



LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Robert Wheeldon, Director

Room 114, Linn County Courthouse
PO 100 Box, Albany, Oregon 97321
Phone 541-967-3816 Fax 541-926-2060
www.co.linn.or.us

AGRICULTURE BUILDING / EQUINE FACILITY PERMIT EXEMPTION CERTIFICATE APPLICATION

APPLICATION FEE: \$150.00

A structure that meets the definition of an “agricultural building” or “equine facility” pursuant to *ORS 455.315* is exempt from the Oregon Structural Specialty Code and does not require a building permit or inspections.

A land use review and permit is required. The land use permit requires a determination that the structure is located on a farm or forest operation and meets the other qualifications in *ORS 455.315* (attached). The land use review also ensures all land use requirements are being met. Such requirements include, but are not limited to, road right-of-way and property line setbacks, floodplain restrictions, wetland and riparian setbacks, and appropriate sanitation setbacks.

To obtain a Building Permit Exemption Certificate, first complete and submit the application entitled “Agricultural Building/Equine Facility Exemption Certification”, along with evidence to show the property is in farm or forest use, other required attachments, and the applicable fee. The application will be reviewed by the Planning Division, the Building Official, and other affected agencies.

If your proposal 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 Building Official will notify you by mail if the structure is exempt from permit requirements or if a building permit is required.

A separate permit is required for mechanical, plumbing or electrical permits serving exempt buildings. Please contact the Linn County Building Division for permit requirements.

The following definitions apply to an Agricultural Building or Equine Facility 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.

AGRICULTURAL BUILDING is a structure located on a farm or forest operation, and used in the operation of such farm or forest operation, as set forth in *ORS 455.315* (see attached).

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.

An agricultural building/equine facility **DOES NOT INCLUDE**: a structure that is not located on a farm or forest operation, a dwelling, 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.**

To help determine whether your proposed building will meet the standards for an agricultural building or equine facility, please refer to the following applicable section of the Oregon Revised Statutes (ORS):

ORS 455.315 Exemption of agricultural buildings, agricultural grading and equine facilities. (1)

The provisions of this chapter do not 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 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.

(c) “Agricultural grading” means grading related to a farming practice as defined in ORS 30.930.

(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.

(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; 2005 c.288 §3; 2013 c.73 §3]



LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Robert Wheeldon, Director

Room 114, Linn County Courthouse
PO 100 Box, Albany, Oregon 97321
Phone 541-967-3816 Fax 541-926-2060
www.co.linn.or.us

Land Use Application:
Agricultural Building/Equine Facility
Exemption Certification

Filing Fee: \$150.00

For Office Use Only: File #: AG- Date Received: Fee Paid:

Applicant (Print Name):

Mailing Address:

Phone: Email:

Applicant Signature:

Land Owner (Print Name):

Mailing Address:

Phone: Email:

Land Owner Signature:

LOCATION:

Township Range Section Taxlot

Site Address

ZONING:

ACREAGE:

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

REQUIRED SUBMITTALS

- Site Plan: Provide dimensioned site plan. Refer to attachment entitled "Sample Plot Plan".
Floor Plan: Provide dimensioned floor plan. Label rooms and spaces with their proposed use.
Proof of Agricultural or Forest Use: I.E. Schedule 'F', Evidence of Farm or Forest Deferral, Farm Receipts, other.

NOTICE: The Applicant is responsible for providing enough information in this application for staff to make reasonable findings concerning the farm or forest use of the property and the proposed structure.

APPROVAL CRITERIA:

1. Describe the farm or forest use operating on the property:

2. Estimate the anticipated annual income of the farm: _____

3. What are the dimensions of the proposed structure (*Width x Depth x Height*): _____

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

- Raising, harvesting or selling of crops
- Feeding, breeding, management and sale of livestock, poultry, furbearing animals or honeybees
- Dairying and sale of dairy products
- Other agricultural or horticultural use, or animal husbandry
- Stabling and/or training equines
- Riding lessons and/or training clinics
- Storage, maintenance or repair of farm or forestry machinery and/or equipment
- Preparation, storage or disposal of forest products

5. Describe how the proposed structure will be used in the operation of the farm:

6. What is the maximum number of people that will be present in the structure at any one time? _____

7. Will the structure be used by the public at any time? No Yes

If you answered yes, please explain: _____

8. Which of the following systems will the proposed structure have?

Mechanical Plumbing Electrical Septic Other None

(Separate permits are required for each of these systems)

Note: The Rural Residential Zone has limitations on the number and types of animals allowed. Please refer to Linn County Code for the specific limitations if your property is zoned Rural Residential.

Certification by Owner for AG-_____

I, _____, do hereby swear and affirm that my statements are true and correct. I further affirm that the subject structure, located on property identified in Linn County Assessor Records as T_____, R_____, Section_____, Tax Lot_____, is an agricultural building or equine facility located on a farm or forest operation and is used in the operation of the farm or forest use as defined by Oregon Revised Statute (ORS) 455.315(2). I understand and acknowledge that should the subject structure be converted to a non-agricultural, non-equine, or non-forest use (e.g., garage, residential accessory building, 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 and agree that the County may conduct a post-occupancy inspection to assure continuing compliance with the agricultural building/equine facility requirements.

Signature of Owner: _____ Date: _____

Print Name of Owner: _____

IF LAND IS LEASED OR RENTED, A LETTER AUTHORIZING THIS APPLICATION IS REQUIRED FROM THE PROPERTY OWNER

Linn County / Official Use Only

Agricultural Building Exemption Application No.: AG-_____

PLANNING DIVISION

Zoning District: _____ Number of Acres: _____

Certified Farm or Forest Use: _____

Setbacks: Front _____ Side _____ Rear _____ Riparian _____ FCM _____

Approved _____ Denied _____ Date _____

COMMENTS

BUILDING DIVISION

Floodplain NO _____ YES _____ ZONE _____

Ag Building _____ Equine Building _____ Forestry Building _____

Approved _____ Denied (Permit Required) _____ Date _____

Other Permits Required: __ Mechanical __ Plumbing __ Electrical __ Other

COMMENTS

ENVIRONMENTAL HEALTH PROGRAM

Approved _____ Denied _____ Date _____

Septic Review/Permit Required: NO _____ YES _____

COMMENTS
