



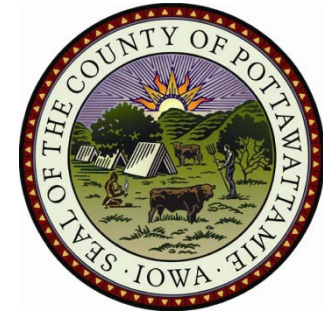
Please complete and submit a Farm Exemption Request Information Sheet. The Planning Director will make a determination and inform you of the decision within 7 to 10 working days. Any appeal of the Director's decision must be made within 30 days of the date of the decision to the Zoning Board of Adjustment (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.



AGRICULTURAL EXEMPTION FROM ZONING AND BUILDING REGULATIONS



**Pottawattamie County, Iowa
Office of Planning and Development
223 South 6th Street, Suite 4
Council Bluffs, IA 51501-4245**

Planning Director: 712-328-5851

**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
BRIAN YOUNG, STATE INSPECTOR
515-971-5893**

byoung@dps.state.ia.us

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.

Even though the State exempts farms from zoning and building regulations, it has provided few guidelines as to what should be considered a farm. In order to qualify under the agricultural exemption, it must be clearly demonstrated that the principal use of the land and the proposed building(s) are farm-related. This includes the proposed dwelling, and that the occupants of the dwelling are primarily engaged in agriculture. Anyone wishing to claim the exemption, especially for a new house, should contact the Planning Director prior to the start of construction to determine if the exemption is appropriate. The farm exemption applies only to Pottawattamie County zoning and building regulations. Other permits such as floodplain development, well, septic, E911 address or driveway access may be required.



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, Article 2-Defintions.

8.002.030 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.



8.002.320 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.

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



POTTAWATTAMIE COUNTY, IOWA AGRICULTURAL EXEMPTION REQUEST INFORMATION SHEET

PROPERTY OWNER	Name			
	Mailing Address Street		Mailing Address City, State, Zip Code	
	Email Address			
	Home Telephone		Work Telephone	Cellular Telephone
	Best way to contact?	<input type="checkbox"/> Email	<input type="checkbox"/> Home Telephone	<input type="checkbox"/> Work Telephone <input type="checkbox"/> Cellular Telephone

OCCUPANT	Name			
	Mailing Address Street		Mailing Address Street	
	Email Address			
	Home Telephone		Work Telephone	Cellular Telephone
	Best way to contact?	<input type="checkbox"/> Email	<input type="checkbox"/> Home Telephone	<input type="checkbox"/> Work Telephone <input type="checkbox"/> Cellular Telephone

PROPERTY INFORMATION	Job Site Address	<input type="checkbox"/> Same as above #1 <input type="checkbox"/> To be assigned by Planning Dept.		
	Civil Township			
	Property	Parcel #	Legal Description	Acres
	#1 <i>Property to be constructed on</i>			
	#2 <i>Other Property used for agricultural purposes</i>			
	#3 <i>Other Property used for agricultural purposes</i>			
	#4 <i>Other Property used for agricultural purposes</i>			
	#5 <i>Other Property used for agricultural purposes</i>			
	#6 <i>Other Property used for agricultural purposes</i>			
	#7 <i>Other Property used for agricultural purposes</i>			
	#8 <i>Other Property used for agricultural purposes</i>			
	#9 <i>Other Property used for agricultural purposes</i>			
	#10 <i>Other Property used for agricultural purposes</i>			
	TOTAL ACRES <i>Utilized for agricultural purposes</i>			
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			

IMPROVEMENTS DESCRIPTION	Use of Structure	<input type="checkbox"/> Agricultural <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial	
	Description of Work <small>Check <u>all</u> that apply</small>	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Single-family Dwelling <input type="checkbox"/> Manufactured Home converted to real estate-only 1976 or newer HUD approved (Make and Year: _____) <input type="checkbox"/> Detached garage <input type="checkbox"/> Storage building to store _____ <input type="checkbox"/> Deck <input type="checkbox"/> Barn for animals or fowl-include corral <input type="checkbox"/> Demolition of _____ </div> <div style="width: 45%;"> <input type="checkbox"/> Commercial Building <input type="checkbox"/> Industrial Building <input type="checkbox"/> Other _____ <input type="checkbox"/> Addition to _____ <input type="checkbox"/> Move in _____ <input type="checkbox"/> Change use of existing structure from a _____ <div style="text-align: center; margin-top: 10px;">To _____</div> </div> </div>	

Complete the following information for Storage Buildings and Barns

The exemption only applies to structure primarily adopted for agricultural purposes and only while so used for agricultural purposes.

AGRICULTURAL INFORMATION	Use of the structure (what will be stored or kept in the structure, i.e. farm tractor, combine, agricultural chemicals, seed, hay, boat, camper):	
	Describe agricultural purpose of the structure:	Describe the percentage the structure that will be utilized for this purpose:

Complete the following information if the proposed construction is a dwelling or an addition/remodel to a dwelling. 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 to the following questions. Attach additional sheets if necessary.

AGRICULTURAL INFORMATION	Describe what percentage of input costs you furnish to the operation:
	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 your IRS Schedule F, to document that you derive 50% or more of your gross annual income from agricultural.
Total gross income:\$_____ Total gross income derived from agricultural activities:\$_____	

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 Brian Young, State Electrical Inspector, 515-971-5893, byoung@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.

Signature of Property Owner: _____ Date: _____
 Type or Print Name: _____

COUNTY PLANNING DIRECTOR'S DETERMINATION

After having reviewed the above provided information, it has been determined that the described construction

- will be exempt will not be exempt from the Zoning Codes
 will be exempt will not be exempt from the Building Codes.

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

 Kay E. Mocha, County Planning Director

 Date