



Agricultural Exemptions Guide

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 new ag structure and reflect its overall height, from the lowest grade to the highest peak.