



INFORMATIONAL SHEET AND REQUEST FOR DETERMINATION

Pottawattamie County
Planning & Development Department
Building & Safety Division

Agricultural Exemption From Zoning & Building Regulations

What is the “farm exemption” and what qualifies for the exemption?

The State of Iowa has given counties the authority to develop zoning regulations and to adopt building codes for their unincorporated areas. However, the State has declared that farms should be able to operate relatively free from local restrictions. This “right to farm” is contained in the following sections from the Code of Iowa:

335.2 Farms exempt.

Except to the extent required to implement section 335.27, no ordinance adopted under this chapter applies to land, farm houses, farm barns, farm outbuildings or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used. However, the ordinances may apply to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream.

331.304.3.b Farms exempt.

A county building code shall not apply to farm houses or other farm buildings which are primarily adapted for use for agricultural purposes, while so uses or under construction for that use.



NOTE: Some financial institutions may require a “Certificate of Occupancy” as part of mortgage financing. The County will only issue a Certificate of Occupancy if building permits have been issued, building codes have been adhered to and inspections performed. If your proposed dwelling is granted a farm exemption, no permits will be issued and no inspections are performed, therefore, the County **WILL NOT ISSUE A CERTIFICATE OF OCCUPANCY**. However, if you choose to apply for building permits, pay the required fees and have inspections performed, a Certificate of Occupancy can be granted provided the structures are constructed to the applicable codes.



Farm Exemption and related definitions from the Pottawattamie County, Iowa, Zoning Ordinance, Chapter 8.002-Defintions.

8.002.020.030 AGRICULTURE: The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, viticulture, aquatic farming, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of such accessory use shall be secondary to that of normal agricultural activities. If the tract of land is less than thirty-five (35) acres, it shall be presumed that the tract is not primarily used for agricultural purposes.

8.002.0070.040 FARM: A tract or area of land which is primarily used for agricultural purposes and the growing and production of all farm products thereon, and their storage on the area, or for the raising thereon of poultry or livestock.

8.02.70.50 FARMSTEAD: The buildings and adjacent service areas of a farm.

Please complete and submit a Farm Exemption Request Information Sheet. The Development Director will make a determination and inform you of the decision within 7 to 10 working days. Any appeal of the Director's decision must be made within 30 days of the date of the decision to the Zoning Board of Adjustment (for an appeal of a denial of the exemption from zoning) or to the Building Board of Appeals (for an appeal of a denial of the exemption from building regulations).

If your proposal qualifies for an agricultural exemption you will be notified in writing. Exemptions are applicable to a particular improvement only. If your proposal does not qualify for an agricultural exemption, county zoning and building regulations will apply.



EFFECTIVE MARCH 1, 2009 ALL AGRICULTURAL BUILDINGS AND DWELLINGS WILL BE REQUIRED TO OBTAIN ELECTRICAL PERMITS. EFFECTIVE JULY 1, 2009 AGRICULTURAL ELECTRICAL PERMITS WILL BE ISSUED AND INSPECTED BY THE STATE OF IOWA

State Electrical Division
(515) 725-6147 or (866) 923-1082

<http://iowaelectrical.gov>
einspinfo@dps.state.ia.us

Area Electrical Inspector:
Errin Gunderson (712)371-3058
Gunderso@dps.state.ia.us

POTTAWATTAMIE COUNTY, IOWA AGRICULTURAL EXEMPTION REQUEST INFORMATION SHEET

PROPERTY OWNER	Name				
	Mailing Address	Street		City, State, Zip	
	Contact Information <input checked="" type="checkbox"/> Best Way to Contact	Email <input type="checkbox"/>		Home # <input type="checkbox"/> Work # <input type="checkbox"/> Cellular <input type="checkbox"/>	
OCCUPANT (if other than property owner)	Name				
	Mailing Address	Street		City, St, Zip	
	Contact Information <input checked="" type="checkbox"/> Best Way to Contact	Email <input type="checkbox"/>		Home # <input type="checkbox"/> Work # <input type="checkbox"/> Cellular <input type="checkbox"/>	
PROPERTY INFORMATION	Job Site Address	<input type="checkbox"/> Same as above #1 <input type="checkbox"/> To be assigned by Planning Dept.			
	Civil Township				
	Zoning District	<input type="checkbox"/> A-1 <input type="checkbox"/> A-2 <input type="checkbox"/> A-3 <input type="checkbox"/> A-4 <input type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input type="checkbox"/> R-5 <input type="checkbox"/> C-1 <input type="checkbox"/> C-2 <input type="checkbox"/> C-3 <input type="checkbox"/> I-1 <input type="checkbox"/> I-2 <input type="checkbox"/> I-3			
	Parcel #	Legal Description	Acres		
IMPROVEMENTS	Use of Structure	<input type="checkbox"/> Agricultural <input type="checkbox"/> Residential			
	Description of Work <input checked="" type="checkbox"/> all that apply	<input type="checkbox"/> Single-Family Dwelling			
		<input type="checkbox"/> Manufactured Home (Converted to real estate, 1976 or newer HUD Approved) Make and Year			
		<input type="checkbox"/> Remodel Existing Single-Family Dwelling			
		<input type="checkbox"/> Storage Building To Store:		<input type="checkbox"/> Other	
		<input type="checkbox"/> Barn for animals or fowl including corral		<input type="checkbox"/> Addition to	
		<input type="checkbox"/> Demolition of		<input type="checkbox"/> Move In	
		<input type="checkbox"/> Detached Garage		<input type="checkbox"/> Change Use from	
		<input type="checkbox"/> Deck		<input type="checkbox"/> Change to Use	
	Septic System Design	<input type="checkbox"/> Septic System Designed for _____ bedrooms. Modifying bedrooms may require septic system upgrades per County's review.			
AGRICULTURAL INFORMATION STORAGE BUILDINGS & BARNES	Use of the structure. List what will be stored or kept in the structure, i.e. farm tractor, combine, agricultural chemicals, seed, hay, boat, camper or livestock.				
	Describe the percentage the structure that will be utilized for the agricultural purpose.	<input type="checkbox"/> 50% or less <input type="checkbox"/> Greater than 50%			

Additionally, in order to qualify for the exemption as a farm house, the occupants must be engaged in agricultural as defined. Please provide a detailed answer as appropriate to the following questions. Attach additional sheets if necessary. Engaged in agriculture shall include but not limited to any of the following:

AGRICULTURAL INFORMATION CONSTRUCTION OF A DWELLING OR ADDITION/REMODEL A DWELLING	Describe the percentage of monetary input you furnish to the agricultural operation.	<input type="checkbox"/> 50% or less <input type="checkbox"/> Greater than 50%	
	Describe what your active role is relating to the agricultural activities that take place on the properties described above.		
	Describe the average number of hours per week that you dedicate towards the agricultural activities on the properties described above on an annual basis.		
	Based on the 2000 Census Bureau information, the median household income in Pottawattamie County, Iowa, is \$40,089. Provide written documentation, such as the front page of your 1040 and IRS Schedule F, to document that you derive 50% of your gross income from agricultural. Please cross out your social security number.	Total gross income	\$
	Total gross income derived from agricultural	\$	_____
OTHER PERMITS REQUIRED	Will the proposed construction be serviced with electricity?	<input type="checkbox"/> Yes <input type="checkbox"/> No.	If yes, an Electrical Permit is required. Effective July 1, 2009 agricultural electrical permits and inspections will be done by the State of Iowa. Contact Pat Merrick, State Electrical Inspector, 515-988-1718, merrick@dps.state.ia.us.
	Is the proposed construction located in a floodplain or a floodway?	<input type="checkbox"/> Yes <input type="checkbox"/> No.	If yes, a floodplain Development Permit is required. See the Planning Department for this permit application.
I hereby acknowledge that should the use of the land or buildings change, or are discovered to not qualify under the exemption; such use shall be subject to the zoning and building regulations of Pottawattamie County, Iowa. To the best of my knowledge, the foregoing information is true and correct. I hereby give my consent for the Director (or designee) of Pottawattamie County Planning and Development reasonable access to conduct a site inspection of the property for the purpose of reviewing the request for exemption as described in this application.			
Property Owner	Signature		Date
	Type or Print Name		

COUNTY DEVELOPMENT DIRECTOR'S DETERMINATION	
After having reviewed the above provided information, it has been determined that the described construction	
Zoning Ordinance	<input type="checkbox"/> will be exempt <input type="checkbox"/> will not be exempt
Building Codes	<input type="checkbox"/> will be exempt <input type="checkbox"/> will not be exempt
If it has been determined that the described construction is not exempt, a building permit will be required prior to starting construction. This decision can be appealed to the Zoning Board of Adjustment (Zoning Code appeal) or the Board of Appeals (Building Code appeal) within 30 days of the date of this decision	
DEVELOPMENT DIRECTOR	Signature
	Date
Type or Print Name	