by 10 or more people at any one time, or by the general public? Yes No
5. Will your equine structure have 10 or more people at any one time? Yes No
6. Is the parcel located in the flood zone? Yes No
7. Which of the following systems will the proposed structure have? *(a separate permit is required for each system)*
Electrical Mechanical Plumbing Septic

8. Describe the intended use of the proposed building:

9. Check which of the following uses apply to your building:
- Storage, maintenance, and repair of farm or forest machinery, supplies, and equipment used on this farm or forest property. List equipment and/or items stored:

- Raising, harvesting, or selling of crops or forest products raised on this farm or forest.
- Feeding, breeding, management, and sale of livestock, poultry, fur bearing animals, or honeybees on this farm.

PLEASE COMPLETE BOTH SIDES OF THIS FORM

- The preparation and storage of farm produce or forest products.
- The boarding, stabling, riding or training of horses.
- Other agricultural, forestry, or horticultural use, or animal husbandry or any combination thereof.

CERTIFICATION

I, _____, do hereby swear or affirm that my statements are true and correct. I further affirm that the subject building is located on a farm or forest operation and is used in the operation of the farm or forest as defined in the Oregon Structural Specialty Code. I understand and acknowledge that should the subject building be converted to a non-agricultural use (e.g., garage, home-occupancy, etc.) I will obtain a building permit prior to such conversion. Failure to obtain appropriate permits may result in action to enforce the applicable building codes for such structure and use, including civil penalties. I understand that a post-occupancy inspection may be made to assure continuing compliance with the agriculture building requirements.

STATE OF _____
 County of _____

I, _____, do hereby swear or affirm under penalty of perjury that the above statement is true and correct.

Date _____ Signature of Applicant _____

Subscribe and sworn to before me on this _____ day of _____, 20____.

 Notary Public of State of Oregon

My Commission Expires _____

Agricultural Permit Application

YAMHILL COUNTY

525 NE 4th St., McMinnville, OR 97128

planning@co.yamhill.or.us

Phone: (503) 434-7516

Fax: (503) 434-7544

Permit No. _____

Date: _____

TYPE OF WORK	
<input type="checkbox"/> New Construction	<input type="checkbox"/> Remodel
<input type="checkbox"/> Addition	<input type="checkbox"/> Other
JOB SITE INFORMATION AND LOCATION	
Job site address:	
City	
State:	Zip:
Cross street/directions to job site:	
Tax map/parcel no:	
PROPERTY OWNER	
Name:	
Address:	
City/State/Zip:	
Phone:	Fax:
Email:	
This installation is being made on farm or forest property owned by me or a member of my immediate family, and is exempt from licensing requirements under OAR 918-515-0010.	
Signature:	
CONTRACTOR	
Name:	
Address:	
City/State/Zip:	
Phone:	Fax:
Email:	
CCB license:	Expiration date:
Signature:	
APPLICANT (if different)	
Name:	
Address:	
City/State/Zip:	
Phone:	Fax:
Email:	
Signature:	

REQUIRED DATA
Valuation:
New Building Area:
Existing Building Area:
Type of Construction:
DESCRIPTION OF WORK

FEE SCHEDULE	
Zoning Compliance Fee	\$83.00
Amount Paid	
Receipt #	

FOR DEPARTMENT USE ONLY	
ZONING:	
SETBACKS:	Front:
Side:	Rear:
PLANNING APPROVAL:	
Conditions/remarks:	

PUBLIC WORKS APPROVAL:	
FIRE DEPARTMENT APPROVAL:	
SANITATION APPROVAL:	