



Agricultural Exemptions Guide

Commented [AFT]: I edited this is the desktop version and tracked the changes, though you can't see that here. Hopefully you'll be able to if you open it in Word.

What is an agricultural exemption? *Resolution 2006-025 exempts agricultural buildings not designed for human occupancy from required building permits only.*

An agricultural exemption gives the owner of the property the ability to build an agricultural structure without having to apply for a building permit.

The building code definition of an agricultural building is: "A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public."

- When someone plans to build a pole barn or building to be used only for agricultural purposes, as defined above, they may apply for an agricultural exemption on this building.
- This exemption applies to the building permit only. Any electrical, mechanical or plumbing work still requires a permit. The application must be signed by all landowners (as listed on the recorded deed) in the presence of a notary. Public Works currently has two notary publics on staff in our office who can notarize at no cost to the public. Please make an appointment by calling 406-258-3701 to ensure the notary will be in the office.
- This exemption is a jurat, meaning the notary is performing two things: 1) witnessing the person(s) signing the document and 2) administering an oath, placing the person under penalty of perjury if the statements made in the document are proven false.
- The property owner is swearing to use the exempt structure for agricultural purposes only.
- The application must be filled out completely and include the legal description and tax ID number on the notarized copy.
- The Building Division sends the notarized document to the Clerk & Recorder's office to be recorded, and it's then attached to the title of the property in perpetuity. The ag exemption will appear whenever a title search is performed.
- The property owner must understand that this building can only be used for ag purposes, as defined above; storing farm equipment, animals, hay, etc. It cannot be used for storing RVs, boats or motorcycles or used as a shop, etc.
- The property owner also understands that the Building Division does not inspect the structure for code compliance. This would be a disclosure item in any future property sale.
- It does not matter if the structure is on commercial property; the use of the structure is what makes it eligible for the exemption.

To apply for an ag exemption, you must have:

- Completed, signed (by all legal owners) and notarized agricultural exemption form.
- A land use/zoning compliance permit (LZ/ZC).
 - Zoning compliance permit fee: \$50
 - Land use permit fee: No cost
- Site plan (see site plan handout for reference)
- Elevation documentation: must show all four sides of new the ag structure and reflect its overall height, from the lowest grade to the highest peak.