



Missoula COUNTY

FREQUENTLY ASKED QUESTIONS: BUILDING PERMIT EXEMPTIONS **RESOLUTION 2024-072**

GENERAL QUESTIONS

Do I need other permits if my structure is classified as “exempt”?

Yes. You will likely still need to obtain other permits for your structure, including but not limited to land use/zoning compliance, floodplain, mechanical and electrical.

What if I already have a building permit for a structure that is now exempt? Can I cancel it?

Yes. If the permit has not had any inspections conducted on it, you are eligible for a refund of the building permit fee (the administrative fee for processing will not be included in this refund). Plan review fees are not refundable if the review has already been completed.

Any requirements set forth in the nonexempt land use or health permits remain valid.

GREENHOUSES

How many greenhouses/hoop structures can I have on my property?

There is no limit to the number of structures. Structures can only be used by the residential property owner and cannot be open to the public. If a structure will have people in it other than the legal property owner, it cannot be exempt from a building permit.

DECKS

Is there a size limit on an exempt deck?

There is no size limit on an exempt deck. To qualify for a building permit-only exemption, it must be 30 inches or less from plumb grade to the deck surface (not including any rails). Other permits may apply.

PERGOLAS or GAZEBOS

If we put a gazebo or pergola up at our place of business or worship, would this qualify for an exemption?

No, it would not, because it would fall under the commercial code classification.

RESIDENTIAL-ONLY OPEN-AIR ADDITIONS

Does an open-air addition to my existing home or residential detached garage/shop/barn qualify for an exemption?

Only if it's an open-air non-habitable space. For example, an open air covering over an existing deck, porch, patio or lean-to that is used for storage only would qualify for an exemption.



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AGRICULTURAL

How do I start the agricultural exemption process?

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.



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What structures qualify for the Agricultural Exemption Process?

- Any structure not intended for human habitation with a [Risk Category of 1](#).
- Any structure the public will not enter or occupy. Property owner occupancy only.
- Cannabis grow facilities do not qualify as Ag under [the Montana Code Annotated MCA 15-7-202](#)

EXAMPLE: A pole barn intended to be used as an agricultural building is exempt from building permits. However, a pole barn used as a shop, to house recreational or personal vehicles, or for storage of personal belongings, is **not** an agricultural building and requires a building permit.

How many agricultural structures can I have on my property?

There is no limit to the number of agricultural structures you have on your property if it qualifies and has been granted Agricultural Land Classification approval from the Montana Department of Revenue. You will need to provide a copy of the certification approval letter and a signed affidavit with Missoula County to finalize the exemption for each structure.