



STRUCTURAL PERMIT EXEMPTION APPLICATION For Agricultural, Forest Operation, Equine, and Dog Training Facilities

APPLICATION FEE: \$323.00

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

This exemption application applies to the structural permit only. If your structure includes a boiler system, mechanical (heating, ventilation, or air conditioning), electrical wiring, plumbing, or connection to a septic system, you are still required to apply for and obtain the appropriate permits from the Building Division.

An exempt building will still be taxed. A copy of the approved exemption permit is sent to the Assessment Department.

Please be aware that your insurance company may not insure a building that is exempt from building codes and is not inspected.

INSTRUCTIONS

1. **Determine if your operation qualifies** for structural permit exemption using the information below. If you submit the application and it does not qualify for an exemption, a planner will send you an email explaining the determination. An application that is deemed unqualified will be closed.
2. **Completely fill out the application form** (the final two pages of this packet). 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. **Attach one (1) Site plan** of the entire property, on 8½" x 11" or 11" x 17" paper. See "Sample Site Plan & Checklist" on the Building Division webpage for required items. Show the whole property.
4. **Attach one (1) floor plan** of the proposed structure, on 8½" x 11" paper. Show the floor plan dimensions (length and width). As applicable, show doors, windows, 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.

If your application can be approved, a restrictive use covenant will be required. The Planning Official may waive this covenant requirement for plastic membrane covered structures and greenhouses. The covenant will be provided to you by the Community Development Dept. once it is determined that your application can be approved. 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. The Community Development Dept. will record it.

The approved exemption permit will be sent to you via email, unless you request regular mail. When the exemption is authorized, a copy of the permit and one approved site plan will be returned to you, and you may construct the agricultural building with no structural building inspections required.

WHAT BUILDINGS QUALIFY FOR EXEMPTION? (ORS 455.315)

Before an structural permit exemption can be issued, the Planning Division must first determine if the property is located on a farm or forestry property. Only structures located on and used for a farm or forestry operations qualify for the exemption. If the principal use of a property is for residential use, the building will not qualify for exemption. If you have a farm or forestry operation on the same property and are getting income from that activity, but that is not your main source of income, your structure will not qualify for this exemption.

What is a farm?

A farm is defined as **land used for the primary purpose of obtaining a profit in money** 1) by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or produce of, livestock, poultry, fur-bearing 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; 2) preparing, storing, and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use; 3) by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows [only EFU, MPA, and FC]; 4) the propagation, cultivation, maintenance and harvesting of aquatic, bird and other animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the Commission [only EFU, MPA, and FC]; and 5) raising, harvesting and selling of 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**. "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** approved by the Department of Forestry is required to be submitted if seeking an exemption for a forestry operation.

An exempt "**Agricultural Building**" is a structure located **on a farm or forestry operation** and is intended to be utilized for that use:

- 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 "**Equine Facility**" is a structure located **on a farm*** and used by the farm owner or the public for:

- a) Stabling (personal use or for boarding) or training equines; or
- b) Riding lessons and training clinics.

An exempt "**Dog Training Facility**" is a structure located **on a farm*** and used by the farm owner or the public for dog training classes or testing trials permitted under ORS 215.213(1)(z) or 215.283(1)(x).

*The farm use and the equine or dog training use do not need to be associated. For example, the farm use can be crops or livestock.

DO NOT APPLY for an exempt “Agricultural Building if any of the following statements are TRUE.

- a) You intend to use the entire or a portion of the structure as a dwelling;
- b) You intend to allow any number of the public inside the structure; or
- c) You intend to allow 10 or more persons [other than public] within the structure at any one time, unless it is to be used for growing plants;
- d) The structure is located within the regulatory floodplain;
- e) The structure is regulated by the State Fire Marshal pursuant to ORS chapter 476.

DO NOT APPLY for an exempt “Equine Facility” or “Dog Training Facility” if any of the following statements are TRUE.

- a) You intend to use the entire or a portion of the structure as a dwelling;
- b) You intend to allow 10 or more persons within the structure at any one time [the public is allowed to be within one of these structures];
- c) The structure is located within the regulatory floodplain;
- d) The structure is regulated by the State Fire Marshal pursuant to ORS chapter 476.

Use these questions to help determine if your structure qualifies for an exemption.

1. Is your building site inside of or within 50 feet of the regulated floodplain? Use the County’s online mapping tool <https://www.co.benton.or.us/cd/page/property-search-interactive-map> to check whether your property has floodplains or call the Community Development Department for assistance.
 - No.** You may be eligible - please proceed to the following questions.
 - 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). If you do not have an approved LOMA, your building site does not qualify for an exemption.
2. Is the structure located on property zoned Exclusive Farm Use (“EFU”), Forest Conservation (“FC”), or Multi-Purpose Agriculture (“MPA”) AND does the property receive a farm or forest deferral from the Benton County Assessor’s Office? Use the County’s online mapping tool (link above) to determine the zoning of your property.
 - Yes.** You may be eligible - please fill out and submit your application.
 - No.** Answer the questions below.

Does the property receive a farm or forest deferral from the Benton County Assessor’s Office?

 - Yes.** If your property does not have a dwelling or business on it AND farming or forestry is the principal use of the property, your structure might be eligible. Please fill out and submit your application.
 - No.** It is unlikely that your structure will qualify for an exemption; however, you can make an appointment to meet with a planner. You will need to supply supportive evidence that the property is primarily used to obtain a monetary profit through farming or forestry operations. This will be in the form of a narrative outlining your farming or forestry operations and:
 - 1) For farming, documents showing evidence of income from farming, such as 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.
 - 2) For forestry, documents showing evidence of income from forestry, a forest management plan (thinning schedules, stocking date(s), harvest date(s), etc.) and other documentation of a commercial forestry operation.

YOU ONLY NEED TO HAND IN THE FOLLOWING APPLICATION FORM AND ATTACHMENTS.



**Benton
County**

**COMMUNITY DEVELOPMENT
DEPARTMENT**

Community Development Department

Office: Kalapuya Building
4500 SW Research Way
Corvallis, OR 97333
(541) 766-6819

www.co.benton.or.us/cd

**AGRICULTURAL BUILDING, EQUINE OR DOG TRAINING FACILITY
STRUCTURAL PERMIT EXEMPTION APPLICATION**

Application Number 138-_____

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 Size: _____ acres

My property is located within the following zone(s):

Exclusive Farm Use Multi-Purpose Agriculture Forest Conservation Other: _____

PROPERTY USE INFORMATION

1. My property contains a:

Farm Forestry Operation Both

Please describe

2. Describe your proposed building and what specifically it will be used for:

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

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

3. Check which of the following uses apply to your building:

Storage, maintenance, and repair of farm or forestry machinery and equipment. List equipment and items stored: _____

Preparation and/or storage of crops or forest products.

Feeding, breeding, management 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 as described in Question #2

Dog Training Facility – This requires a Ministerial Approval in EFU and MPA zoning, not allowed in FC – my land use file number is LU-_____

Equine Facility

Personal Use Commercial or trade use Combination

4. If other than a dog training or equine facility, check the correct box below

I use my property for forestry operations and the structure I am building is intended to support that use

I use my property as a farm and the structure I am building is intended to support that use

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

6. Will this structure be used by 10 or more people at one time? Yes, and I am growing plants. No
7. Will your building house any flammable materials? Yes No
 Fuel: ____ gallons Hay/Straw: ____ cubic feet Lumber: ____ cubic feet Other: _____

8. Check Yes or No to 'a' through 'e' below.

If you check yes to any of these items, you will need to apply for the appropriate permit from the Building Division.

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

I have attached a site plan and I have attached a structural floor plan to this application

If your property is not assessed as either a farm or forestry use, please submit documents that will support your claim for an exempt building, including:

- Evidence of income such as 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.
- If forestry, please submit a Forest Management Plan approved by the Department of Forestry.

CERTIFICATION. I affirm that the subject building is located on [] a farm or [] forest operation and is used in the operation of the farm or forest as defined in the Oregon Structural Specialty Code, or is an [] equine or [] dog training facility. I understand and acknowledge that should the subject building be converted to a non-agricultural use (e.g., garage, home-occupancy, etc.) I will obtain a building permit prior to such conversion, except that I cannot do this for a forestry operation facility. I also understand I must request a release of covenant. 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 agriculture building requirements.

I, _____, do hereby swear or affirm under penalty of perjury that the above statement is true and correct.

Date _____ Signature of Applicant _____