



**AGRICULTURAL BUILDING OR EQUINE
FACILITY EXEMPTION APPLICATION
DIRECTIONS**

**Community Development Department
360 SW Avery Avenue
Corvallis, OR 97333
(541) 766-6819
FAX (541) 766-6891**

APPLICATION FEE: \$101.00
COVENANT RECORDING FEE: \$68.00

INSTRUCTIONS

Important Information: This exemption applies to the structure 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 “Agricultural Building or Equine Facility Exemption” application form.** For zoning and floodplain information please use the Zoning Maps application available at: gis.co.benton.or.us/ZoningMap/
3. **Include three (3) 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 three (3) 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 covenant will be provided to you upon submission of your complete 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 then records the covenant at the Benton County Record’s Office, or submits it to the Community Development Dept. for recording for a fee of \$68.00.
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 staff via phone at 541-766-6394, email at linsey.godwin@co.benton.or.us, or in-person.

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 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 “Agricultural Building or Equine Facility 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.



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AGRICULTURAL BUILDING OR EQUINE FACILITY EXEMPTION APPLICATION

Property Owner Information (Fill Out Completely in Ink)

Application Number _____

(Attach 3 sets of the plot plans and 3 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

- Is the property located in the regulated floodplain?
 - Yes: Not eligible without an approved Letter of Map Amendment (LOMA) documenting that the building site has been removed from the Special Flood Hazard Area (100-year floodplain).
 - No: You may be eligible, please proceed to question #2.
- My property is located within the following zone(s), **please circle**:
Exclusive Farm Use / Multi-Purpose Agriculture / Forest Conservation¹ / Other: _____
- 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.
- 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 at least one type of the following supporting documents from either the last year or for two out of the last three years:
 - A Schedule F filed with the Internal Revenue Service (IRS) showing gross farm income.
 - Date-stamped aerial photographs of your property showing crops or livestock.
 - Dated receipts of sales.
 - Other documentation of commercial farming activities.

Staff will determine from this documentation whether your property qualifies as a farm.
- 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:
 - A timber 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.

PROPOSED BUILDING INFORMATION

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.

6. 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 feeding, breeding, management and sale of, or the produce of, livestock, poultry, furbearing animals or honeybees.
 - Dairying and the sale of dairy products.
 - The preparation and storage of forest products.
 - The boarding, stabling, riding or training of horses.
 - Other agricultural, forestry or horticultural use or animal husbandry, or any combination thereof:
Please Describe: _____.

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 (ODA). Request an application from ODA by calling 503-986-4700.

7. Which of the following systems will the proposed structure have?
- Electrical..... Yes No Mechanical..... Yes No
 Plumbing..... Yes No Septic..... Yes No
 Boiler..... Yes No

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

8. Will this structure be used by the public at any time?..... Yes No
9. What is the proposed maximum number of people (employees, owners, etc.) that will be in the building at any one time? _____

10. What will be the dimensions of the proposed structure?
- Number of floors: _____
- [1st floor] length _____ (feet) x width _____ (feet) = _____ (sq. ft.)
- [2nd floor] length _____ (feet) x width _____ (feet) = _____ (sq. ft.)
- Total Square Feet: _____ (sq. ft.)

11. How much of the following flammable materials will the proposed structure contain?
- Fuel: _____ gallons
- Hay/Straw: _____ cubic feet
- Lumber: _____ cubic feet

PROPERTY OWNER – PLEASE READ THE FOLLOWING AND SIGN BELOW:

I hereby declare that the proposed structure described in this application, is an “Agricultural Building” or “Equine Facility” as defined in ORS 455.315 and will be used for no other purposes. I hereby acknowledge that the building being authorized as an “Agricultural Building” or “Equine Facility” by this permit shall not be authorized for a change of use without the required permits. I will disclose these restrictions to all prospective purchasers of the property.

Print Name

Signature of Owner

Date

Permit Number _____ Date Received: _____

RFD: _____ Notice sent _____ Comments Received _____

Wetlands _____ Septic _____ SHPO _____ Corvallis UGB _____

Req'd setbacks: ROW _____ Sides _____ Rear _____ Road _____ Stream _____ Adj. Structure _____

N In FBB Blue zone? Y → COI or Survey may be required. Notes: _____

Y Meets Setback Requirements? N → Building Permit required

Y _____ zone allows the building/use outright? N → Building Permit required

Y Is property on farm or forest deferral or other evidence? # _____ N → Building Permit required

Y Is the property in use as a farm or forest operation?
 Schedule F? Other evidence? _____ N → Building Permit required

N Is there a non-farm dwelling on the property?
(i.e. 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

Planning

Planner _____

Date _____

Eligible under Planning rules Not eligible

PW

Public Works (Access Review): _____ Date _____

EH

Environmental Health (ONLY If restroom): _____ Date _____

Building

N If non-equine, will the building be open for use by the public? Y → Building Permit required

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? (ORS chapter 476) Y → Building Permit required

Y Is the building an "agricultural building" or "equine facility" (ORS 455.315)? N → Building Permit required

Building Official _____

Date _____

Eligible under Building rules Not eligible

AUTHORIZED DENIED