MNSPECT LLC
HELPING YOU COMPLY WITH THE CODE

PHONE: 952-442-7520
FAX: 952-442-7521
EMAIL: INFO@MNSPECT.COM

AGRICULTURAL BUILDINGS

This handout is designed to help determine whether a proposed building would be considered agricultural, and therefore exempt from needing a building permit. Please note that whether or not you need a building permit, you should check with your municipality office to determine if there are local ordinances and/or rules governing agricultural structures with which you need to comply.

326B.121 STATE BUILDING CODE; APPLICATION AND ENFORCEMENT.

Subdivision 1.**Application.**The State Building Code is the standard that applies statewide for the construction, reconstruction, alteration, repair, and use of buildings and other structures of the type governed by the code.

(b) The State Building Code supersedes the building code of any municipality.

(c) **The State Building Code does not apply to agricultural buildings except**:

(1) with respect to state inspections required or rulemaking authorized by sections 103F.141; 216C.19, subdivision 9 (Flood Plains); and 326B.36 (Electrical); and

(2) translucent panels or other skylights without raised curbs shall be supported to have equivalent load-bearing capacity as the surrounding roof.

FAQs REGARDING AGRICULTURAL BUILDINGS:

What is an agricultural structure? MN Statutes 326B.103 defines an agricultural building as a structure on agricultural land; designed, constructed and used to house farm implements, livestock, or agricultural products; and used by the owner, lessee, and sublessee of the building and members of their immediate families, their employees, and person engaged in the pickup or delivery of agricultural products (see page 4 and 5 color-coded definitions/descriptions).

What if I want to stop farming and start using the building for car storage or a commercial business? MN Rules, Chapter 1300.0120 states: "An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or **change the occupancy** of a building or structure... or cause any such work to be done, shall **first make application to the building official and obtain the required permit**." In other words, a building permit would need to be obtained, and the building would need to be brought into compliance with the current building code. If you anticipate a change of use, it is easier and most likely cheaper to go through the building permit process now.

What if I want to store a vehicle in one corner of the building, but the rest of the building will meet the above requirements?
In order to be considered an agricultural building, the building in its entirety must be for agricultural use.

Can I install a bathroom in the agricultural structure?
Yes. A plumbing permit will not be required for this portion of the work.

Can I install electrical outlets/lights in the agricultural structure?
Yes. Please note, the MN State Electric Code does not exempt agricultural structures from requiring a permit and maintaining compliance with the Electric Code.

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DOES MY PROPOSED BUILDING MEET THE DEFINITION OF AN AGRIGULTURAL STRUCTURE?

The following checklist provides guidance to determine whether a proposed project is considered an agricultural building, exempt from the State Building Code. For the building to be considered agricultural, ALL boxes must be checked "yes."

- If you answer "no" to ANY of the questions below, you will need to submit a completed Building Permit Application, along with two sets of engineered plans, to the municipality office, before proceeding with your project.

YES	NO	
		The land use listed on your property taxes is classified as agricultural.
		The land is ten contiguous (touching) acres or more, excluding one acre homestead, used during the preceding year for agricultural purposes OR contiguous acreage used during the preceding year for an intensive livestock or poultry confinement operation, provided that land used only for pasturing or grazing does not qualify under this clause. OR The land is: (1) contiguous acreage that is less than ten acres in size and exclusively used in the preceding year for raising or cultivating agricultural products, or (2) contiguous acreage that contains a residence and is less than 11 acres in size, if the contiguous acreage exclusive of the house, garage, and surrounding one acre of land was used in the preceding year for one or more of the following three uses: (i) for an intensive grain drying or storage operation, or for intensive machinery or equipment storage activities used to support agricultural activities on other parcels of property operated by the same farming entity; (ii) as a nursery, provided that only those acres used intensively to produce nursery stock are considered agricultural land; or (iii) for intensive market farming. For purposes of this paragraph, "market farming" means the cultivation of one or more fruits or vegetables or production of animal or other agricultural products for sale to local markets by the farmer or an organization with which the farmer is affiliated.
		The building will be used only by the owner, lessee, and sublessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural products. (That is, your neighbor or friend will not use the building, the building will not be open to the public, etc.)
		The building will be designed, constructed, and used to house farm implements, livestock, or agricultural products. OR The building will be used for "agricultural purposes" including raising, cultivating, drying, or storage of agricultural products for sale, or the storage of machinery or equipment used in support of agricultural production by the same farm entity. (See MN Statute citations at the end of this handout for full definitions of "agricultural purposes" and "agricultural products.")

If the answers to ALL of the above questions were "Yes," please read and sign the Exemption on the following page, and submit it along with any zoning/agricultural applications as required by the municipality office.

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AGRICULTURAL BUILDING EXEMPTION

Note: By signing this document, you are acknowledging that you have read and understood the restrictions enumerated in this document, that you will abide by them, and that you understand that if they are violated, you will be subject to any and all permit requirements and penalties allowed by law.

I acknowledge that:

1. The building will not be used for any purpose other than Agricultural Purposes, as defined by MN Statute 326B.103 (designed, constructed, and used to house farm implements, livestock, or agricultural products) on land as defined in MN Statute 273.13 subd. 23.
2. The public is not allowed to enter, occupy, or otherwise inhabit the building.
3. The building may not contain or provide any type of living space within the building
4. If a change of use is intended, the building will be required to:
   A) comply, in every aspect, with the then current building code, and will require building permits with all appropriate permit fees paid;
   B) be designed by a Minnesota Licensed Design Professional;
   C) have all structural components exposed for inspection as requested by municipality officials and/or the building official (the cost for which will be borne exclusively by the property owner);
   D) allow and successfully pass all required building inspections mandated by the MN State Building Code and Building Official; and
   E) receive a valid Certificate of Occupancy.
5. If it is discovered that a change of use has occurred in the building without first completing Item #4 above, the building will be posted with a “DO NOT OCCUPY” order. In order to lift the DO NOT OCCUPY order, the requirements of Item #4 above must be completed and a special investigation fee equal to the amount of the permit fee will be assessed. In addition, it is possible that the municipality will pursue criminal prosecution for violations of the MN State Building Code.
6. By signing this document, I grant permission to the Municipality (Board/Council Member or Building Official) to enter the property to verify compliance with the above requirements. Such inspection shall be at reasonable times, but may be without prior notice.

I have read the above six requirements and acknowledge that use of the building is subject to these requirements.

Signed this ____ day of _____, _____

_____ _____

Signature Date

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MN Statute 273.13 Subd. 23

(e) Agricultural Land as used in this section means:

(1) contiguous acreage of ten acres or more, used during the preceding year for agricultural purposes; or

(2) contiguous acreage used during the preceding year for an intensive livestock or poultry confinement operation, provided that land used only for pasturing or grazing does not qualify under this clause.

"Agricultural Purposes" as used in this section means the raising, cultivation, drying, or storage of agricultural products for sale, or the storage of machinery or equipment used in support of agricultural production by the same farm entity. For a property to be classified as agricultural based only on the drying or storage of agricultural products, the products being dried or stored must have been produced by the same farm entity as the entity operating the drying or storage facility. "Agricultural purposes" also includes enrollment in the Reinvest in Minnesota program under sections 103F.501 to 103F.535 or the federal Conservation Reserve Program as contained in Public Law 99-198 or a similar state or federal conservation program if the property was classified as agricultural (i) under this subdivision for taxes payable in 2003 because of its enrollment in a qualifying program and the land remains enrolled or (ii) in the year prior to its enrollment. Agricultural classification shall not be based upon the market value of any residential structures on the parcel or contiguous parcels under the same ownership.

"**Contiguous acreage**," for purposes of this paragraph, means all of, or a contiguous portion of, a tax parcel as described in section 272.193, or all of, or a contiguous portion of, a set of contiguous tax parcels under that section that are owned by the same person.

(f) Agricultural land under this section also includes:

(1) contiguous acreage that is less than ten acres in size and exclusively used in the preceding year for raising or cultivating agricultural products; or

(2) contiguous acreage that contains a residence and is less than 11 acres in size, if the contiguous acreage exclusive of the house, garage, and surrounding one acre of land was used in the preceding year for one or more of the following three uses:

(i) for an intensive grain drying or storage operation, or for intensive machinery or equipment storage activities used to support agricultural activities on other parcels of property operated by the same farming entity;

(ii) as a nursery, provided that only those acres used intensively to produce nursery stock are considered agricultural land; or

(iii) for intensive market farming; for purposes of this paragraph, "market farming" means the cultivation of one or more fruits or vegetables or production of animal or other agricultural products for sale to local markets by the farmer or an organization with which the farmer is affiliated.

"**Contiguous acreage**," for purposes of this paragraph, means all of a tax parcel as described in section 272.193, or all of a set of contiguous tax parcels under that section that are owned by the same person.

(g) Land shall be classified as agricultural even if all or a portion of the agricultural use of that property is the leasing to, or use by, another person for agricultural purposes.

Classification under this subdivision is not determinative for qualifying under section 273.111.

(h) The property classification under this section supersedes, for property tax purposes only, any locally administered agricultural policies or land use restrictions that define minimum or maximum farm acreage.

(i) "Agricultural Products" as used in this subdivision includes production for sale of:

(1) livestock, dairy animals, dairy products, poultry and poultry products, fur-bearing animals, horticultural and nursery stock, fruit of all kinds, vegetables, forage, grains, bees, and apiary products by the owner;

(2) fish bred for sale and consumption if the fish breeding occurs on land zoned for agricultural use;

(3) the commercial boarding of horses, which may include related horse training and riding instruction, if the boarding is done on property that is also used for raising pasture to graze horses or raising or cultivating other agricultural products as defined in clause (1);

(4) property which is owned and operated by nonprofit organizations used for equestrian activities, excluding racing;

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(5) game birds and waterfowl bred and raised (i) on a game farm licensed under section 97A.105, provided that the annual licensing report to the Department of Natural Resources, which must be submitted annually by March 30 to the assessor, indicates that at least 500 birds were raised or used for breeding stock on the property during the preceding year and that the owner provides a copy of the owner's most recent schedule F; or (ii) for use on a shooting preserve licensed under section 97A.115;
(6) insects primarily bred to be used as food for animals;
(7) trees, grown for sale as a crop, including short rotation woody crops, and not sold for timber, lumber, wood, or wood products; and
(8) maple syrup taken from trees grown by a person licensed by the Minnesota Department of Agriculture under chapter 28A as a food processor.

(j) If a parcel used for agricultural purposes is also used for commercial or industrial purposes, including but not limited to:
(1) wholesale and retail sales;
(2) processing of raw agricultural products or other goods;
(3) warehousing or storage of processed goods; and
(4) office facilities for the support of the activities enumerated in clauses (1), (2), and (3),

the assessor shall classify the part of the parcel used for agricultural purposes as class 1b, 2a, or 2b, whichever is appropriate, and the remainder in the class appropriate to its use. The grading, sorting, and packaging of raw agricultural products for first sale is considered an agricultural purpose. A greenhouse or other building where horticultural or nursery products are grown that is also used for the conduct of retail sales must be classified as agricultural if it is primarily used for the growing of horticultural or nursery products from seed, cuttings, or roots and occasionally as a showroom for the retail sale of those products. Use of a greenhouse or building only for the display of already grown horticultural or nursery products does not qualify as an agricultural purpose.

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