



LINN COUNTY GENERAL ADMINISTRATION

300 Fourth Avenue, SW (Room 201), PO Box 100, Albany OR 97321-0031
Phone (541) 967-3825 Fax (541) 926-8228

Accounting/Payroll, Personnel Services, IT, GIS, County Attorney
General Services/Facilities/Property, Printing/Supplies, Veterans' Services

BOARD OF COMMISSIONERS

Will Tucker
Roger Nyquist
Sherrie Sprenger

DARRIN L. LANE
Administrative Officer

In recent weeks, the Linn County Board of Commissioners has received numerous comments and questions about the potential development of large-scale chicken farming facilities planned near Scio.

The intention of this document is to clarify the situation and be of help to those who wish to comment on or productively engage in the process.

Oregon has a statewide policy of protecting agricultural land for farm use and has developed regulations focused on that goal.

Oregon has adopted the Statewide Planning Goals and Guidelines — Goal 3, Oregon Revised Statutes (ORS) chapter 215, and Oregon Administrative Rule chapter 660, division 33.

Locally, the policy is achieved by adoption of a comprehensive plan, zoning regulations and the implementation of resource zoning designations. Linn County has implemented state requirements by designating some zones for farming. (Exclusive Farm Use or EFU.)

On lands zoned for farming, activities that qualify as “farm use” under state law cannot be subject to additional restrictive regulation by individual counties.

Among other activities, state law defines “farm use” as the feeding, breeding, management, production and sale of poultry. ORS 215.203(2)(a). For ease of administration, Linn County has included the same definition of “farm use” in its locally enacted regulations. LCC 920.100(B) (114). Therefore, under state law, if an activity conducted on farm zoned land meets the state’s definition of “farm use,” the County has no discretion to prohibit the activity.

Recently, there have been two chicken farms proposed on farm zoned land near Scio. A chicken farm conducting the activities of feeding, breeding, managing, selling, or producing of chickens is defined as a “farm use” in ORS 215.203. Farm uses are allowed outright on farm zoned land pursuant to ORS 215.203.

Per state law (ORS 468 and ORS 561), chicken farms are permitted and regulated by the Oregon Department of Agriculture (ODA) as a confined animal feeding operation (CAFO). The CAFO permit process and regulations are found in Oregon Administrative Rule chapter 603, division 74.

The ODA CAFO program reviews permit applications for compliance with governing state statute and administrative rules. The permit includes regulations regarding the number of chickens allowed in the operation, the disposal of waste and waste water and water quality. Applicants for these types of operations complete the permitting process through ODA. ODA also regulates CAFO permit renewals and enforcement.

Linn County has no regulatory authority over any part of the ODA CAFO permitting process.

The County does not have the legal discretion to deny any use on farm-zoned property that is statutorily defined as a farm use. The County is also prohibited by law from applying any additional criteria or standards to farm uses, including any restrictions on the size or scale of a farm use.

The current state of the legal situation has been in place for 40 years and is endorsed by the Oregon Farm Bureau.

We encourage those interested in the permitting of the proposed chicken farm operations to engage in the process by contacting the following: the Oregon Department of Agriculture, 503-986-4550 or info@oda.oregon.gov; the Oregon Water Resources Department, Director Tom Byler at [503-986-0900](tel:503-986-0900) or wrd_dl_Director@oregon.gov; Governor Kate Brown’s office at [503-378-4582](tel:503-378-4582) or <https://www.oregon.gov/gov/pages/contact.aspx> and local legislators.

As always, if the any of the Linn County commissioners can be of assistance, please call 541-967-3825.