

# CITY OF BALDWIN AGRICULTURAL BUILDING PERMIT EXEMPTION HANDOUT

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RETURN TO: [city.clerk@baldwinmn.gov](mailto:city.clerk@baldwinmn.gov)

## **CERTIFICATION SHALL BE COMPLETED AND SIGNED BY PROPERTY OWNER**

This handout is designed to help determine whether a proposed building would be considered agricultural and exempt from building permit requirements. Please note that if the building is exempt from a building permit, an Agricultural Exemption permit is required, and the structure must comply with City zoning ordinances related to agricultural buildings.

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

### **Subdivision 1. Application.**

- (a) 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; 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.

## **FACTS 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 sub-lessee of the building and members of their immediate families, their employees, and person engaged in the pickup or delivery of agricultural products. Refer to pages 4 and 5 regarding 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 often less expensive 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?** To be considered an agricultural building, the building in its entirety must be for agricultural use.

**Can I install a bathroom or heating in the agricultural structure?** Yes. Note that although a structure may be exempt from building permit requirements under an Agricultural Exemption classification, plumbing, mechanical, electrical and Subsurface Sewage Treatment System permits are still required for any work in those areas.

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

### Does my proposed building meet the definition of an agricultural 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'

	YES	NO
The land use listed on your property taxes is classified as agricultural in the preceding year.		
The land is 10 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. <b>OR</b> The land is: 1) contiguous acreage that is less than 10 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 sub lessee 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. <b>OR</b> 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, read and sign the Exemption on the following page, and submit the completed certificate form along with any zoning/agricultural applications as required.**


**If any of the answers above are NO, the building is not exempt.**

**Apply for a building permit and any additional trade permits through the City Building Official.**

**CITY OF BALDWIN, MINNESOTA**  
**AGRICULTURAL BUILDING PERMIT EXEMPTION CERTIFICATION & APPLICATION**

<b>AGRICULTURAL BUILDING SITE INFORMATION</b>			
City		Parcel ID#	
Site Address	City	State	Zip
Description of Proposed Ag Building	Intended Use		
Phone Number	Email		

**I HEREBY ACKNOWLEDGE:**

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 a Change of Use building with all required construction documents submitted and appropriate permit fees paid;
  - b) be designed by a Minnesota Licensed Design Professional;
  - c) have all structural components exposed for inspection as required by the building official (the cost for which will be borne exclusively by the property owner at the time of use change);
  - d) allow and successfully pass all required building inspections mandated by the MN State Building Code and Building Official; and receive a valid Certificate of Occupancy, if applicable, for the use.
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 City will pursue criminal prosecution for violations of the MN State Building Code.
6. The applicant/owner shall comply with all applicable federal, state, county, city and other local agency ordinances, rules, regulations and permits applicable to the construction and grading activity.
7. By signing this document, I grant permission to the City of Baldwin Zoning Administrator or Building Official to  enter the property to verify compliance with the above requirements. Such inspection shall be at reasonable times and/or may be without prior notice.

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

<b>PROPERTY OWNER INFORMATION</b>			
Name			
Address	City	State	Zip

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 violations occur, you will be subject to any and all permit requirements and penalties allowed by law. THIS FORM MUST BE SIGNED BY THE PROPERTY OWNER.

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

\_\_\_\_\_  
*Date*

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

\_\_\_\_\_  
*Date*

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.

**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.

**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.

**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.

**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;
- (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.

**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.