



AGRICULTURAL BUILDING EXEMPTION APPLICATION

APPLICATION FEE: \$56.00

Structures that meet the definition of “agricultural building” or “equine facility” are exempt from the Oregon Structural Specialty Code, and thus do not need a building permit. Plumbing, mechanical and electrical work still require separate permits and their inspections.

An **Exempt structure** is located on a farm*, and is either:

- for stabling or training equines, or for riding lessons and training clinics (“Equine Facility”); or
- used in a farming operation for storage, maintenance or repair of farm machinery and equipment, the raising, harvesting and selling of crops, the feeding, breeding, management and sale of the production of, livestock, poultry, fur-bearing animals or honeybees, for dairy use and the sale of dairy products or any other agricultural use, horticultural use, animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on such farm for human use, animal use and disposal by marketing or otherwise (“Agricultural Building”).

An **Exempt structure may not:**

- (a) be a dwelling;
- (b) have 10 or more persons present at any one time (unless the structure is used for growing plants);
- (c) be a structure regulated by the State Fire Marshal pursuant to ORS Chapter 476;
- (d) be used by the public (except for an equine facility); or
- (e) be in the regulatory floodplain.

If the property is primarily used as a residence, it is unlikely to qualify for an Exemption. One of the standards used to determine eligibility is whether the property is being assessed as farmland by the Benton County Assessment Department. For further information, refer to Oregon Revised Statutes 455.315.

**A farm is defined as land used for the primary purpose of obtaining a profit in money through the activities listed for “Agricultural Building”, above.*

TO APPLY

Completely fill out the attached application. Clearly state the intended use of the building and all the uses of the property to determine qualification for agricultural exemption.

- **Three (3) plot plans.** See “Sample Plot Plan Checklist” for required items. Show the whole property. Maintain on 8-½” x 11” paper. Include and label **all** other structures, well, septic system, driveway, etc.
 - NOTE: If the property is too large to show on one (1) 8-½” x 11” page, two pages may be submitted. The first page show the entire property in detail, outlining the proposed construction area. The second page may be enlarged to show specific distances, in feet, to all property lines, other structures, septic system, etc.
- **Three (3) floor plans** of the proposed structure, on 8-½” x 11” paper. See “Sample Building Plans” for floor plan details. Show the floor plan dimensions (length and width). As applicable, show door, window, and interior walls and label the use of each room. For multiple stories, **provide a floor plan for each floor**. If the structure is an open pole building, show the building dimensions (length and width), the size and frequency of the posts.

You will be called for the determination of this application. If the exemption is authorized, a copy of this application, one set of plans will be returned to you and the agricultural building may be constructed with no inspections required. If the exemption is not authorized, or does not meet qualifications for exemption, a copy of this application, one set of plans will be returned to you and an application for a standard building permit will be required. See Building Permit Information, “Accessory Permits”.

NOTE: If an agricultural building later goes through a “change of use,” a standard building permit will be required to be obtained.

STRUCTURES REQUIRING BUILDING PERMITS

Examples of structures on farm property which require building permits, that are commonly confused with Agricultural-Exempt structures:

1. Buildings that are open to the public (public has access) such as, but not limited to, farm produce stands, nurseries, auction barns, etc.
2. Horse facilities where 10 or more people are present at any one time.
3. Structures used for storage of RVs, trailers, motor homes, boats, motorcycles, cars, pickups, or any non-farm licensed vehicles.
4. Shops (on farm property) that are used for private or commercial non-farm use.
5. Hobby shops (metal, wood, ceramics, etc.)
6. Structures used for private or commercial storage, although on farm property.
7. Structures that are in a designated floodplain.
8. Structures that are determined not be to be Agricultural-exempt by the Building Official in conjunction with the Director of Community Development based on the intent of the statute.
9. Greenhouses open to the public.

STRUCTURES EXEMPT FROM BUILDING PERMITS

Examples of structures on farm property that may qualify for Agricultural-exemption:

1. Poultry barns
2. Hay barns
3. Livestock barns
4. Tractor and farm equipment storage buildings
5. Farm-licensed vehicles storage structures
6. Shop buildings that service and repair farm equipment that is used in conjunction with the farming activities on the property.
7. Grain or seed storage structures that store only produce from the farm on which they are constructed.
8. Dairy barns/milking parlors where fewer that 10 persons will be present.

NOTE: Proposed structures that will house any animals may require a Confined Animal Feeding Operation (CAFO) general permit for a waste collection system. This is applied through the Oregon Department of Agriculture. Request an application through this department or contact ODA at 503-986-4700.



Community Development Department
360 SW Avery Avenue
Corvallis, OR 97333
(541) 766-6819
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AGRICULTURAL BUILDING EXEMPTION APPLICATION

Property Owner Information (Fill Out Completely in ink)

Application Number _____

(Attach 3 sets of the floor plan(s) and 3 plot plans to this application.)

Full Name: _____ Phone 1: _____

Mailing Address: _____ Phone 2: _____

City: _____ State: _____ Zip: _____ Email: _____

Site Address: _____ City: _____

Township: _____ Range: _____ Section: _____ Tax Lot Number _____ Parcel Size: _____

Describe all uses of the proposed structure: _____

Building Dimensions:

[1st floor] length _____ X width _____ sq ft - 1st floor = _____ Number of floors: _____

If more than one floor, list the dimension of each floor.

[2nd floor] length _____ X width _____ sq ft - 2nd floor = _____ Total Building Square Feet _____

Type of construction: _____

Will the building have electricity? Y / N

Will the building have plumbing? Y / N If yes, show on your plot plans where the plumbing will drain to.

Will restroom facilities be provided? Y / N If yes, show on your plot plans where the plumbing will drain to.

Maximum number of persons in the building at any time: _____ Will the public use this structure at any time? Y / N

Describe public use of the structure: _____

Flammable storage in the structure: Gallons of fuel = _____ Cubic feet of hay/straw = _____

Is property used for making money by farming? Y / N Describe: _____

List all uses of the property where the proposed building is to be located: _____

PROPERTY OWNER - PLEASE READ THE FOLLOWING AND SIGN BELOW:

I hereby declare that the proposed structure described in this application, is in whole an "Agricultural Building" or "Equine Facility" as defined in ORS 455.315 and will be used for no other purposes. I hereby acknowledge that any change in use of the building that does not meet the definition of "Agricultural Building" shall remove the agricultural exemption, thereby requiring me, or my successors, to obtain a building permit, pay all applicable fees, and make any changes dictated by the building code governing the new use. I will disclose these restrictions to all prospective purchasers of the property.

Print Name _____

Signature of Owner _____

Date _____

Permit Number _____ Date Received: _____

RFD: _____ Date sent _____ Due date _____ Response Y / N _____

Zoning: _____ Wetlands _____ Septic _____ SHPO _____ Corvallis UGB _____

Required setbacks: Front _____ Sides _____ Rear _____ Road _____ Stream _____

Distance to closest structures _____

Planning

- Y Meets Setback Requirements N → Not Eligible
- Y Zoning allows the building/use N → Not Eligible
- Y Is property on farm deferral, or other evidence it is a farm? N → Building Permit required
- N Is there a non-farm dwelling on the property?
(i.e. is there a dwelling approved under BCC 55.220 or OAR 660-033-0130(4)) Y → Building Permit required
- N Will the structure be located in the floodplain? Y → Building Permit required

Eligible under Planning rules Not eligible

Planner

Date

Public Works (Access Review): _____ Date _____

Building

- N Will the building be open for use by the public? Y → Building Permit req'd (unless an equine facility)
- N Will more than 10 people be in the building at any one time?
(exception: structure used for growing plants) Y → Building Permit required
- N Will the building store combustible or flammable materials beyond the threshold established by the state fire marshal? (i.e. is it a structure regulated under ORS chapter 476) Y → Building Permit required
- Y Is the building an "agricultural building" or "equine facility" as defined in ORS 455.315? N → Building Permit required
- Y Is the property a farm?
(farm is defined in Section 326.2 of the Oregon Structural Specialty Code) N → Building Permit required

Eligible under Building rules Not eligible

Building Official

Date

AUTHORIZED DENIED

Note:

- An equine facility or an agricultural building must be on a farm.
- An equine facility can be for profit or for pleasure.
- An agricultural building must be used for farm activities as part of the for-profit farming operation on the property.
- Farm use does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured "Christmas Trees" defined in ORS 215.203(3) or land described in ORS 321.267(3) or 321.824.