

**PUBLIC WORKS BUILDING DIVISION**

Address: 6089 Training Drive  
Missoula, MT 59808

P: 406.258.3701 | F: 406.258.4864  
E: [permits@missoulacounty.us](mailto:permits@missoulacounty.us)



## **Agricultural Exemption Process**

Agricultural building(s) not intended for human habitation, business/factory or a garage/shop use (i.e., sale of goods, factory use of a building, etc.) on parcels/properties classified as Agricultural through the Montana Department of Revenue Agricultural Land Classification Application and in conjunction with [Montana Code Annotated Section 15-7-202](#) **may be exempt from a building permit**. The following exemption process must be followed to qualify:

To obtain an agricultural exemption with the Missoula County Public Works Building Division, the property owner(s) must **complete an Agricultural Land Classification Application** with the Montana Department of Revenue and receive a written approval of agricultural land classification. The application should be submitted to the [Missoula field office](#) of the Department of Revenue 2681 Palmer St., Suite 1.

**Upon receipt of approval** from the Montana Department of Revenue, all listed property owner(s) must **carefully read, understand and sign this Affidavit of Agricultural Exemption** in the presence of a notary public and present the original signed/notarized document to the Missoula County Public Works Building Division with a copy of the approval letter from Montana Department of Revenue.

Property owner(s) are also required to **submit a Land Use/Zoning Compliance Permit application** and provide the required documentation:

1. Detailed site plan showing:
  - (a) property boundaries
  - (b) all structures located on the property labeled with use and dimensions
  - (c) septic and well with distances from new structure to all others
  - (d) property line distances to nearest structures
  - (e) north arrow
2. Elevation drawings of all four sides of the structure labeled with overall height
3. Floor plan labeled with use and dimensions, showing all interior framing (if applicable)

\*\*Missoula County Public Works Building Division will collect a \$150 fee for processing the Agricultural Exemption. This fee is separate from any Planning, Development & Sustainability fees.

Upon approval of Land Use/Zoning Compliance Permit and payment of all fees, Missoula County Public Works Building Division will record documents (affidavit and approved site plan) with the Missoula County Clerk and Recorder's office. Agricultural buildings covered by this exemption are ***exempt from building permits ONLY***. This does not exempt the structure from any other requirements for additional permits.

Applicant will be notified upon approval of applications and recording of documents to be picked up from the Public Works Building Division located at 6089 Training Drive in Missoula. The office is open Monday through Friday, 7 a.m. to 3 p.m. (excluding holidays).

If an approved agricultural-exempt building is used for any other purpose than defined in Chapter 2 of the International Building Code, a building permit will be required, and the building will need to be brought into compliance with building code for the intended use.

Any change of use of the agricultural buildings into habitable space, business/factory or into a private residential garage requires a building/trade permit(s), engineered stamped plans; Land Use/Zoning Compliance permits; Floodplain, Shoreline and Health Department permits, as applicable. Fees will be assessed on use and square footage. Agricultural buildings found to be constructed without the proper permits will result in penalty fees up to 100% of the building permit fees per [Resolution 2019-100](#) and a notice of violation filed on the property until the structure is brought into compliance with all Missoula County regulations.

The term "agriculture" is defined as: "The science, art, or occupation of cultivating land, raising crops, and feeding, breeding and raising livestock. American Heritage dictionary of the English language, Fifth Edition. It is also referred to as farming or ranching. The term 'agricultural' means the production of food, feed, livestock, poultry, bees, biological control insects, fruits and vegetables, as well as sod, ornamental, nursery, horticultural crops and fiber commodities that are raised, grown or produced for commercial purposes. It also includes the raising of domestic animals and wildlife in domestication or a captive environment". [15-1-101, MCA](#).

The term 'livestock' includes typical domesticated animals: cattle, sheep, swine, goats, horses, mules and asses. In addition, it also includes "llamas, alpacas, bison, ostriches, rheas, emus and domestic ungulates." 15-1-101, MCA and ARM 42.20.601.



## Income Section

**Note:** Applicants do not need to complete the Income Section (page 2) if their land is used to support livestock or they are applying for a provisional agricultural classification.

Complete all applicable tables. Make sure to include all supporting documentation requested with your application. If you do not submit all supporting documentation, your application will be denied.

### Agricultural Products Marketed

With this application, include proof of agricultural transactions, such as copies of sales receipts, cancelled checks, complete income tax returns, or other written documentation.

Agricultural product produced by the land <i>(For example: wheat, alfalfa, hay, mint, honey)</i>	Total production <i>(bushels/tons/pounds/other)</i>	Total income

### Agricultural Products Currently In Storage or Consumed By Livestock

With this application, include proof of agricultural production, such as copies of production records, weigh tickets, or other written documentation. Also, include documentation of products consumed by livestock, such as hay that was harvested and fed to livestock.

Agricultural product produced by the land <i>(For example: wheat, alfalfa, hay, mint, honey)</i>	Total production <i>(bushels/tons/pounds/other)</i>	Indicate if crops are currently in storage or consumed by livestock	Estimated value

### Income From Leases Or Governmental Agricultural Program Payments

With this application, include documentation of lease income or governmental income received last year, such as copies of receipts, cancelled checks, complete income tax returns, or other written documentation.

Agricultural product produced by the land <i>(For example: wheat, alfalfa, hay, mint, honey)</i>	Payment Amount

## Family Farm Section

Complete this section only if the land identified in this application is in a different ownership name and is part of a family agricultural operation.

Parcels of land, at least 20 acres but less than 160 acres, that are part of a family-operated farm, family corporation, family partnership, sole proprietorship, or family trust, and are involved in agricultural production, may be classified as agricultural land if they meet certain criteria.

1. Number of acres in the parcel. (Acreage must be 20 acres or more.) \_\_\_\_\_
2. Is parcel located within 15 air miles of the family agricultural operation entity?  Yes  No
3. Name of the family agricultural operation entity \_\_\_\_\_
4. What is your relationship to the family operated agricultural entity? (Owner, partner, shareholder, corporation member, sole proprietorship, family partnership, or family trust.) With this application, include documentation verifying this relationship with this application.

5. Answer questions in column A or B, depending on your ownership of the parcel.

Column A	Column B
<b>Landowner is involved in the agricultural production.</b>	<b>Landowner is a shareholder, partner, owner, or member of the family corporation, family partnership, sole proprietorship, or family trust.</b>
<p>Is 51% or more of the owner's Montana income from agricultural production? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, include complete copy of the owner's Montana income tax return.</p> <p>Is 51% or more of the family agricultural operation entity's gross Montana income from agricultural production? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, include complete copy of the family agricultural operation entity's Montana income tax return.</p> <p>Name of business entity that paid the property taxes on the parcel. _____</p>	<p><b>Answer either (a) or (b).</b></p> <p>(a) Is 51% or more of the owner's Montana income from agricultural production? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, include complete copy of the owner's Montana income tax return.</p> <p>(b) Is 51% or more of the family agricultural operation entity's gross Montana income from agricultural production? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, include complete copy of the family agricultural operation entity's Montana income tax return.</p>

## Provisional Agricultural Land Classification Section

Complete this section if you are applying for provisional agricultural land classification for five years to allow your fruit orchard, vineyard, or Christmas tree farm to reach salable maturity, as provided in [15-7-202\(5\), MCA](#).

**The Income Section on page 2 does not need to be filled out for a provisional agricultural classification.**

### Fruit Orchard

1. Number of live trees \_\_\_\_\_
2. Year planted \_\_\_\_\_
3. Orchard management practices consist of:
  - weed and grass maintenance
  - pest and disease management
  - wildlife fencing
  - watering system

### Vineyard

1. Number of line vines \_\_\_\_\_
2. Year planted \_\_\_\_\_
3. Vineyard management practices consist of:
  - weed and grass maintenance
  - pest and disease management
  - pruning
  - trellising and staking

### Christmas Tree Farm

1. Number of live trees \_\_\_\_\_
2. Year planted \_\_\_\_\_
3. Christmas tree management practices consist of:
  - cultivation
  - shearing on a regular basis

### Affirmation and Signature

The information provided in this form is correct to the best of my knowledge and may be verified by the department.

**Owner/Agent Signature** X \_\_\_\_\_ **Date** \_\_\_\_\_

### Contact Information

Mail completed application and all supporting documentation to your local Department of Revenue field office.

- Go to [MTRevenue.gov](http://MTRevenue.gov) for contact information for your local Department of Revenue field office, or
- Call us at (406) 444-6900, or
- Montana Relay at 711 for hearing impaired.

**Important:** If this application is submitted with a Request for Informal Review (Form AB-26) for a property reclassification, the application must be submitted within 30 days from the date on your classification and appraisal notice. [15-7-208, MCA](#).

Montana Department of Revenue  
Missoula Field Office  
2681 Palmer Street, Suite I  
Missoula, MT 59808-1707  
(406) 329-1400



**ADDRESS SERVICE REQUESTED**

June 25, 2024

RE: Agricultural Land Classification Application  
Geocode-

Dear Property Owner,

We reviewed your agricultural land classification application. Your property meets the requirements to be classified as agricultural land for tax year **<\_tax year\_>**.

Your agricultural classification will be re-evaluated periodically. If there is a change to the parcel size, property ownership, or land use, a new application is required.

If you have any questions, please feel free to contact our field office at (406) 329-1400.

Thank you.

**<\_Your name\_>**

**Title**

Montana Department of Revenue  
Property Assessment Division

**PLANNING, DEVELOPMENT & SUSTAINABILITY DEPARTMENT**

Mailing Address: 200 W. Broadway  
Physical Address: 127 E. Main St. Suite 2  
Missoula, MT 59802-4292

P: 406.258.4642 | F: 406.258.3920  
E: zoner@missoulacounty.us



**Land Use & Zoning Compliance Permit Application**

**Owner(s) of Record:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Email: \_\_\_\_\_

**Applicant or Authorized Representative (if different than Owner):**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Email: \_\_\_\_\_

**Legal Description of Property:**

Street Address: \_\_\_\_\_

Subdivision Name: \_\_\_\_\_ Tract/Lot No. \_\_\_\_\_ Block No. \_\_\_\_\_

Certificate of Survey No.: \_\_\_\_\_

Geocode or Tax ID# (if no street address is available): \_\_\_\_\_

**General Project Details**

**Proposed Use of Property and Project Description:**

**Existing Use of Property:**



**Square Footage of Each Proposed Structure(s):**

**Square Footage of Each Existing Structure(s):**

**Height of Each Proposed Structure(s):**

**Number of Dwelling Units (existing):**

**Number of Dwelling Units (proposed):**

**General Commercial Development Information**

**Business Name (If Applicable):**

**Number of Parking Stalls (existing):**

**Number of Parking Stalls (proposed):**

**Number of Bicycle Parking Spaces:**

**NOTE**

Private covenants may apply to the property. Zoning regulations do not repeal private covenants. The County has no administrative responsibility or duty for enforcing such covenants unless the covenants involve the County as a party in interest. Please consult applicable covenants prior to submitting an application for land use and/or zoning compliance.

**CERTIFICATION**

I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, plans or any other information submitted, as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation provided in connection with this application be found to be inaccurate or untrue, I understand that any approval based thereon may be rescinded and other appropriate action taken. I also understand that, in reviewing an application for a Land Use and Zoning Compliance Permit, the Zoning Officer may attach reasonable and appropriate conditions to ensure that any potentially injurious impact on the health, safety and general welfare of the community will be minimized.

The signing of this application signifies approval for Missoula County, its Elected Officials, Employees, Agents, and Board Members, to enter onto the property for the purpose of inspection and routine monitoring during the review, approval, and construction process, including the Final Certificate of Zoning Compliance

**Signature of Property Owner or Representative:**

X \_\_\_\_\_  
Owner Signature(s)

\_\_\_\_\_  
Date

X \_\_\_\_\_  
Authorized Representee Signature(s)

\_\_\_\_\_  
Date

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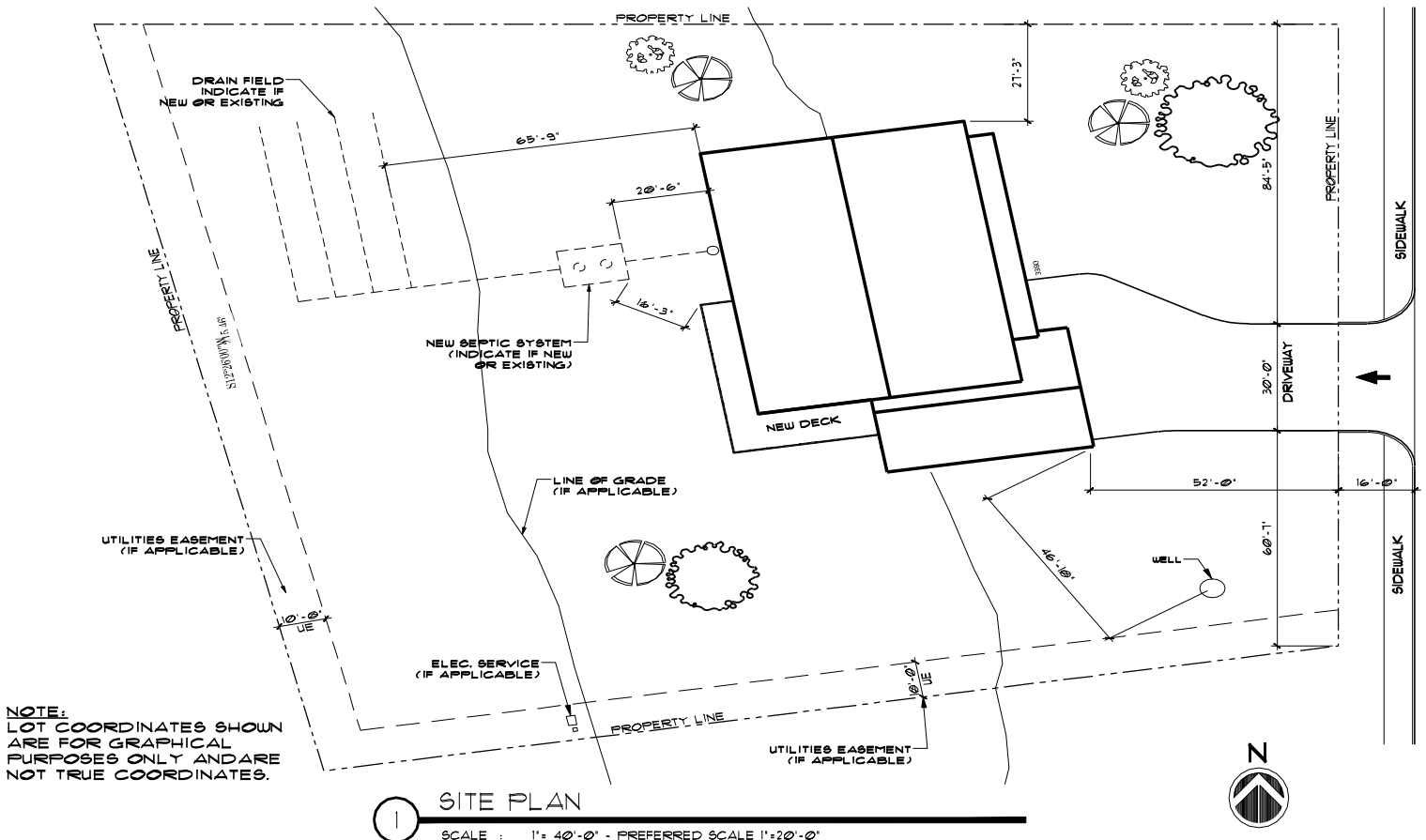
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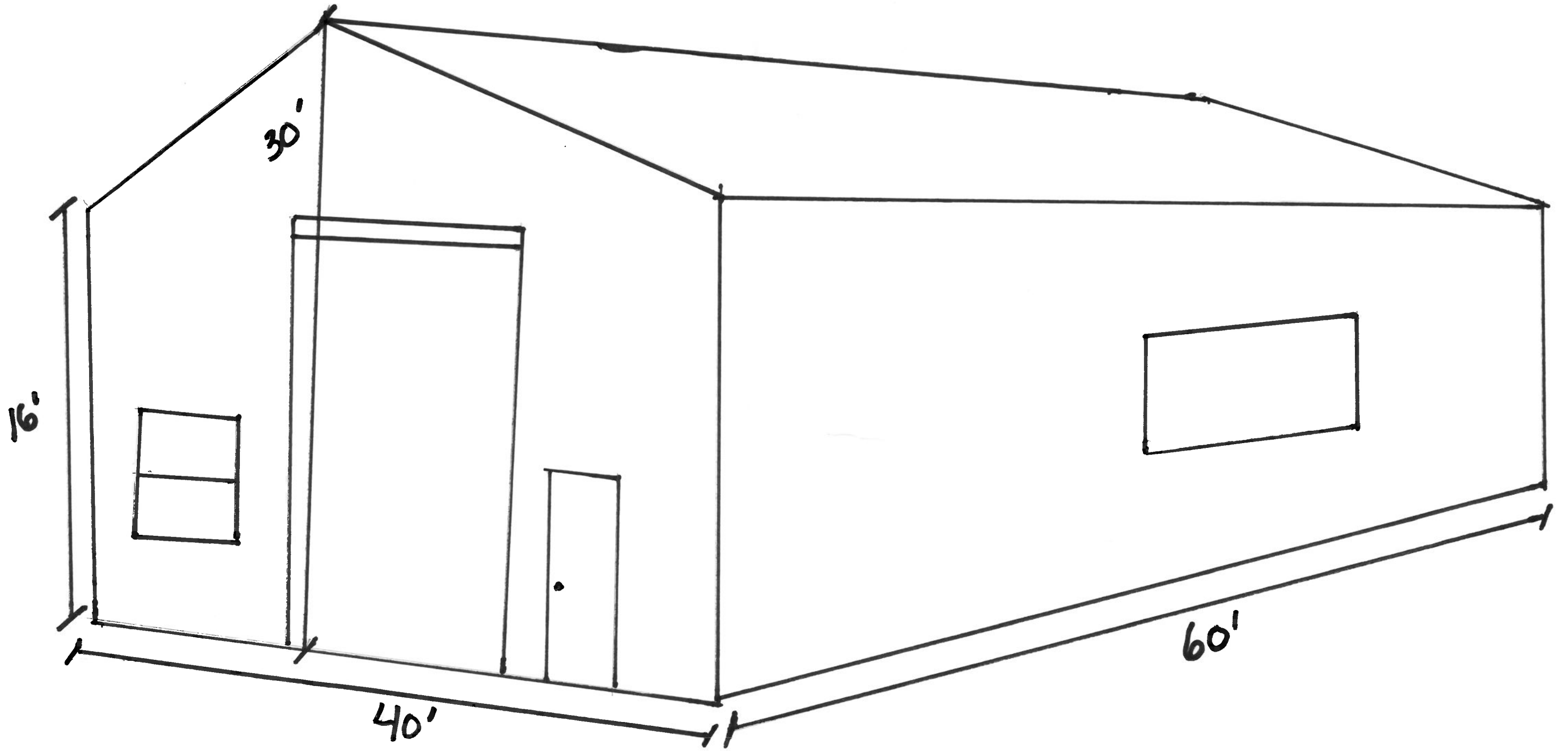


**Site Plan Requirements**  
**Building and Land Use/Zoning Compliance Permits**

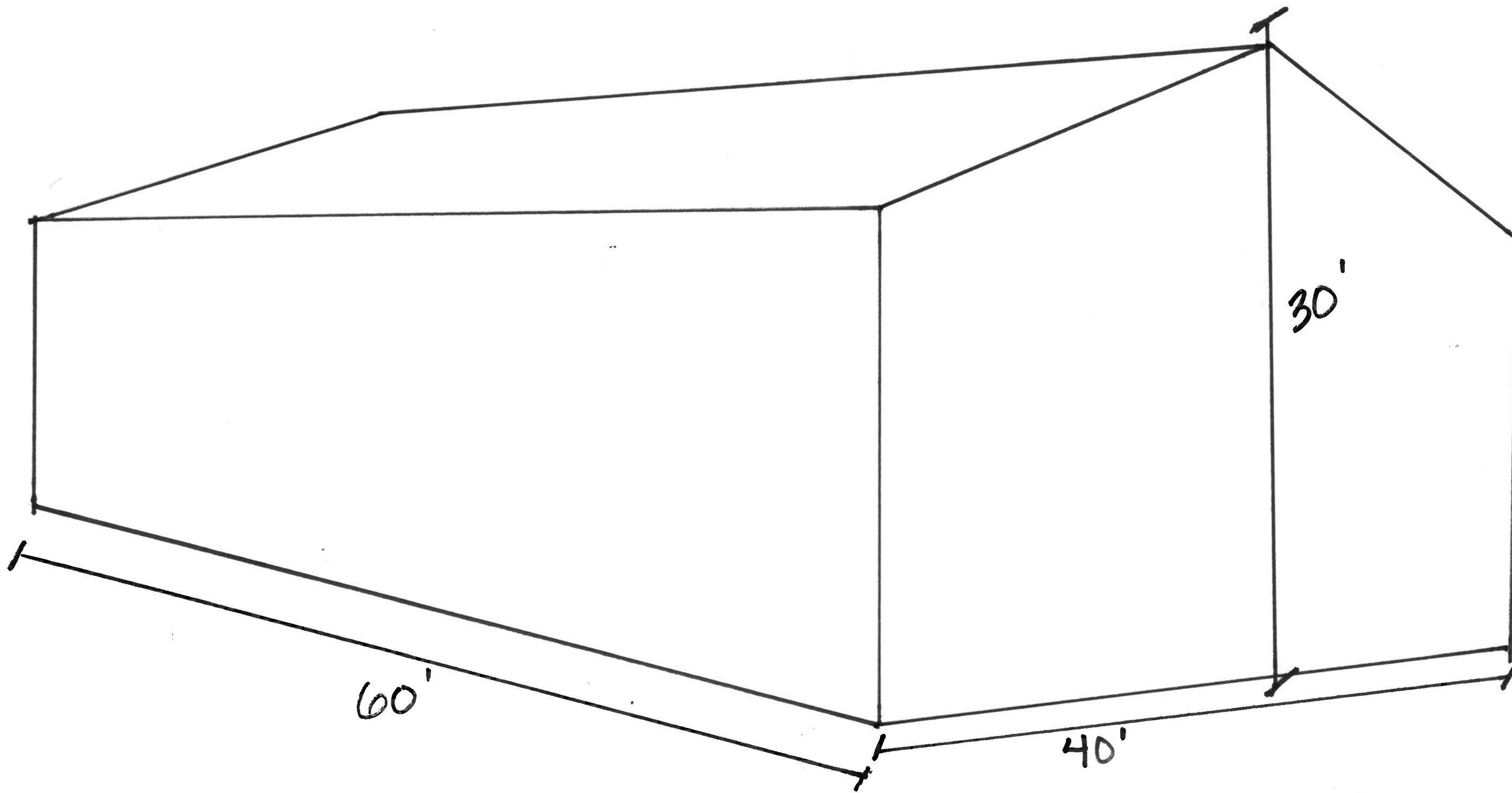
**What is a site plan?** A site plan is an accurate, scaled drawing of a piece of property showing lot size and shape along with sizes, shapes and precise locations of all existing and proposed features (structures, driveways, utilities, septic system, well, easements, landscaping, etc.) including:

- Boundaries and dimensions of property
- Locations and dimensions of existing and proposed structures
- Names of existing streets, alleys, driveways and access to property
- Distance from property line to curb or edge of street
- Distances between all structures as well as distance from new structures to property line
- Types of easements with dimensions
- Well, water line, septic, drain field or sewer line location with distances to new structure
- Provide address and/or legal description of property
- North arrow for reference. If professionally submitted clearly indicate scale (1" = 20')
- Projects on slopes greater than 5% may require civil engineer stamped site plans.
- If in or near floodplain areas; provide topographic map showing existing elevations of all features on property. (sidewalks, boundaries, steep slopes, streams, marshes, lakes)

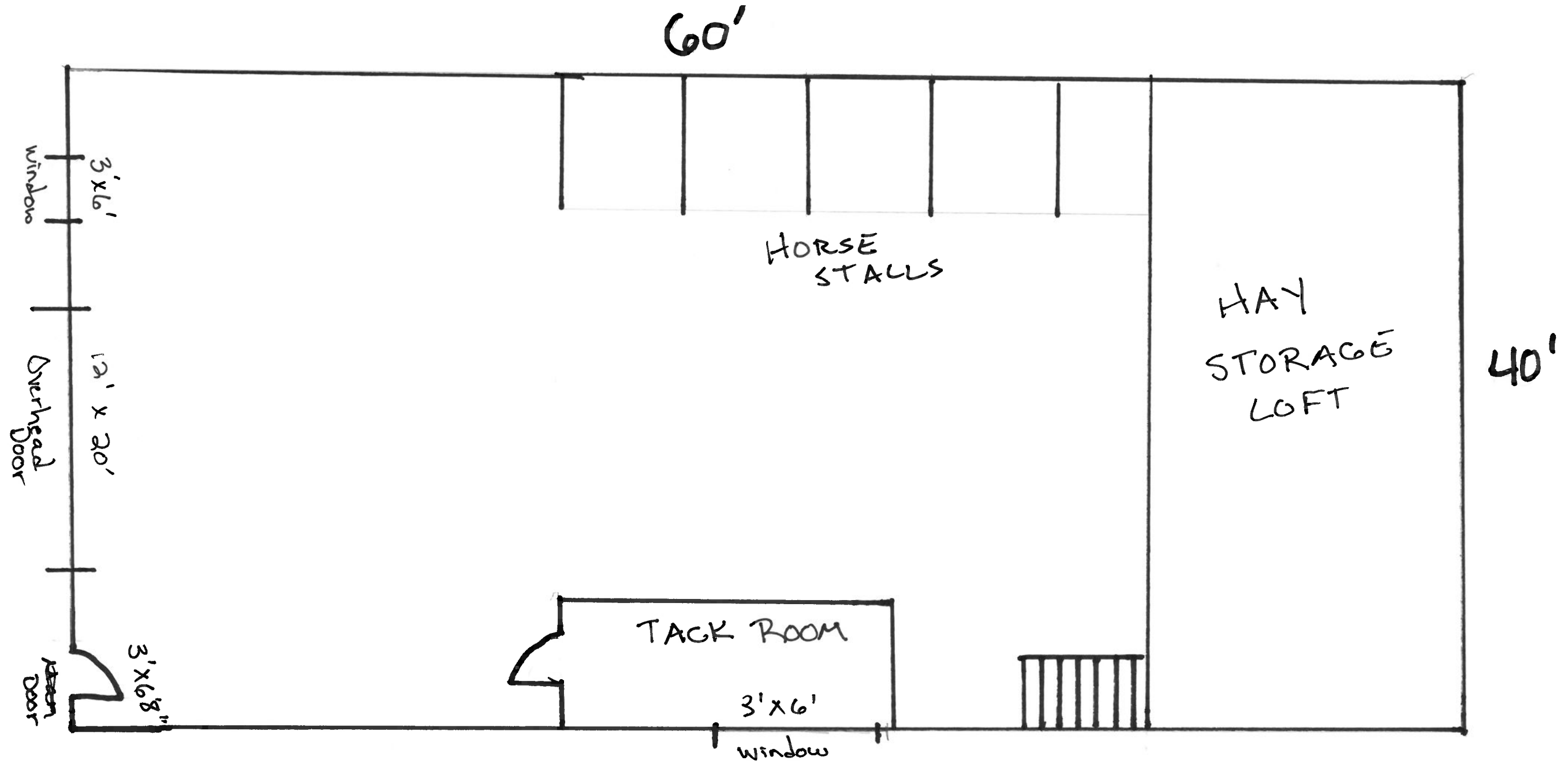




FRONT ELEVATION VIEW



REAR ELEVATION VIEW



FLOOR PLAN

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### **AFFIDAVIT OF AGRICULTURAL EXEMPTION**

To promote the general safety and welfare of the residents of Missoula County, the Missoula Board of County Commissioners passed Resolution 2006-025, on Feb. 8, 2006.

This resolution provided for the creation of the Building Codes Division of the Public Works Department, the adoption of model building codes as adopted and amended by the State of Montana, and the exemption of certain buildings and structures from building code requirements. It also recognized all the exemptions listed in Section 105 of the International Residential Code (IRC) and the International Building Code (IBC).

In addition to those exemptions, with this signed affidavit, Resolution 2024-072 further exempts agricultural buildings placed or constructed on land classified as agricultural by the Montana Department of Revenue. This applies only to buildings not intended for human habitation, place of employment or public occupancy.

The use of the building, rather than what it is called, determines its exemption qualification from building code.

#### **Montana Code Annotated 45-7-202. False swearing.**

(1) A person commits the offense of false swearing if the person knowingly makes a false statement under oath or equivalent affirmation or swears or affirms the truth of a statement previously made when the person does not believe the statement to be true and:

- (a) the falsification occurs in an official proceeding; or
- (b) the falsification is purposely made to mislead a public servant in performing an official function; or
- (c) the statement is one that is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths.

(2) Subsections (4) through (7) of **45-7-201** apply to this section.

(3) A person convicted of false swearing shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

To obtain an agricultural exemption with the Missoula County Public Works Building Division, the property owner(s) must complete an [Agricultural Land Classification Application](#) with the Montana Department of Revenue and receive a written approval of agricultural land classification. Upon Receipt of said approval from the Montana Department of Revenue, the property owner(s) must carefully read, understand and sign this Affidavit of Agricultural Exemption in the presence of a notary public and present it to the Missoula County Public Works Building Division with a copy of the approval letter from Montana Department of



\_\_\_\_\_  
Property Owner (print name)

\_\_\_\_\_  
Property Owner (print name)

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Property Owner Signature

On this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ before me, the undersigned,  
a Notary Public for the State of Montana, personally appeared, \_\_\_\_\_  
In their capacity as \_\_\_\_\_, of or for  
\_\_\_\_\_ known to be the person(s) whose  
name(s) is/are subscribed within this document and acknowledge to me that he/she/they  
executed the same in the County of Missoula, Montana.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day  
and year in this certificate first above written.

(seal)

\_\_\_\_\_  
Notary Public for the State of Montana  
Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_