



Application for Agricultural/Forestry Use Building or Equine Facility Exemption

AG Exempt # _____

Applicant name: _____

Phone: _____ Email: _____

Owner name: _____

Phone: _____ Email: _____

Owner address: _____

Job site address: _____

Township: _____ Range: _____ Section: _____ Tax Lot: _____ Zone: _____

Please note: An exemption applies only to the building permit and related building inspections. You must obtain the appropriate permits for any electrical, plumbing, mechanical (heating, ventilation or air conditioning) or septic systems, solar installations, and fences over 7 feet tall.

Submittal checklist

- Planning approval.** Check with the Planning and Zoning Division to validate that your project meets all zoning and land use requirements, and that the property’s zoning qualifies the building for an Exemption.
- Plot plans.** You will need 2 copies of a plot plan (or site plan) of your project. On this plan show the location and dimensions of all existing structures and the proposed exempt structure. (Please note plot plans can be no larger than 11x17. If there are multiple buildings on the site, indicate which exact building is seeking the exemption). Our [Plot Plan Requirements](#) guide is a resource for additional information).
- Documentation.** You will need to bring one of the following forms of documentation to show that your project meets the criteria of an agricultural, forest or equine use :
 - County Assessor’s Farm or Forest Deferral
 - IRS Schedule F (with social security number obscured)
 - Other proof showing farming, agriculture, equine or forest activity (i.e., receipts for payment of products)
 - For a new business; a business plan
- Form.** Complete this form in its entirety.
- Other permits.** Remember to obtain permits for all electrical, plumbing, mechanical, solar and septic work, and for fences over 7 feet tall.



Statement of use

Provide a detailed description of how this building will be used. This information will ensure your compliance with land use laws and help 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 or forest 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 (foot print) of the structure. (Note: Manufactured homes do *not* qualify for an agricultural or forestry exemption).

Project Information

1. What type of exemption are you seeking?

<input type="checkbox"/> Agricultural	<input type="checkbox"/> Equine
<input type="checkbox"/> Forestry	<input type="checkbox"/> Marijuana

2. Is the property in farm or forest deferral? (If yes, please provide all associated documentation Yes No showing this deferral).

3. Is the proposed structure in a floodplain? Yes No

4. Will the proposed structure have any of the following? (If yes, note that separate permits are required for each system):

			Description; types of fixtures or services
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	
Heating/Cooling/Ventilation	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Fences over 7'-0" in height	<input type="checkbox"/> Yes	<input type="checkbox"/> No	



5. Will this structure be open to the public at any time? Yes No
6. What is the proposed maximum number of people (including employees, owners, etc.) that will be present in the building at any one time?

7. Are bathroom facilities proposed? If yes, where are the bathroom facilities provided?

8. Check all the activities or uses that are proposed for this building:

<input type="checkbox"/>	Storage, maintenance and repair of farm machinery, equipment and supplies used on this farm
<input type="checkbox"/>	Raising, harvesting or selling crops raised on this farm
<input type="checkbox"/>	Feeding, breeding, management and sale of livestock, poultry, fur-bearing animals or honeybees on this farm
<input type="checkbox"/>	Dairying and sale of dairy products produced on this farm
<input type="checkbox"/>	Marijuana production (growing and related activities)
<input type="checkbox"/>	Marijuana processing** (products, concentrates and/or extracts)
<input type="checkbox"/>	Other agricultural, horticultural or animal husbandry uses
<input type="checkbox"/>	Equine facility: Stabling, training, riding lessons and clinics
<input type="checkbox"/>	Forestry operations, including preparation, storage and sale of forest products <i>(Note: Per ORS 215.700 to 215.780 any building using a forestry exemption cannot be converted into any other occupancy or use.)</i>

****Marijuana processing may only be allowed in an AG exempt building with submittal and approval of a land use permit for processing from the Planning and Zoning Division.**



Endorsement

I certify the information provided is correct. I also certify that I have read and understand that this proposed exempt structure must comply with the criteria listed in ORS 455.315 (as reprinted below). 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, RVs, etc.) 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 and septic permits.

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 will require System Development Charges to be paid upon the change of use. Charges will be assessed at a rate current at the time the change in use is requested or discovered.**

Printed name: _____

Owner Signature: _____ Date: _____

Staff Use Only

Comments: _____

Type of documentation provided: _____

Planning	Date	Septic	Date	Engineering	Date	Building	Date

For more information

For additional information, visit clackamas.us/building. We can also be contacted by email at BldServices@clackamas.us or by phone at 503-742-4240.



Background on Agricultural Building Exemption

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 agricultural building/equine building requirements.

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 horticultural use.
- **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*.

A farm agricultural building, forest use building or equine facility does *not* include:

- A dwelling;
- A structure used for a purpose other than growing plants in which *10 or more persons are present at any one time*;
- A structure regulated by the State Fire Marshal pursuant to ORS 476;
- A structure used by the public; or
- A structure subject to sections 4001 to 4127, Title 42, United State Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder. (ORS 455.315)

Zoning

The first step in determining whether an exemption is right for your project is to identify how your land is zoned. **Only buildings in areas zoned RA-1, RA-2, RRFF-5, FF-10, EFU, TBR, AG/FOREST or FU-10 will be considered for an exemption.**

AG Exemption Change of Use

Please note that if the use of your 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 our plans examiners.



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 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.
 - (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.