



# AGRICULTURAL BUILDING OR EQUINE FACILITY SELF-CERTIFICATION

PUBLIC WORKS DEPARTMENT 3050 N. DELTA HWY, EUGENE OR 97408 Planning: 541-682-3577

This form is intended to facilitate self-certification of compliance with ORS 455.315 as well as local land use regulations. This form is not a substitute for the specific language of local or state regulations. Development is required to comply with all applicable land use, building, and sanitation requirements.

Planning File No.: \_\_\_\_\_ (to be assigned by County staff)

Proposed structure type (Check Box):  Agricultural building  Equine facility

Applicant (Print Name): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Land Owner (Print Name): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**LOCATION:**

\_\_\_\_\_

Assessor's Map and Tax Lot (ex. 17-03-18-00-00102)

\_\_\_\_\_

Site Address

ZONING: \_\_\_\_\_

ACREAGE: \_\_\_\_\_

**PROPOSAL:** Request for approval of an agricultural building or equine facility without a building permit.

For additional information, refer to the "Agricultural Buildings for Farm or Forest Use, Equine Facilities" Handout.

1. What is the size of the proposed structure (Length x Width): \_\_\_\_\_

2. Check which of the following uses will be conducted in the proposed structure:

- \_\_\_ Storage, maintenance or repair of farm or forestry machinery and equipment;
- \_\_\_ Raising, harvesting and selling of crops or forest products;
- \_\_\_ Feeding, breeding, management and sale of, or the produce of, livestock, poultry, furbearing animals or honeybees;
- \_\_\_ Dairying and sale of dairy products;
- \_\_\_ Other agricultural, forestry or horticultural use or animal husbandry including the preparation and storage or disposal of the produce or forest products raised;
- \_\_\_ Stabling and/or training equines;
- \_\_\_ Riding lessons and/or training clinics;
- \_\_\_ Property owner's personal items, incidental and accessory to the farm or forest operation use

3. Describe how the proposed structure will be used in the farm or forest operation:

\_\_\_\_\_  
\_\_\_\_\_

4. What is the maximum number of people that will be present in the structure at any one time? \_\_\_\_\_

5. Will the structure be used by the public at any time? \_\_\_ No \_\_\_ Yes

If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_

6. Builder on Duty Consultation: Please note that approved Agricultural Buildings are exempt from Structural Building Permit Review, but are not exempt from and require Commercial Permits for any plumbing, mechanical, or electrical work, and those utility elements must comply with respective specialty code provisions. For more information, please contact Lane County LMD Building (541-682-4651).

Which of the following systems will the proposed structure have?

\_\_\_ Mechanical \_\_\_ Boiler \_\_\_ Plumbing \_\_\_ Septic \_\_\_ Electric \_\_\_ None  
(Separate specialty permits are required for each of these systems)

Will the agricultural building contain or involve processing of any hazardous materials? Explain:  
*List any Butane, Ethanol, Propane or Other Flammable or Combustible Quantities (with corresponding units of measure: Gallons or Cubic Feet) to be used and/or stored in the building:*

\_\_\_\_\_  
\_\_\_\_\_

If yes, please consult with the Builder on Duty to verify whether the use requires Commercial Building Permits.

**REQUIRED SUBMITTALS**

- SITE PLAN:** Provide dimensioned site plan. Refer to handout entitled "How to Draw a Site Plan".
- FLOOR PLAN:** Provide dimensioned floor plan. Label rooms and spaces with their proposed use.
- PROOF OF OWNERSHIP:** Provide proof of ownership or authorization of owner.

**IMPORTANT TO NOTE:**

- The Rural Residential (RR) Zone has limitations on the number of animals you are allowed per acre. Please refer to Lane Code for the specific limitations if your property is zoned Rural Residential.
- An agricultural structure approved on a forest zoned property cannot be converted to another use. (ORS 215.760(2))

**ORS 455.315**

As authorized in ORS 455.315, construction of an Agricultural building or an Equine facility is exempt from Oregon Structural Specialty Code (OSSC). However, land use approval is required as are any specialty permits requirements.

An Agricultural building is defined in ORS 455.315(2) as:

*(a) 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.

An Equine facility is defined in ORS 455.315(2) as:

(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\*;
- (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.

AND

Pursuant to ORS 455.315(4), an agricultural building may be used for uses in addition to farm/forest uses if the additional uses:

- (a) Are incidental and accessory to the uses listed in subsection (2)(a) of this section (see above);
- (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.

### **Hazardous materials and processes**

A building or structure containing hazardous materials shall be classified as the occupancy that it most closely resembles pursuant to Section 307.1.1 of OSSC 2019.

An "Agricultural Building" must meet conditions set forth by the Fire Marshal, including, but not limited to, compliance with quantitative limitations of hazardous materials, as found in Chapter 4, Section 414, and Table 307.1(1) and 307.1(2) of OSSC 2019.

\*A structure regulated by the State Fire Marshal pursuant to ORS chapter 476; 476.030 Powers and duties of Marshal and Deputies. 476.030 (b) The storage and use of combustibles and explosives.

## **SELF CERTIFICATION**

### **I. Verification of Compatible Zoning**

1. What is the zoning of the property that the proposed agricultural building or equine facility is located on?

- F-1 or F-2 (forest) zone,  EFU (farm) zone,  RR (rural residential) zone, or
- Other zone (please specify) \_\_\_\_\_

If the property is zoned RR, additional planning approval and/or requirements may apply. (i.e. A Special Use Permit may be required for a commercial use.)

2. Is the proposed agricultural building located on a farm or forest operation? OR If the proposed structure is and equine facility, is the equine facility located on a farm?  Yes  No

A Farm Use is defined in Lane Code 16.090(83) as: *The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, furbearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof.* (emphasis added)

Forest Operation is defined in Lane Code 16.090(98) as: *Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).* (emphasis added)

If yes, please describe the nature of the farm or forest operation.

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(attach additional pages if necessary)

If the answer to question number 2 above is no, then an agricultural building or equine facility is not allowed.

3. Is the property proposed for the placement of the agricultural building or equine facility in farm or forest tax deferral (see Lane County Tax Assessor)?  Yes  No

**If the answer to question number 3 above is no and the property is zoned RR a Zoning Determination may be required to establish the farm use on the property prior to issuing a placement permit.**

4. Will the proposed agricultural building be used for the storage of any personal items owned by the property owner/household?  Yes  No

What are the personal items?

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## II. Verification that proposed structure will not require additional Land Use Review

*The answers to questions 5-11 below must be 'No', to be exempt from additional land use review.*

5. Is the proposed structure within 100 feet of a mapped wetland area?  Yes  No

If yes, a determination from the Oregon State Division of State Lands (DSL) may need to be obtained to determine if a wetland delineation will be required or not, prior to being able to apply for an agricultural building or equine facility placement permit.

6. Is the proposed structure located within the riparian setback area of a mapped **Class 1 stream**?  Yes  No
- If yes, a riparian declaration or other application process may be required prior to being able to apply for an agricultural building or equine facility placement permit.
7. Is the proposed structure located within the **Willamette River Greenway**?  Yes  No
- If yes, a Willamette River Greenway development permit may be required prior to being able to apply for an agricultural building or equine facility placement permit.
8. Is the proposed structure located within 75 feet of the boundary of the mapped **Special Flood Hazard Area**, SFHA, either the floodway or 100 year floodplain?  Yes  No
- If yes, the proposed agricultural structure may not be allowed. In accordance with ORS 455.315, an agricultural building or equine facility cannot be located in a flood hazard area. A floodplain verification may be required to accurately determine the boundary of the floodplain on the property.
9. Is the proposed structure located on a property that is within the **Archeological overlay zone**?  Yes  No
- If yes, the applicant must contact the Oregon State Historic Preservation Office (SHPO) prior to being able to apply for an agricultural building or equine facility placement permit.
10. Is the proposed structure located in a **Coastal Resource overlay zone** (such as the Beaches & Dunes overlay, Natural Resource Conservation, Prime Wildlife area, etc.)?  Yes  No
- If yes, a Preliminary Investigation or other application process may be required prior to being able to apply for an agricultural building or equine facility placement permit.

### III. Fire siting standards in F-1 or F-2 zone

11. Is the proposed agricultural building or equine facility located on a property zoned F-1 (Non-impacted Forest) or F-2 (Impacted Forest) zone?  Yes  No
- If the answer to question 10 above is yes, then the applicable Fire Siting Standards for a Primary Safety Zone of LC 16.210(6) or LC 16.211(6) must be met. A Firebreak Field Investigation/Verification or Firebreak Photo Review must be approved prior to being able to apply for an agricultural or equine facility placement permit.
- Has a Firebreak Field Investigation/Verification or Firebreak Photo Review been approved? If yes, provide the file number. 509-PA\_\_\_\_-\_\_\_\_\_.  Yes  No
- If no, and the property is in a Forest zone, the Agricultural or Equine Facility placement permit cannot be issued.

**Property Owner Certification**

I, \_\_\_\_\_, do hereby swear and affirm that my statements are true and correct. I further affirm that the subject structure is an agricultural building for farm or forest operations or is an equine facility located on a farm and is used in the operation of the use as defined by Oregon Revised Statute 455.315(2) and in compliance with ORS 455.315(4). I understand and acknowledge that should the subject structure be converted to a non-agricultural or non-equine use (e.g., garage, home-occupancy, etc.), if allowed by law, I will obtain a building permit prior to such conversion. I understand and acknowledge that an agricultural structure permitted on a forest zoned property cannot be converted to another use. 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 agricultural building/equine facility or forest operations requirements.

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date Signed**

**NOTE:** Once the Planning Program has given approval of this "Agricultural Building/Equine Facility Exemption Certification", the "OWNER" shall record the attached "Agricultural Building Building/Equine Facility Use Covenant" along with the applicable exhibits, pay the required recording fees, and return a copy of the recorded document to the Planning Program prior to this placement permit being final and commencement of construction takes place.

**Lane County / Official Use Only**

\_\_\_ **Approved**

\_\_\_ **Denied**

**Date:** \_\_\_\_\_

**Planner:** \_\_\_\_\_

# AFTER APPLICATION APPROVAL FOLLOW THESE INSTRUCTIONS:

## RECORDING INSTRUCTIONS FOR AG/FOREST/EQUINE STRUCTURES



Permit # \_\_\_\_\_

Map and Tax Lot # \_\_\_\_\_

### Type of Document:

“Structure Use Covenant”

### Prior to Recording:

\_\_\_ The property owner must sign the document in the presence of a notary.

\_\_\_ Obtain a copy of the “Property Description Card” (for the map and tax lot # listed above) from the Lane County Assessment and Taxation Office, located in the basement of the Lane County Public Service Building, 125 E 8<sup>th</sup> Ave., Eugene, Oregon

\_\_\_ Label the top of the “Property Description Card” as “Exhibit A”

\_\_\_ Label any other relevant documents, such as your plot plan as “Exhibit B”

\_\_\_ Note: All documents must be of recordable size, 8 ½” x 11”

### Recording:

After approval and issuance of a Planning Action Number (509-PAXX-XXXX), record the document(s) along with the Exhibit(s) at the Lane County Deeds and Records Office, located on the first floor of the Lane County Public Service Building, 125 E 8<sup>th</sup> Ave., Eugene, Oregon

### ONCE THE DOCUMENT IS RECORDED, PLEASE SUBMIT A COPY TO:

[David.RUIZ-MAYA@lanecountyor.gov](mailto:David.RUIZ-MAYA@lanecountyor.gov)

LAND MANAGEMENT DIVISION / PUBLIC WORKS DEPARTMENT / 125 EAST 8<sup>TH</sup> AVENUE/  
EUGENE, OREGON 97401 / FAX (541) 682-3947  
BUILDING (541) 682-3823 / PLANNING (541) 682-3807 / SURVEYORS (541) 682-4195 / COMPLIANCE  
(541) 682-3807 / ON-SITE SEWAGE (541) 682-3754

After Recording Return to:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Owner's Name & Address:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### LANE COUNTY AGRICULTURAL BUILDING/EQUINE FACILITY USE COVENANT

The undersigned OWNER hereby agrees that the structure(s) proposed under 509-PA \_\_\_\_\_ - \_\_\_\_\_, located on the real property as described on Exhibit "A", (legal description obtained from Lane County Assessment and Taxation), Exhibit "B" the site plan, and Exhibit "C" the Existing Septic System Certification, attached hereto, will be used solely as an agricultural building or equine facility as defined by ORS 455.315(2) and in compliance with ORS 455.315(4) (see below). This agreement further serves as notice to the owner and successors in interest that no change in use of the structure(s) shall occur without obtaining the necessary land use approval and building permits from Lane County. This covenant shall be binding upon the OWNER, their heirs, successors and assigns.

**455.315 Exemption of agricultural buildings, agricultural grading, and equine facilities.** (1) Nothing in this chapter is intended to 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, the preparation and storage of forest products and the disposal, by marketing or otherwise, of farm produce or forest products. and animal use and disposal by marketing or otherwise.
- (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.
- (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.

AND  
**455.315(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.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

STATE OF OREGON )  
 ) SS.  
County of \_\_\_\_\_ )

\_\_\_\_\_  
\_\_\_\_\_  
OWNER(S)

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_ by \_\_\_\_\_,  
(Owners Name)

X \_\_\_\_\_  
Notary Public for Oregon

My commission expires: \_\_\_\_\_