

INSTRUCTIONS FOR FILING DECLARATORY STATEMENT

(Floodplain Agricultural 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.
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. The recording of the document will be the responsibility of the applicant. 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 nominal recording fee.
7. Each parcel involved will require a separate Declaratory Statement.

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 Agricultural 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 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 structure shall be used solely for agricultural purposes, for which the use is exclusively in conjunction with the production, harvesting, storage, drying, or raising of agricultural commodities, the raising of livestock, and the storage of farm machinery and equipment.**
- 5. The 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	Owner
STATE OF OREGON)	
)	ss.
Marion County)	

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

_____	_____
Notary Signature	Accepted:
Notary Public for Oregon	
(OFFICIAL SEAL)	_____
	Marion County Planning Director

	Permit #/Case #