

INSTRUCTIONS FOR FILING DECLARATORY STATEMENT
(Agricultural Building/Forestry Building/Equine Facility)

1. A Declaratory Statement is required when the County approves an application exempting an agricultural building or equine facility from the structural specialty code. Documents will not 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.
3. **ALL** current property owners must be listed in the appropriate space at the top of the document, and all must sign the Statement in the presence of a Notary Public. (Signatures must be **IDENTICAL** to the names listed).
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. The Planning Division will not approve any building that would be considered a dwelling under the Marion County Rural Zone Code. Be advised that a building containing permanent provisions for both cooking and sanitation, *e.g.* a kitchen and a bathroom, will not be approved. After approval by the Planning Division, the Planning Director, or designee, will sign the Statement and return it to the applicant.
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 need assistance in preparing this Statement, please feel free to bring your documents to the Planning Division. For your convenience, our office has employees who are notaries.

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
(Agricultural Building/Forestry Building/Equine Facility)**

THIS COVENANT, made this _____ day of _____, 20____, by and between _____(owners) and Marion County (County) in consideration of the County's issuance of Agricultural Exemption Approval No. _____, which is incorporated herein by this reference, for the placement of a structure on real property located in Marion County, Oregon. The property is described as follows:

(If space is insufficient, continue description on a separate page.)

Owners do hereby promise and covenant as follows:

The structure proposed under Agricultural Exemption Approval No. _____ located on the real property described above will be used solely as an agricultural building, forestry building or equine facility as defined by ORS 455.315(2)(a) or 455.315(2)(d), respectively (see below). The owners hereby promise and covenant that the structure shall not be used as a dwelling as defined in the Marion County Zoning Ordinance.

In farm zones, or land devoted to farm use in a mixed farm/forest zone, this agreement further serves as notice to the owners and all successors in interest that no change in use of the structure shall occur without obtaining the necessary land use approval and building permits from Marion County.

In forest zones, or land devoted to forest use in mixed farm/forest zone, this agreement further serves as notice to the owners and all successors in interest that an agricultural building authorized by ORS 455.315(2)(a) or 455.315(2)(d) may not be converted to another use.

This covenant will run with the land and is intended to and hereby binds owners, their successors, heirs, assigns and lessees.

455.315 Exemption of agricultural buildings, agricultural grading and equine facilities. (1) Nothing in this chapter is intended to authorize the application of a state structural specialty code to any agricultural building, agricultural grading or equine facility.

(2) As used in this section:

(a) "Agricultural building" means a structure located on a farm or forest operation and used for:

(A) Storage, maintenance or repair of farm or forestry machinery and equipment;

(B) The raising, harvesting and selling of crops or forest 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, of farm produce or forest products.

- (b) "Agricultural building" does not mean:
 - (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 subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

- (d) "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.
- (e) "Equine facility" does not mean:
 - (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 subject to sections 4001 to 4127, Title 42, United States Code (The National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

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

Owner

Owner

STATE OF OREGON)
Marion County) ss.

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

Notary Signature

Accepted:

Notary Public for Oregon
(OFFICIAL SEAL)

Marion County Planning Director