



How to Lift an Agricultural Exemption

When is it necessary to lift an agricultural exemption?

The use of the building, rather than what it is called, determines whether it can be exempt from building codes. When a building has an agricultural exemption and is not subject to building code review, it cannot be used as a shop/garage, to store recreational or personal vehicles or personal belongings, or for use by the public. If you wish to change the use of the building, you need to follow the process of obtaining a building permit to ensure the final structure and its new use are in compliance with building codes, which protect the health, safety and well-being of the owner and the public.

Steps to lift an agricultural exemption

1. The owner must hire an engineer licensed by the State of Montana to verify the building is constructed to meet the minimum building code requirements based on the proposed new use and occupancy of the building. (The use of a building, rather than what it is called, determines what code requirements apply).
2. You must apply for a building permit for the entire structure, since it is changing from a non-permitted structure to a permitted structure. The application must include the engineer's letter and/or plans.
3. The building permit application will be reviewed by all county reviewing departments associated with the submittal. This is necessary because the previous exemption had no reviews and no inspections.
4. If the property is zoned, the owner must re-apply for a land use/zoning compliance permit, because the use is now changing. In some cases, this means the \$50 accessory structure fee will increase to a \$100 dwelling unit fee and require re-review for compliance.
5. The owner must complete the required items as indicated on the approved set of building plans. The owner must call for the required inspections, including the final inspection, prior to occupying the structure.
6. Once Steps 1 through 5 are complete, the Building Division will file to lift the existing agricultural exemption with the Clerk & Recorder. Only then can a Certificate of Occupancy be issued, and the structure occupied.