

INSTRUCTIONS FOR FILING DECLARATORY STATEMENT (Floodplain Accessory Structure Non-Conversion Agreement)

1. This acknowledgment is required when the County permits construction of improvements, activities, structures, or dwellings in or near an area designated by the County as floodplain. Documents cannot be accepted until complete and accurate.
2. The attached Declaratory Statement must be filled out (typed or neatly printed) and signed before a Notary Public. Each parcel involved will require a separate Declaratory Statement.
3. Names of **ALL** current property owners who appear on the property deed or contract shall be shown, typed in the appropriate space at the top of the document, and signed in the presence of a Notary Public. (Signatures must be **IDENTICAL** to those listed).

If you need assistance in preparing this Statement, please feel free to bring your documents to the Planning Division. For your convenience, the Planning Division has employees who are Notary Public.

4. Property description: the property description must be **IDENTICAL** to what has been recorded in the Marion County Deed Records.
5. The notarized Statement shall be returned to the Planning Division for review. After approval by the Planning Division, the Planning Director, or his designee, will sign the Statement.
6. The applicant then records the Statement with the Marion County Clerk located on the second floor of the Courthouse Square Building, 555 Court St. NE, Salem. Please be advised there is a recording fee.
7. The applicant must then either return a copy of the recorded Statement to the Marion County Planning Division **...OR...** call our office with the official Reel and Page Number that will be placed on the original document when recorded. If building permits are pending, they will not be issued until the Planning Division either receives a copy of the recorded document or the Reel and Page Number information.

If you have any questions about the Statement, or the recording procedure, please contact the Planning Division at (503) 588-5038.

AFTER RECORDING RETURN TO:
Marion County Planning Division
5155 Silverton Rd. NE, Salem OR 97305

DECLARATORY STATEMENT
(Floodplain Accessory Structure Non-Conversion Agreement)

THIS COVENANT, made by and between _____ (“owner(s)”) and Marion County in consideration of issuance of a building permit for construction of the improvements shown on the attached site plan on the following described real property:

(If space insufficient, continue description on reverse side)

Owners do hereby acknowledge and covenant as follows:

1. The accessory structure shall be constructed with unfinished materials, acceptable for wet floodproofing to two feet above the base flood elevation or, where no BFE has been established, to two feet above the highest adjacent grade.
2. The structure shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must comply with the following standards:
 - i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - ii. The bottom of all openings shall be no higher than one foot above grade;
 - iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment shall be elevated to one foot above the level of the base flood elevation. Where the base flood elevation is not available, the electrical, heating, ventilation, plumbing and air-conditioning equipment shall be elevated to one foot above the highest adjacent natural grade (within five feet) of the building site.
4. The accessory structure shall be limited to vehicle parking and storage of items having low damaged potential when submerged by water (no workshops, offices, recreation rooms, etc.).
5. The accessory structure shall not be used for human habitation.

This covenant shall run with the land and is intended to and hereby shall bind my/our heirs, assigns, lessees, and successors.

In Witness Whereof, owners have executed this instrument this ____ day of _____, 20__

Owner

STATE OF OREGON)
)
Marion County)

Owner

This instrument acknowledged before me this ____ day of _____, 20__

Notary Signature
Notary Public for Oregon
(OFFICIAL SEAL)

Accepted:

Marion County Planning Director

Permit #/Case #