



## AGRICULTURAL EXEMPTION DECLARATION

The purpose of this document is to verify and document that the referenced proposed structure meets MN State exemption criteria and therefore does not require a Building Permit or adherence to the MN State Building Code.

In order to satisfy the requirements of MN Building Code, State Statute and MN Rule, the following criteria must be confirmed and documented for retention by the municipality.

1. The subject property must be classified as *Agricultural Land* as defined by MN State Statute Section 273.13, Subdivision 23. Property owner is to provide written documentation from the County Assessor's office as part of this process.
2. The use of the building must be consistent with the regulations listed below:
  - a) It must be used for housing farm implements, livestock and other agricultural products as identified by the above statutory language.
  - b) It cannot be used by the general public such as for retail sales. A building used in relation to an extended home business may be split-taxed accordingly by the assessor.
  - c) Horticultural and nursery products to be stored must have been grown on site.
  - d) The structure can serve as a place of employment for persons working with the agricultural products and those engaged in the pick-up or delivery of said products (i.e. greenhouse production activities).
3. The undersigned property owner at the listed address is to attest that the building will be used primarily in conjunction with the agricultural product(s) of \_\_\_\_\_  
\_\_\_\_\_.

Furthermore, it will be occupied only by the owner, their family members and/or direct employees as allowed by MN Statute 16B.60 Subdivision 5. If at any time the use of the building should change and house an occupancy classification as identified by MN Rules Chapter 1305 Section 202, it will be subject to a Change of Occupancy process to be administered by the Designated Building Official of the jurisdiction, thereby requiring building permit fees to be paid at a later date.

- ✓ *Property owner understands that use of the building for non-agricultural items is PROHIBITED.*
- ✓ *Property owner has attached written documentation from the County Assessor's office, such as a tax statement, which shows the land classified as AGRICULTURAL.*

Property address: \_\_\_\_\_

Owner of record: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**8188 199<sup>TH</sup> AVENUE NW, NOWTHEN, MN 55330 763-441-1347**

**MN STATE STATUTE SECTION 273.13 SUBD. 23.CLASS 2.**

(e) Agricultural land as used in this section means contiguous acreage of ten acres or more, used during the preceding year for agricultural purposes. "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 the assessment year 2002 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.

(f) Real estate of less than ten acres, which is exclusively or intensively used for raising or cultivating agricultural products, shall be considered as agricultural land. To qualify under this paragraph, property that includes a residential structure must be used intensively for one of the following purposes:

- (1) for drying or storage of grain or storage of machinery or equipment used to support agricultural activities on other parcels of property operated by the same farming entity;
- (2) as a nursery, provided that only those acres used to produce nursery stock are considered agricultural land;
- (3) for livestock or poultry confinement, provided that land that is used only for pasturing and grazing does not qualify;
- (4) for 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.

(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.

(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. **Note that the City of Nowthen City Code classifies Agricultural Land as a contiguous acreage of twenty (20) acres or more, used during the preceding year for agricultural purposes.**

(i) The term "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 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.