

LAND MANAGEMENT DIVISION



FARM AGRICULTURAL BUILDINGS and EQUINE FACILITIES

PUBLIC WORKS DEPARTMENT 125 E 8th AVENUE, EUGENE OR 97401
Planning: 682-3807 Building: 682-3823 Sanitation: 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 permit is required. The land use permit is issued in a scheduled meeting where a planner will ensure all land use requirements are being met. Such requirements include, but are not limited to, road and property line setbacks, floodplain restrictions, riparian setbacks and appropriate sanitation setbacks.

Complete the land use application entitled "Agricultural Building Exemption Certification" and schedule a permit application. During your scheduled meeting, if your proposal, for any reason, does not meet the standards for an "agricultural building" or "equine facility", you will not be granted an exemption, and will be asked to submit an application for a building permit.

The following definitions are relevant to the Agricultural Building Exemption Certification:

FARM is land used 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.

FARM AGRICULTURAL BUILDING is a structure located on a farm and used in the operation of such farm for all the uses listed above and for the storage, maintenance or repair of farm machinery and equipment.

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.

FARM AGRICULTURAL BUILDINGS AND EQUINE FACILITIES DO NOT INCLUDE:

- A dwelling;
- A structure in which more than 10 persons are present at any one time
- A structure regulated by the State Fire Marshal pursuant to ORS 476;

- A structure used by the public; or
- A structure in a floodplain

BRING THE FOLLOWING ITEMS TO THE MEETING:

- A completed **Building/Sanitation Permit application**.
- A completed application for an "Agricultural Building Exemption Certification".
- Site plan**. The site plan must contain the info listed on the handout entitled "How to Prepare Your Site Plan". THE SIZE FOR A PLOT PLAN MUST BE 11"x17". Bring 4 copies of the plot plan.
- Legal description** of your property – also known as the meets and bounds. This can be found with your property deed or a copy can be obtained at Assessment and Taxation for a nominal fee.
- An **owner** of the property – a structure and use covenant will need to be signed and notarized by the owner of the property. The form and a notary will be available at the meeting so please bring identification.
- Application Fee**. There will be a planning fee required prior to sign-off by the planner. Ask the planner-on-duty or the front desk for an idea of what the fee is currently.

The final step in obtaining an agricultural building or equine facility building exemption is to record the structure and use covenant. You will be given a copy of the approved plot plan and will need to record the covenant, legal description and the plot plan in Deeds and Records. More complete directions will be given to you at your planning meeting. Once the covenant is recorded and a copy is returned to our office, you will be able to go ahead and begin building. About a week later you will receive a copy of the exemption in the mail.

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 and used in the operation of the farm for:
 - (A) Storage, maintenance or repair of farm machinery and equipment;
 - (B) The raising, harvesting and selling of crops;
 - (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 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 and disposal by marketing or otherwise.
 - (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.
- (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]