

County Regulations & Legal Issues Affecting Agritourism

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Visit Iowa Farms - Becoming a Destination

Honey Creek Resort, Near Lake Rathbun, Moravia, Iowa

March 7, 2009

What are we talking about?

What is a farm?



Who is a farmer?



What activity does agriculture include?



Drake Ag Law Center

- Provides opportunities to study how the legal system shapes our food and agriculture systems
- Supports courses, publications, conferences, research initiatives, certification program in food and agricultural law
- My role: to help grow the Iowa food economy
- www.law.drake.edu/aglaw

Coyote Run Farm

Lacona, IA—Marion County

Coyote Run Farm: Restoring a 110 acre farm into a profit center through relational marketing and sustainable agriculture

- Fruits, vegetable, cut flowers, plants
- Pasture poultry
- Specialty beef
- Hay, horses, mules



Iowa Network For Community Agriculture

INCA aims to promote relationships among people who are developing sustainable local food sources that are safe and healthy for people, all creatures, and the land.

www.growinca.org



Farm, Farmer, Agriculture



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Navigating the Continuum



Definitions are Important

- **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.

Agricultural purposes:

No objective test

20 acres, 100 cows, \$10,000 in sales

Factual analysis of the use of the land

It looks like agriculture—to the decision makers

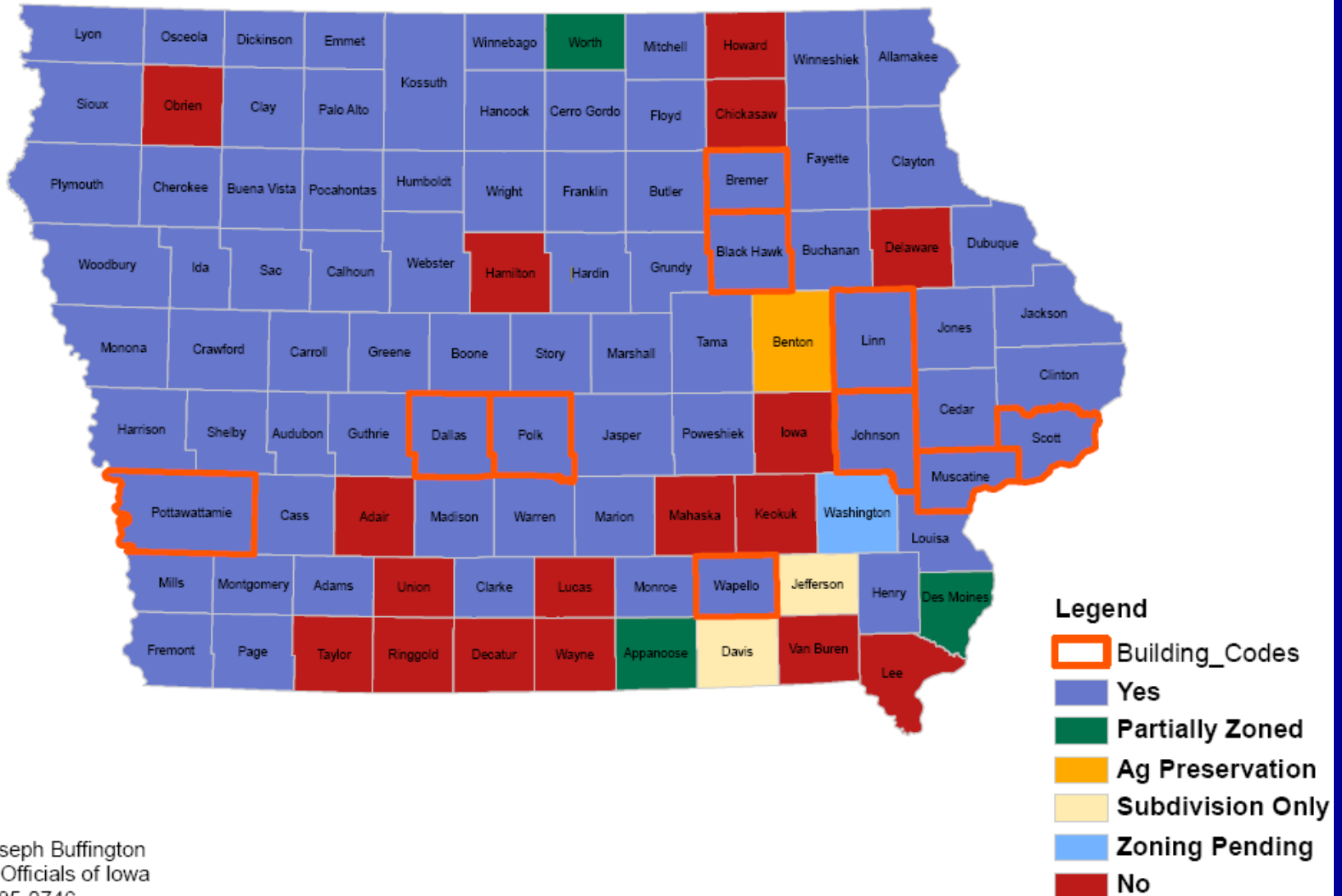
Counties Zone Differently

Does your county have zoning?

Who are the personalities involved?

What are your county's land use goals?

STATUS OF ZONING IN IOWA COUNTIES 2008



Updated by Joseph Buffington
 County Zoning Officials of Iowa
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October 31, 2008

Dallas County “Agriculture”

Agriculture or Agricultural Use: The use of any land for the production of, and as an accessory use for the treatment and storage of, plants, animals or horticultural products, all for intended profit. “Agriculture” shall include the cultivation of land for the production of agricultural crops, the production of eggs, the production of milk and the production of fruit or other horticultural crops, with the intention of selling such items or products for a profit in the marketplace. “Agriculture” shall include the breeding, raising, feeding, grazing, housing and pasturing of horses, beef and dairy cattle, poultry, sheep, swine and honey bees, with the intention of selling such animals or products therefrom for a profit in the marketplace.

Dallas County “Not Agriculture”

The raising of animals and plants primarily for the purpose of the personal use and enjoyment of the owners or occupants of the subject property, and not for the purpose of selling such animals, plants or products therefrom for a profit in the marketplace, shall not constitute agricultural use. “Agriculture” shall not include any auction sales yards, recreational facilities, rural or urban areas used primarily for residential or recreational purposes, commercially operated stockyards or feedlots, and areas used for the production of timber, forest products, nursery products or sod. “Agriculture” shall not include a contract where a processor or distributor of farm products or supplies provides spraying, harvesting or other farm products.

Do you need a permit?

Most communities have a zoning ordinance that requires a building permit for any new construction or expansion of a building. Although the county and each city has their own ordinances and set of rules, the general theme is usually similar.

Prior to construction of any structure in Carroll County, whether or not is part of a farming operation, an application for a building permit must be submitted for review and approval. The purpose of the Building Permit is to ensure that the proposed construction meets certain conditions set out for the district in which it is located. The following items are considered when reviewing a permit:

1. The determination is made if the propose building is to be used for Agricultural purposes. If it is for agriculture, the building is granted an exemption and no requirements are placed on the building. Iowa Code exempts agricultural buildings from zoning requirements.

Questions to Ask Yourself

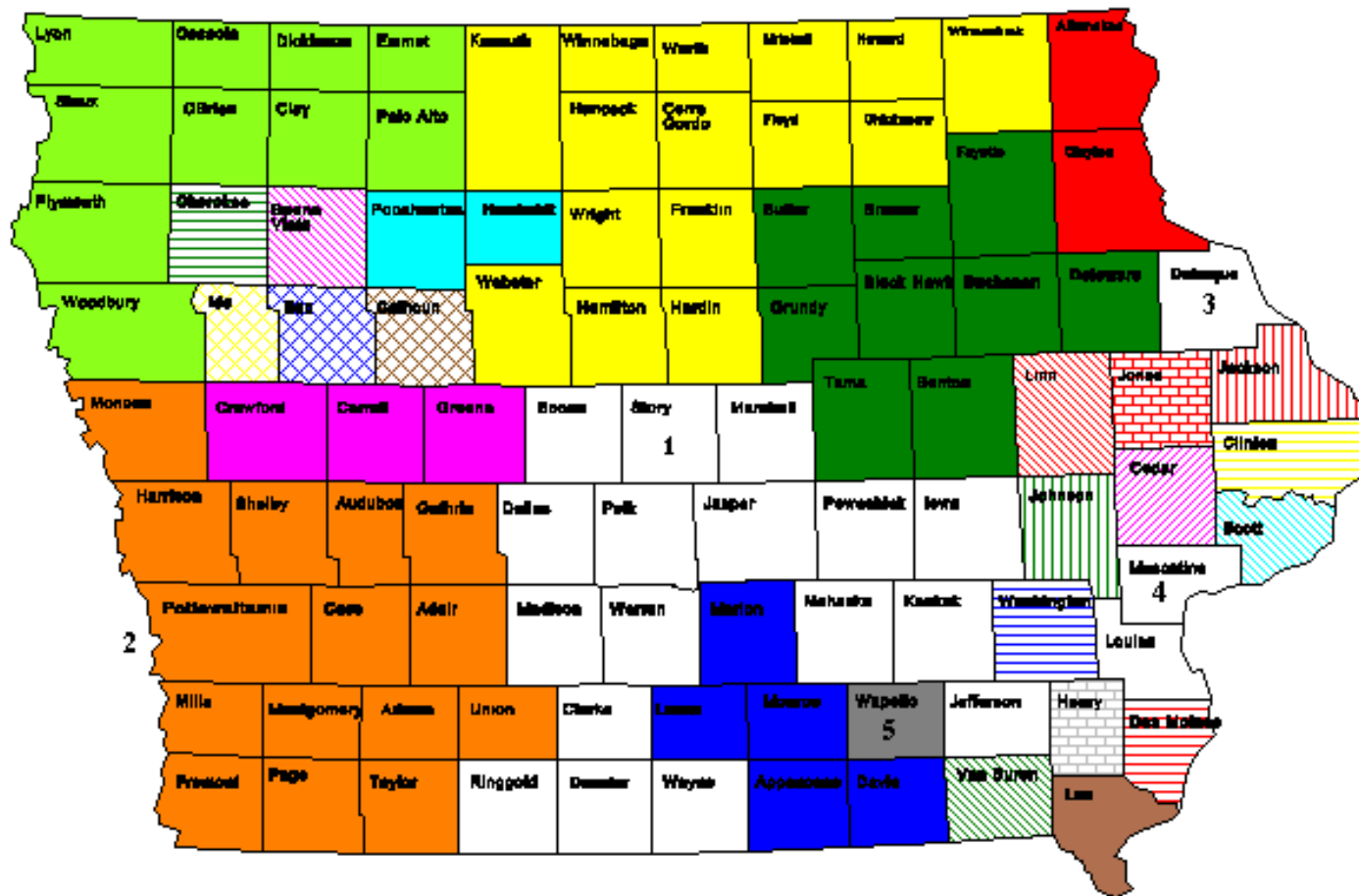
- Is my property currently zoned and if so how is it classified?
- What are the “permitted” and “accessory” uses allowed in my zoning district?
- What is the threat of my land becoming zoned if it is not currently?
- What kinds of public hearings and land use procedures are important to my farm and how can I be involved?

Questions to Ask Land Use Officials

- Which political jurisdiction has legal authority over my property?
- If my land is zoned, how is it classified?
- Is what I'm doing on the my farm or what I plan to do allowed as "permitted uses"?
- How is my operation classified, as a farm or as a commercial business?
- Am I subject to "commercial" standards concerning the design of facilities?

Be bold! We live in a
democracy.





In addition to the county health departments depicted in the map above, DIA has contracts with five municipal health departments to conduct inspections in the following cities:

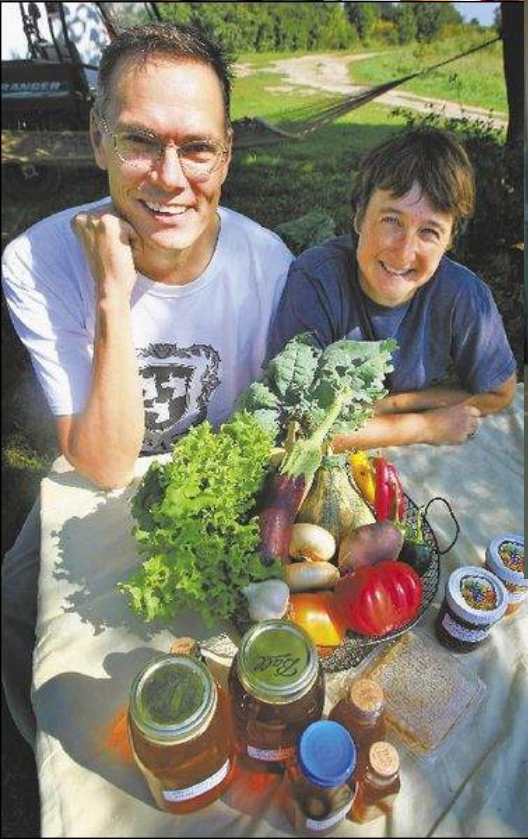
1. **City of Ames**
2. **City of Council Bluffs**
3. **City of Dubuque**
4. **City of Muscatine**
5. **City of Ottumwa** (including Wapello County)

GROWING DEMAND:
farm fresh products and
experiences



GROWING FARMS: new farms and diversified
existing farms

GROWING SUPPORTING BUSINESSES



The Future Is Bright!



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