



Agricultural, Forest, Equine, Dog Training 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, RRFF-5, FF-10, EFU, TBR, AG/FOREST, RR or FU-10 will be considered for an exemption.**
- Application.** Application Fee: \$0
 - Complete an **Agricultural Building Exemption Application** online at <https://clackamas-or-us.avolvecloud.com/Portal/Login/Index/Clackamas-County-OR> .
- Site/Plot Plan & Floor Plan.**
 - The site plan should 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 floor plan should show all walls and spaces inside the structure. Each separate space should be labeled with their use.
- 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 signed business plan
- Other Considerations.**
 - Obtain permits for all electrical, plumbing, mechanical, solar, septic and fences over 8'-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' permit staff.
- Additional Resources.**
 - For additional information, visit clackamas.us/building. Staff can also be contacted by email at BLDSERVICE@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, dog training 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 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. (This includes properties in a designated floodplain).
 - (c) Agricultural grading means grading related to a farming practice as defined in ORS 30.930
 - (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).
 - (f) Dog training facility means a farm building used for dog training classes or testing trials permitted under ORS 215.213 or 215.283 in which no more than 10 persons are present at any one time.
 - (g) **Dog training 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 Fire Marshal pursuant to ORS chapter 476; **or**
 - (D) A structure subject to sections 4001 to 4127, title 42, United States Code (the National Insurance Act of 1968) as amended, and regulations promulgated thereunder. (This includes properties in a designated floodplain).

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 as 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.

In Clackamas County, this means that an agricultural building located in the Timber or Ag/Forest zone and authorized on or after January 1, 2014 may not be converted to any other use.



Agricultural, Forest, Equine, Dog Training or Marijuana Building Application

Office Use Only:

AG#

AGM#

Z#

TYPE OF EXEMPTION

- Agriculture
 Forestry
 Equine
 Dog Training Facility
 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 | <input type="checkbox"/> Yes | <input type="checkbox"/> No | _____ |
| Plumbing | <input type="checkbox"/> Yes | <input type="checkbox"/> No | _____ |
| Septic | <input type="checkbox"/> Yes | <input type="checkbox"/> No | _____ |
| Solar | <input type="checkbox"/> Yes | <input type="checkbox"/> No | _____ |
| Mechanical (heating/cooling/ventilation) | <input type="checkbox"/> Yes | <input type="checkbox"/> No | _____ |
| Fences over 7 ft. in height | <input type="checkbox"/> Yes | <input type="checkbox"/> 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, dog training 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 production (growing and related activities) **Note: Land use approval required by Planning and Zoning**
- Marijuana processing (products and/or concentrates) **Note: Land use approval required by Planning and Zoning**
- Dog training facility (training classes or testing trials)
- Equine facility; stabling, training, riding lessons and clinics
- Forestry operation, including preparation, storage and sale of forest products

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, home occupations, and processing of extracts 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 agricultural buildings 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