



Please complete and submit an Agricultural Exemption Request Application. The Zoning Official will make a determination and inform you of the decision within 7 to 10 working days. Any appeal of the Zoning Official 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



**MILLS COUNTY BUILDING & ZONING
DEPARTMENT**
403 Railroad Ave
Glenwood, Iowa 51534
Office: (712)527-4347
Fax: (712)527-4439

**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 Zoning Official prior to the start of construction to determine if the exemption is appropriate. The farm exemption applies only to Mills 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 Mills County, Iowa, Zoning Ordinance;

27.1.3 Agriculture Uses Exempt.

In accordance with the provisions of Iowa Code Chapter 335, as amended, no regulations or restrictions adopted under the provisions of this Zoning Ordinance shall be construed to apply 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 of agriculture purposes, while so used; provided, however, that such regulations or ordinances which relate to any structure, building, dam, obstruction, deposits or excavation in or on the flood plains of any river or stream shall apply thereto.

a. No Zoning Permit or Certificate of Zoning Compliance shall be required for the use of land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located.

b. It shall be the responsibility of any person or group claiming that certain property is entitled to exemption on the basis of this Section to demonstrate that the property is used for agricultural purposes.



MILLS COUNTY, IOWA AGRICULTURAL EXEMPTION REQUEST APPLICATION FORM

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

OCCUPANT	Name	<input type="checkbox"/> Same as Owner			
	Mailing Address	Street	City	State	Zip Code
	Email Address				
	Telephone	Home	Work	Cellular	
	Best way to contact?	<input type="checkbox"/> Home Telephone <input type="checkbox"/> Work Telephone <input type="checkbox"/> Cellular Telephone <input type="checkbox"/> Email:			

PROPERTY INFORMATION	Job Site Address	<input type="checkbox"/> Same as above #1 <input type="checkbox"/> To be assigned by County		
	Civil Township(s)			
	Property #1	Parcel #	Legal Description	Acres
	Property #2	Parcel #	Legal Description	Acres
	Property #3	Parcel #	Legal Description	Acres
	Property #4	Parcel #	Legal Description	Acres
	If more space is needed for Properties please attach a separate page.			
	Total Number of Properties			Total Acres

Zoning District	<input type="checkbox"/> AG (Agricultural) <input type="checkbox"/> AR (Agricultural-Residential) <input type="checkbox"/> LH (Loess Hills Conservation Development)		
	<input type="checkbox"/> V (Village) <input type="checkbox"/> C-1 (Convenience Commercial) <input type="checkbox"/> C-2 (Highway Oriented Commercial)		
	<input type="checkbox"/> I (Industrial) <input type="checkbox"/> OS (Open Space)		

IMPROVEMENTS DESCRIPTION	Use of Structure	<input type="checkbox"/> Agricultural <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Other: _____		
	Description of Work: (check <u>all</u> that apply)	<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input type="checkbox"/> Single-family Dwelling <input type="checkbox"/> Manufactured Home converted to real estate-only 1976 or newer HUD approved. (Make & Year: _____) <input type="checkbox"/> Detached garage <input type="checkbox"/> Storage building to store: _____ <input type="checkbox"/> Deck or platform for: _____ <input type="checkbox"/> Barn for animals or fowl-include corral <input type="checkbox"/> Demolition of _____ <input type="checkbox"/> Other: _____ </div> <div style="width: 48%;"> <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 of: _____ To a _____ </div> </div>		

Complete the following information for Storage Buildings and Barns

The exemption only applies to structures primarily adopted for agricultural purposes and only while so used for agricultural purposes:

AGRICULTURAL INFORMATION	Primary 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 of 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 as appropriate to the following questions. Attach additional sheets if necessary. Engaged in agriculture shall include but not be limited to any of the following:

AGRICULTURAL INFORMATION	Describe what percentage of input costs you furnish to the agricultural 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:
	Provide the percentage of annual income from agricultural operations: _____%.

Note: Your total annual income from agricultural shall derive 50% or more of your total gross annual income from agricultural operations.

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.

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 Mills 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 Mills 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 ZONING OFFICIAL 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.

Please note: 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 within 30 days of the date of this decision.

Mills County Zoning Officer (or designee)

Date