



Agricultural, Forest, Equine or Marijuana Building Exemption Instructions

This checklist is a guide to the steps and documents needed to receive an agricultural related building exemption. Please note that an exemption applies only to the building permit and the associated building permit inspections.

APPLICATION CHECKLIST:

- Planning Approval.**
 - The first step in determining whether an exemption is right for your project is to identify how your land is zoned. Check with the Planning and Zoning Division to ensure the project meets all zoning and land use requirements, and that the property's zoning qualifies the building for an exemption. **Only buildings in areas zoned RA-1, RA-2, RRF-5, FF-10, EFU, TBR, AG/FOREST or FU-10 will be considered for an exemption.**
- Application.**
 - Complete an **Agricultural Building Exemption Application**. Application Fee: \$0
- Site/Plot Plan.**
 - Prepare two copies of a site/plot plan (**no larger than 11 x 17**). Show the location and dimensions of all existing structures plus the proposed exempt structure. If there are multiple buildings on the site, indicate which exact building is related to the exemption application. The **Plot Plan Requirements Guide** is an available resource for additional information on developing a plot/site plan. This guide is located on the website at <http://www.clackamas.us/building/building.html> or you can obtain a copy in the Clackamas County Development Services Building 2nd floor lobby self-help area.
- Documentation.**
 - *In addition to the completed application and site plan, bring one of the following forms of documentation:*
 - County Assessors Farm or Forest Deferral
 - IRS Schedule F (with social security number obscured)
 - Other proof showing farming, agriculture, equine, forest or marijuana activity (e.g., receipts for payment of products)
 - For a new business; a business plan
- Other Considerations.**
 - Obtain permits for all electrical, plumbing, mechanical, solar, septic and fences over 7'-0" tall. Building department staff can assist you with these permits as part of the review process.
 - Please note that if the use of an existing agricultural exempt building changes to include marijuana or forestry, an AG Exemption Change of Use is required. If this situation describes your project, please discuss the change of use process with one of the Building Codes Divisions' plans examiners.
- Additional Resources.**
 - For additional information, visit clackamas.us/building. Staff can also be contacted by email at BLDServices@clackamas.us or by phone at 503-742-4240.

ORS 455.315: Exemption of agricultural buildings, agricultural grading and equine facilities.

1. The provisions of this chapter do not 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
 - (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**
 - (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.**
 - (c) Agricultural grading means grading related to a farming practice as defined in ORS 30.930 (Definitions for ORS 30.930 to 30.947).
 - (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. (This includes properties in a designated floodplain).**

Oregon State law (ORS 455.315) allows exemption from the requirement for a building permit and inspection under the Oregon State Structural Specialty Code when the proposed building meets the definition of an agricultural building/equine building. In considering this type of exemption, it is important to note that only the following three categories apply.

- Farm:** Land used for the primary purpose of **obtaining a profit** in money by raising, harvesting and selling crops or forest products; feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees; dairying and the sale of dairy products; animal husbandry; preparation and storage of the produce raised on the farm for human use and animal use, and disposal by marketing or otherwise; or any other agricultural, forestry or
- Agricultural/Forest Use Building:** A structure located on a farm or forest operation and used in the operation of such farm or forestry use for all the uses listed above; and storage, maintenance or repair of farm or forestry machinery and equipment.
- Equine Facility:** A building located on a farm and used by the farm owner or the public for stabling or training of equines, riding lessons and training clinics in which not more than *10 persons are present at any one time* .

ORS 215.760: Agricultural buildings on land zoned for forest use or mixed farm and forest use.

1. An agricultural building, as defined in ORS 455.315, customarily provided in conjunction with farm use or forest use is an authorized use on land zoned for forest use or for mixed farm and forest use.
2. A person may not convert an agricultural building authorized by this section to another use. [2013 c.73 §2]



Agricultural, Forest, Equine or Marijuana Building Application

Office Use Only:

AG#

AGM#

Z#

TYPE OF EXEMPTION

Agriculture

Forestry

Equine

Marijuana

JOB SITE INFORMATION AND LOCATION

Is the property in a floodplain?:

Yes

No

Is the property in a farm or forest deferral?:

Yes (see instructions for additional info. required)

No

Job site address:

City/State/ZIP:

Legal description:

T _____ R _____ SECTION _____ TAX LOT(S) _____

OWNER

APPLICANT

PRIMARY CONTACT

Business name:

Owner name:

Address:

Phone:

Cell:

City/State/ZIP:

Email:

APPLICANT

PRIMARY CONTACT

Business name:

Contact name:

Address:

Phone:

Cell:

City/State/ZIP:

Email:

ADDITIONAL PROJECT INFORMATION

Will the proposed structure have any of the following work? (If yes, separate permits are required for each)

Mark all proposed for this building:

Describe the type of fixture or work:

Electrical

Yes

No

Plumbing

Yes

No

Septic

Yes

No

Solar

Yes

No

Mechanical (heating/cooling/ventilation)

Yes

No

Fences over 7 ft. in height

Yes

No

Will this structure be open to the public at any time?

Yes

No

What is the proposed maximum number of people (including employees and owners) who will be present in the building at any one time? _____

Where are bathroom facilities provided? (If proposed)

STATEMENT OF USE

Answering the following questions provides a detailed description of how this building will be used. This information will ensure your compliance with land use laws and helps us determine whether the building qualifies as an exempt structure. It is essential that your description is as complete as possible.

Describe the type of agricultural, equine, forest or marijuana operation on the property:

Describe in detail what will be placed in the building (e.g., equipment, feed, etc.):

Describe the type of structure being constructed (e.g., pole building, hoop greenhouse, wood framed barn, etc.). Include the size (footprint) of the structure. (Note: Manufactured homes do not qualify for an agricultural or forestry exemption).

Mark all the activities proposed within this building:

- Storage, maintenance and repair of farm machinery, equipment and supplies used on this farm
- Raising, harvesting or selling crops raised on this farm
- Feeding, breeding, management and sale of livestock, poultry, fur-bearing animals or honeybees on this farm
- Dairying and sale of dairy products produced on this farm
- Marijuana productions (growing and related activities) **Note: Land use approval required**
- Marijuana processing (products, concentrates and/or extracts) **Note: Land use approval required by Planning and Zoning**
- Other agricultural, horticultural or animal husbandry uses
- Equine facility; stabling, training, riding lessons and clinics
- Forestry operation, including preparation, storage and sale of forest products (Note: Per ORS 215.700 to 215.780 any building using a forestry exemption cannot be converted into any other occupancy or use.)

I certify the information provided is correct. I also certify that I have read and understand ORS 455.315 and that this proposed exempt structure must comply with the definition of an exempt structure set forth in state law as listed in ORS 455.315. I understand that any change of use including, but not limited to, the use of the building for a dwelling, personal storage, storage of vehicles other than farm vehicles (i.e. boats, cars and RV's) and home occupations will require a building permit and will nullify the exemption.

Failure to obtain appropriate permits may result in action to enforce the applicable building codes for the structure and the use. I understand this exemption does not exclude me from obtaining applicable mechanical, plumbing, electrical, septic or any other permits required by law related to the building, or other permits related to the use.

I understand that post-occupancy inspections may be made to ensure continuing compliance with the regulations. I also certify that I have read and understand that conversion away from an agricultural exempt structure to a permitted occupancy or use may require System Development Charges. Charges will be assessed during the building permit review for the change of use.

I understand that in accordance with ORS 215.760(2) that AG Exempt structures on TBR or AG/FOREST zoned land cannot be converted to any other use in the future.

Owner signature:

Print name:

Date:

OFFICE USE ONLY

Comments:

Type of documentation provided:

Planning	Date	Septic	Date	Engineering	Date	Building	Date