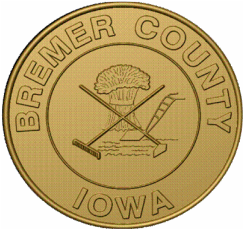


Application for Agricultural Exemption



Bremer County Building and Zoning, 415 E Bremer Ave, Waverly, Iowa 50677
319.352.0332 — bwilkens@co.bremer.ia.us — <http://co.bremer.ia.us>

BACKGROUND & PROCEDURE

The State of Iowa has given Iowa counties the authority to develop zoning regulations for their unincorporated areas. However, the State has declared that farms should be exempt from local restrictions. This “right to farm” is contained in the following section from Chapter 335 of 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.

Since Iowa Code does not adequately define a farm, Bremer County’s Zoning Ordinance includes the following definition of a farm to aid in determining the farm exemption:

Farm: A Tract comprising thirty-five (35) or more contiguous acres, exclusive of streets and roads, which is 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.

In order to qualify under the agricultural exemption, it must be clearly demonstrated that the principal use of the land and/or the proposed building(s) is farm-related. In the case of proposed dwellings, it must be clearly demonstrated that occupants of the dwelling are primarily engaged in agriculture. The burden of proof in demonstrating the agricultural nature of the proposed use or structure lies with the property owner. The procedure outlined below is used to determine applicability of the agricultural exemption.

If a proposed structure or use of a building or land is for agricultural purposes the property owner completes the *Application for Agricultural Exemption* which, if approved will confirm exemption from the provisions of the Bremer County Zoning Ordinance. Applications must be signed by the property owner.

After submittal of the request, the Zoning Administrator will review the request and make a determination as to the applicability of the agricultural exemption. This is normally done within 5 working days.

If the proposed structure and/or use are determined not to be exempt from zoning regulation, the property owner will be notified and directed to complete and submit, with the required fee, a *Building Permit Application*.

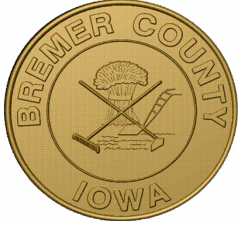
If the proposed structure(s) and/or use are determined to be exempt from zoning regulation, the property owner will receive notification that zoning regulations are not applicable.

Permits for entrances from county roads, wells, and on-site wastewater treatment systems may still be required for new construction regardless of the applicability of the agricultural exemption. **Additionally, all development in the flood plain, regardless of agricultural exemption, requires a Flood Plain Development Permit.**

As with all determinations by the Zoning Administrator, an agricultural exemption determination may be appealed to the Board of Adjustment. Forms for such an appeal are available from the Building and Zoning Department.

Thank you for your cooperation. If you have any questions regarding the agricultural exemption, please call the Bremer County Building & Zoning Department at (319) 352-0332.

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Property Owner of Record: _____
(Last Name) (First Name)

(Mailing Address) (City) (State) (Zip)

(Daytime Phone Number) (Email address—optional)

Property Information:
 E911 Address: _____ Parcel ID Number (PIN): _____

Legal Description: (attach if necessary) _____

Proposed Construction:
 Please check appropriate box:

<input type="checkbox"/> House-Single Family Dwelling	<input type="checkbox"/> Outbuilding/Machine Shed	# Acres of Parcel which proposed construction is located
<input type="checkbox"/> House remodel/addition	<input type="checkbox"/> Barn	
<input type="checkbox"/> Detached Garage	<input type="checkbox"/> Grain Bin	Other-Describe below
<input type="checkbox"/> Storage Building	<input type="checkbox"/> Ag Support Housing	

Type of Structure (i.e. wood/steel): _____ Dimensions: _____
 Describe the agricultural use of the structure: _____

Agricultural Information:
 Indicate the type of crops/livestock that you currently produce/raise and list the acres or head in production:

Ag Product	No. of Acres	Ag Product	Acres or Head	Ag Product	Acres or Head
Corn		Fruit/Vegetables		Poultry	
Soybeans		Cattle		Swine	
Hay/Alfalfa		Sheep		Other:	

In order to help determine qualification for the agricultural exemption ***please provide a detailed answer for all items*** listed below. (Attach an 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:

1. Inspect agricultural operations periodically and furnish at least half the direct cost of the operations. ***Provide information about occupant’s inspection of operations and percent of input costs furnished to the operation:***

2. 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 occupant's role in making management decisions regarding the operation:**

3. Perform physical work which significantly contributes to the agricultural operation. **Please provide information about the nature of physical work, including average hours worked, as occupant's part of the operation:**

ALL APPLICANTS – Please review the application to ensure it is complete prior to acknowledgement and signing below

Acknowledgement:

I hereby acknowledge that the zoning exemption granted by the Code of Iowa applies to “land, farm houses, farm barns, farm outbuildings, or other buildings or structures which are primarily adapted, by reason of nature or area, for use for agricultural purposes while so used”.

I also acknowledge that should the use of land or buildings change, or are discovered to not qualify under the exemption than such use shall be subject to the Zoning Ordinance of Bremer County, Iowa.

To the best of my knowledge, all the information provided on this application is true and correct. I hereby give my consent for the Zoning Administrator (or designee) of Bremer County 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: _____

FOR OFFICE USE ONLY

-----BUILDING AND ZONING DEPARTMENT AGRICULTURAL EXEMPTION REVIEW-----

Date Received: _____ Reviewed By: _____ Date Reviewed: _____

Application complete and contains all information: Yes No

Review Comments: _____

-----ADMINISTRATOR'S DETERMINATION-----

EXEMPTION APPROVED EXEMPTION DENIED

Signature of Zoning Administrator

Date