



**“AGRICULTURAL BUILDING” STRUCTURAL PERMIT
EXEMPTION APPLICATION
For Commercial Farm, Equine or Forest Operations**

APPLICATION FEE: \$313.00*

(*Application fee includes the preparation and recording fees for the required covenant)

INSTRUCTIONS

Important Information: This exemption applies to the structural permit only. You must obtain the appropriate permits if the building includes electrical wiring, mechanical (heating, ventilation, or air conditioning), a boiler, plumbing, or connection to a septic system.

1. **Determine if your farm, forestry, or equine operation qualifies** for an exempt structure using the definitions on Page 2.
2. **Completely fill out the attached “Structural Building Permit Exemption” application form.** For zoning and floodplain information please use the Zoning Maps application available at: <https://www.co.benton.or.us/cd/page/property-search-interactive-map>
3. **Include two (2) plot plans** of the entire property, on 8-½” x 11” or 11” x 17” paper. See “Sample Plot Plan Checklist” on the Building Division webpage for required items. Show the whole property. Include and label all other structures, well(s), septic system(s), and driveway(s).
4. **Include two (2) floor plans** of the proposed structure, on 8-½” x 11” paper. 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), and the size and location of the posts.
5. **Sign and date application form.**
6. **Submit the application form and supporting documents** to the Community Development Dept.
7. **A restrictive covenant is required** (*the Planning Official reserves the right to waive this covenant requirement for plastic membrane covered structures and greenhouses*). The covenant will be provided to you upon submission of your completed application to the Community Development Dept. All property owners must sign the covenant in front of a notary. Notaries are available on staff to provide this service at no additional charge. Once completed and notarized, the Applicant submits it to the Community Development Dept. for recording.
8. **The permit shall be issued upon approval of the permit and receipt of the covenant recording number.** The recording number is placed on the upper right corner of the covenant by the Benton County Records Office. The applicant may provide this number to the Community Development Dept. via phone at 541-766-6819, email, or in person.
9. **Approved or denied Permit will be sent to you via email, unless you request regular mail.** If the exemption is authorized, a copy of this application and one approved site plan will be returned to you, and you may construct the agricultural building with no structural building inspections required. If the exemption is not approved, we will notify you that the structure requires a standard building permit.

WHAT BUILDINGS QUALIFY FOR EXEMPTION? (ORS 455.315)

The Community Development Department will review the “Structural Permit Exemption Application” form and supporting documents and verify that the building you intend to construct meets the requirements for an exemption from state structural specialty code using the definitions below.

An exempt “**Agricultural Building**” is a structure located on a farm or forest operation and is used for:

- a) Storage, maintenance or repair of farm or forestry machinery and equipment;
- b) The raising, harvesting and selling of crops or forestry 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, or farm produce or forest products.

An exempt “**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 located within the regulatory floodplain.

An exempt “**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.

An exempt “**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 located within the regulatory floodplain.

What is a farm?

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, including Christmas trees.

What is a forestry operation?

A forestry operation means any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6). “Forest tree species” means any tree species capable of producing logs, fiber or other wood materials suitable for the production of lumber, sheeting, pulp, firewood or other commercial forest products except trees grown to be Christmas trees.

A **Forest Management Plan** is required to be submitted if seeking an exemption for a forestry operation. See “Oregon’s Forest Management Plan Guidelines” if you need assistance creating a forest management plan for your property.

**“AGRICULTURAL BUILDING”
STRUCTURAL PERMIT EXEMPTION APPLICATION
For Equine Facility, Commercial Farm or Forest Operations**

Property Owner Information (Fill Out Completely in Ink)

Application Number 138-_____

(Attach 2 sets of the plot plans and 2 sets of the floor plan(s) to this application.)

CONTACT INFORMATION

Owner/Applicant Name: _____ Phone 1: _____
Mailing Address: _____ Phone 2: _____
City: _____ State: _____ Zip: _____ Email: _____
Job Site Address: _____ City: _____
Map and Tax Lot No.: _____ Property (Acres): _____

PROPERTY USE INFORMATION

1. Is your building site inside of or within 50 feet of the regulated floodplain?
 No: You may be eligible, please proceed to question #2.
 Yes: Only eligible with an approved Letter of Map Amendment (LOMA) documenting that the entire building site has been removed from the Special Flood Hazard Area (100-year floodplain).
 The LOMA and a Floodplain Development Permit are attached to this application (These will be reviewed by the Floodplain Manager).

If you do not have an approved LOMA, your building site does not qualify for an exemption.

2. My property is located within the following zone(s): Exclusive Farm Use
 Multi-Purpose Agriculture Forest Conservation¹ Other: _____
3. My property receives the following tax deferral (confirm with the **Benton County Assessor’s Office**):
 Farm Deferral, Property Class # _____ (See Question #4), or
 Forest Deferral, Property Class # _____ (See Question #5), or
 Neither: Provide written explanation. Address Question #4 or #5 as appropriate.

4. Exempt Agricultural Building or Equine Facility² for a Farm
Is the primary purpose of your farmland to obtain a profit in money? → Yes No
Please submit a written description of how your property is a farm, plus the following supporting documents from either the last year or for two out of the last three years:
 Evidence of income:
 Dated receipts of farm-crop or product related sales, and/or
 A Schedule F filed with the Internal Revenue Service (IRS) showing gross farm income.
 Other documentation of commercial farming activities.

Staff will determine from this documentation whether your property qualifies as a farm.

5. Exempt Agricultural Building for a Forestry Operation
Is the predominant purpose of this land to grow and harvest trees of a marketable species? Yes
 No
Please submit at least one type of the following supporting documents:
 Forest Management Plan (thinning schedules, stocking date(s), harvest date(s), etc).
 Other documentation of a commercial forestry operation.

Staff will determine from this documentation whether your property qualifies as a forestry operation.

¹ Note: Exempt buildings authorized in the FC zone cannot be converted to another use pursuant to ORS 215.760.

² Note: Equine Facilities can be exempt only when located on a farm.

PROPOSED BUILDING INFORMATION

6. Describe Proposed Building & Business: _____
7. Check which of the following uses apply to your building:
- Storage, maintenance, and repair of farm or forestry machinery and equipment.
 - Raising, harvesting, or selling of crops or forest products.
 - The preparation and storage of forest products.
 - The feeding, breeding, management and sale of, or the produce of, livestock, poultry, furbearing animals or honeybees.*
 - Dairying and the sale of dairy products.*
 - Other agricultural, forestry or horticultural use or animal husbandry*, or any combination thereof:
Please Describe: _____
 - Equine Facility: The boarding, stabling, riding or training of horses.*
 - # of stalls/horses for: personal use only _____; for commercial or trade use _____
 - # of stalls/horses total: _____

***NOTE:** Structures for animals may require a Confined Animal Feeding Operation (CAFO) general permit for a waste collection system. Contact the Oregon Department of Agriculture at 503-986-4700.

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

A separate permit is required for each of these five systems:

- | | | | | | |
|---------------|------------------------------|-----------------------------|---|------------------------------|-----------------------------|
| 1. Boiler | <input type="checkbox"/> Yes | <input type="checkbox"/> No | 5. Electrical (If yes, answer questions below) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Mechanical | <input type="checkbox"/> Yes | <input type="checkbox"/> No | a. Will concrete slab be within or adjacent to the building? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Plumbing | <input type="checkbox"/> Yes | <input type="checkbox"/> No | b. Will farm animals (poultry excluded) be within the building at any time? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Septic | <input type="checkbox"/> Yes | <input type="checkbox"/> No | c. Will farm animals (poultry excluded) be on the slab at any time? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| | | | d. Will building be used for storage of feed, hay, or straw? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| | | | e. Will building be used for major repair of motor vehicle equipment? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

9. Will this structure be used by the public at any time? → Yes No

10. What is the proposed maximum number of people (employees, owners, etc.) that will be in the building at any one time? _____

11. What will be the dimensions of the proposed structure?

[1st floor] length _____ (feet) x width _____ (feet) = _____ (sq. ft.)

[2nd floor] length _____ (feet) x width _____ (feet) = _____ (sq. ft.)

Total Square Feet: _____ (sq. ft.)

12. How much of the following flammable materials will the proposed structure contain?

Fuel: _____ gallons Hay/Straw: _____ cubic feet

Lumber: _____ cubic feet

Print Name _____

Signature of Owner _____

Date _____