



## What is the “agricultural 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 used 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) is farm-related. This includes proposed dwellings, 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 us prior to the start of construction to determine if the exemption is appropriate. The farm exemption applies only to Linn County zoning and building regulations. Other permits (such as a floodplain development, well, septic, E911 address or driveway access) may be required. Please contact the appropriate county department for information.

**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 all building codes have been adhered to and inspections performed. If your proposed dwelling is granted a farm exemption and therefore no permits are issued and no inspections are performed, the County WILL NOT ISSUE A CERTIFICATE OF OCCUPANCY. You may still apply for building permits and have inspections performed. All fees will apply.**

**The following definitions are from the Linn County Unified Development Code, Article IX.**

**Agricultural Building** – For purposes of applying this ordinance, “agricultural building” shall include but not be limited to a building, structure or erection used for agricultural purposes as part of an agricultural unit.

**Agricultural Purposes** – See Agriculture.

**Agriculture** – The art or science of cultivating the ground, including the harvesting of crops and the rearing and management of livestock.

**Crops** – For purposes of applying this ordinance, “crops” shall include but not be limited to barley, buckwheat, corn, flax, forage, fruits, honey, legumes, milk, millet, oats, popcorn, rye, sod, sorghum, soybeans, sunflowers, syrup, vegetables, wheat, and grasses used for forage or silage. Crops include products grown as part of tree farms, orchards, or nurseries (excluding greenhouses and nurseries, retail) that do not always produce annual income but require annual operating decisions about maintenance or improvement.

**Engaged in Agriculture** – For purposes of applying this ordinance, “engaged in agriculture” shall include but not be limited to any of the following:

- a. Inspect agricultural operations periodically and furnish at least half the direct cost of the operations.
- b. Regularly and frequently make or take an important part in making management decisions substantially contributing to or affecting the success of the agricultural operation.
- c. Perform physical work which significantly contributes to the agricultural operation.

**Farm Barn** – See Agricultural Building.

**Farm House** – For purposes of applying this ordinance, “farm house” shall include but not be limited to a house located on land operated as an agricultural unit which is or will be occupied by a person engaged in agriculture on that same unit, or by a person retired from agriculture that was performed on that unit of which the house is a part. The house and the land comprising the agricultural unit do not necessarily need to be contiguous. “Farm house” shall also include structures attached to or incidental to the use of the dwelling.

**Farm Outbuilding** – See Agricultural Building.

**Greenhouses and Nurseries, Retail** – Land, buildings, structures, or combinations thereof for the storage, cultivation and transporting of live trees, shrubs, or plants, a portion of which are offered for retail sale on the premises, and including products used for gardening and landscaping.

**Livestock** – For purposes of applying this ordinance, “livestock” shall include but not be limited to animals or fowl which are being produced primarily for sale or use as food or food products, such as cattle, pigs, sheep, goats, poultry, birds, fish, horses, donkeys, mules, and farm deer as defined in Iowa Code 481A.1.

Please complete and submit the attached information sheet. The Zoning Administrator will make a determination and inform you of the decision within 7 to 14 working days. Any appeal of the Administrator's decision must be made within 30 days of the date of the determination letter 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.

If you have any further questions, please contact the Department of Planning & Development at 319-892-5130 or you may submit an information request by visiting our web site at [www.linncounty.org/planning](http://www.linncounty.org/planning).



## Agricultural Exemption Request for Determination

### GENERAL INFORMATION

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Daytime Phone Number: \_\_\_\_\_

Email address: \_\_\_\_\_

### PROPERTY INFORMATION

Property Address (if any): \_\_\_\_\_

Property Location:  $\frac{1}{4}$   $\frac{1}{4}$  \_\_\_\_\_ Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_

Property Geographic Parcel Number (GPN): \_\_\_\_\_

Current Zoning: \_\_\_\_\_ Acres: \_\_\_\_\_

Please list other parcels that are part of this farm unit, if any.  
(The Planning & Development staff can assist you with the GPN.)

GPN: \_\_\_\_\_ Acres: \_\_\_\_\_

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GPN: \_\_\_\_\_ Acres: \_\_\_\_\_

For this farm unit, how many acres do you:

- Own \_\_\_\_\_
- Rent from another \_\_\_\_\_
- Rent to another \_\_\_\_\_

### FOR OFFICE USE ONLY

Case # \_\_\_\_\_ Date Received \_\_\_\_\_

**The proposed construction is for (check all that apply):**

- (A) New House: \_\_\_\_\_ (Primary) \_\_\_\_\_ (Secondary)
- (B) New Outbuilding (please list size of each building and their use, including material & equipment to be stored in each building):  
 \_\_\_\_\_  
 \_\_\_\_\_
- (C) Other (e.g. addition or remodel to house – please describe):  
 \_\_\_\_\_  
 \_\_\_\_\_
- (D) Solar:  Ground Mounted  Roof Mounted - to \_\_\_\_\_ (ex. dwelling, outbuilding, livestock building)  
 # of panels or arrays: \_\_\_\_\_ Estimated Kilowatt Hours (kWh): \_\_\_\_\_
- (E) For any new structure (including solar) or addition – highest point above grade: \_\_\_\_\_ ft.

**AGRICULTURAL INFORMATION**

Please list all crops and livestock produced, on average, on the farm unit annually.

Crop Type(s)	Total No. Acres (average)	% For Commercial Production (average)
Livestock Type(s)	Total No. Head (average)	% For Commercial Production (average)

**REQUESTED EXEMPTION**

The exemption is being requested from (check only one):

- Zoning regulations (e.g. lot size, building setback requirements from property lines, building height, number of principal uses)
- Building regulations (e.g. construction methods or materials, structural requirements, required inspections, permit fees)

Note: an exemption granted from one will automatically apply to the other.

**ONLY COMPLETE THE FOLLOWING INFORMATION IF THE PROPOSED CONSTRUCTION IS FOR A NEW HOUSE OR HOUSE ADDITION / REMODELING**

The exemption only applies to structures *primarily adapted* for agricultural purposes, and only while so used for agricultural purposes. Additionally, in order to qualify for the exemption as a farmhouse the occupants must be “engaged in agriculture” as defined below. **Please provide a detailed answer for all items** as appropriate. (Attach additional sheet if necessary.)

**“Engaged in agriculture”** For purposes of applying this exemption, “engaged in agriculture” shall include but not be limited to any of the following:

- a. **Inspect agricultural operations periodically and furnish at least half the direct cost of the operations. (Please provide information about the input costs that you furnish to the operation.)**

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- b. **Regularly and frequently make or take an important part in making management decisions substantially contributing to or affecting the success of the agricultural operation. (Please provide information about your role in making management decisions regarding the operation.)**

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- c. **Perform physical work, which significantly contributes to the agricultural operation. (Please provide information about the nature of physical work, including average hours worked, as part of the operation.)**

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**ACKNOWLEDGEMENT**

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 Linn County, Iowa.

To the best of my knowledge, all information contained herein is true and correct. I hereby give my consent for the Director (or designee) of Linn 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 \_\_\_\_\_ Date \_\_\_\_\_