

LAND MANAGEMENT DIVISION



AGRICULTURAL BUILDINGS FOR FARM OR FOREST USE & EQUINE FACILITIES

PUBLIC WORKS DEPARTMENT 3050 NORTH DELTA HIGHWAY, EUGENE OR 97408
PLANNING: 541-682-3577 BUILDING: 541-682-4651 SANITATION: 541-682-3754

Structures that meet the definition of “agricultural building” or “equine facility” are exempt from the Oregon Structural Specialty Code and do not need a building permit. However, a land use placement permit is required. The land use permit is issued over the counter by the Planner on Duty (POD) through a self-certification process. The Planner on Duty will check that the owner has certified that the land use requirements have been met. Such requirements include, but are not limited to, road and property line setbacks, floodplain restrictions (see page 3), riparian setbacks, and appropriate sanitation setbacks.

Complete the land use application entitled “Agricultural Building or Equine Facility Self Certification” and other necessary forms as listed below. Meet with the Planner on Duty. If your proposal does not meet the standards for an “agricultural building” or “equine facility”, you will not be granted a placement permit.

The following definitions are relevant to the Agricultural Building and Equine Facility Exemption Certifications:

FARM or FARM USE means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling of crops; feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees; dairying and the sale of dairy products; animal husbandry; the preparation and storage of the produce raised on the farm for human use and animal use and disposal by marketing or otherwise; or any other agricultural or horticultural use or animal husbandry or any combination thereof.

FOREST USES Are (1) the production of trees and the processing of forest products; (2) open space, buffers from noise and visual separation of conflicting uses; (3) watershed protection and wildlife and fisheries habitat; (4) soil protection from wind and water; (5) maintenance of clean air and water; (6) outdoor recreational activities and related support services and wilderness values compatible with these uses; and (7) grazing land for livestock. Or any activity defined in ORS 527.620(6).

AGRICULTURAL BUILDING is a structure located on a farm or forest operation and used for all the uses listed in this handout and for the storage, maintenance or repair of farm or forestry machinery and equipment. DOES NOT INCLUDE: *a dwelling, a garage, a shop, a structure in which 10 or more people are present at any one time (except for structures used for growing plants), a structure regulated by the State Fire Marshal pursuant to ORS Chapter 476, a structure used by the public, or a structure in a floodplain.*

EQUINE FACILITY is a building located on a farm and used by the farm owner or the public for stabling or training equines, for riding lessons and training clinics. DOES NOT INCLUDE: *a dwelling, a garage, a shop, a structure in which 10 or more people are present at any one time, a structure regulated by the State Fire Marshal pursuant to ORS Chapter 476, or a structure in a floodplain*

FOR PROPERTIES ZONED RURAL RESIDENTIAL: Please refer to Lane Code 16.290(2)(i) and 16.290(4)(a) for the limits on the number of animals and bees allowed on property in Rural Residential Zone, or Lane Code 16.290(2)(l) for details on allowed forest use. Placing an agricultural building in this zone may first require a Zoning Determination application to provide evidence of an existing commercial farm or forest use.

BRING THE FOLLOWING ITEMS TO THE PLANNER ON DUTY:

- Completed “**Agricultural Building or Equine Facility Self-Certification**” application form.
- Site plan.** Refer to handout entitled “How to Prepare Your Site Plan”. THE SITE PLAN MUST BE ON 8½” x 11” OR 11” x 17” PAPER.
- Dimensioned Floor Plan.** Label rooms and spaces with their proposed use.
- Legal Description.** A copy of the legal description of your property can be obtained from Assessment and Taxation for a nominal fee or at www.rlid.org/custom/lc/at/
- Existing Septic System Certification.** Certification form can be obtained from the planner-on-duty.
- Use Covenant.** Agricultural Building/Equine Facility Use Covenant is to be signed and notarized by the owner of the property.

Application Fee. Payment of application fee is required prior to approval of agricultural building/equine facility.

The planner on duty will give you a copy of the approved site plan. You will need to record the Agricultural Building/Equine Facility Use Covenant, legal description, site plan, and Existing Septic System Certification at Lane County Deeds and Records. Once you record the covenant you need to return a copy of the recorded document to our office. Once you return a copy to our office, you will then be able to begin building. We will then mail you a copy of the approved Agricultural Placement Authorization. The placement permit is valid for 2 years.

IT IS THE CURRENT POLICY OF THE STATE OF OREGON BUILDING CODES DIVISION THAT AN AGRICULTURAL BUILDING THAT IS PERMITTED IN RELATION TO A FOREST OPERATION CANNOT BE CONVERTED TO ANOTHER USE.

(This is a policy, resulting from House Bill 2441, passed in 2013 and effective January 1, 2014. This limitation is codified in ORS 215.760.)

You may be required to submit a Type I Zoning Determination application to verify the farm or forest operation on the property. If staff is able to verify a farm or forest operation, the fee will be credited towards the Agricultural Building application fee.

To help determine whether your proposed building will meet the standards for an agricultural building or equine facility, please refer to the following excerpt from the Oregon Revised Statute:

ORS 455.315 Exemption of agricultural buildings and equine facilities.

- (1) Nothing in this chapter is intended to authorize the application of a state structural specialty code to any agricultural building 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 include:
 - (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) "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.
 - (d) "Equine facility" does not include:
 - (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.
- (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.

Options for an Agricultural Building located within the Floodplain

Agricultural buildings are not allowed within the floodplain pursuant to State regulations (ORS 455.315(2)(b)(E)). However, there are options for locating a structure used for agricultural or forest-related uses within the mapped floodplain area described below. Although agricultural buildings are exempt from building permit requirements, some of the options below require a building permit for a non-exempt farm use building.

If your proposed agricultural building location appears to be within 50 feet of a mapped Special Flood Hazard Area (see Lane County's [Zone and Plan Map Viewer](#)) you need to submit a "Floodplain Verification" application to the County. As part of this application process, staff will determine if your proposal is located in or out of the mapped floodplain and what your available options and next steps are.

Option requiring a Type II (Planning Director) land use application:

- 1) Obtain approval for a "Variance to Wet Flood Proof" to allow the agricultural structure to be built at natural grade (instead of elevating), with venting to allow the flow through of flood waters and flood resistant materials. The structure must meet the definition of an agricultural structure provided at Lane Code 16.244(2)(a). A variance is a Type II permit with a processing fee and a public notice process that includes an opportunity for the public to comment and appeal. **Please review the floodplain variance criteria at Lane Code 16.244(2)(a) and (4)(d) to determine if this is an option for your proposal.** This option requires a building permit as a non-exempt farm use building.

Options requiring a Type I (Administrative) application:

- 2) Obtain approval for a Floodplain Development permit to elevate or dry flood proof the building pursuant to Lane Code 16.244(5)(b). This option requires a building permit as a non-exempt farm use building.
- 3) Obtain approval for a "Floodplain Fill Permit" that allows the placement fill to bring the ground elevation at the location of the structure to or above the base flood elevation (BFE). Although an agricultural building may be built on fill, this option is not recommended because fill may disrupt natural drainage patterns, exacerbate flooding issues or have impacts on endangered species.

No Floodplain Permit required:

- 4) Build the structure with one or no walls. This option is allowed because a structure with one or no walls would not be considered an encroachment in the floodplain. With this option, you may be able to build the structure with an agricultural building self-certification.
- 5) Locate the structure upland out of the mapped floodplain area. With this option, you may be able to build the structure with an agricultural building self-certification.
- 6) Obtain a Letter of Map Amendment (LOMA) to demonstrate that the development site is actually outside of the floodplain and floodplain development regulations do not apply. With this option, you may be able to build an agricultural exempt structure. You will need to provide the approved LOMA with additional documentation (site plan) of what area of the property was removed from the floodplain.