

## FARM EXEMPTION PROCESS AND REQUIREMENTS

### FARM EXEMPTION PROCESS

The Board of Supervisors recently adopted a new farm exemption process for Dubuque County. The intent of the new farm exemption process is to make it easier for farmers to qualify for the exemption when building farm structures in the county. Below is the process and criteria for obtaining the Farm Exemption:

Farm Exemption Process:

- 1) 39 acres or more, aliquot part\* or undivided government lot\*\* used for agricultural production **automatically qualifies**
  - i. No Farm Exemption Application required but step 6 & 7 may apply
- 2) Less than 39 acres **qualifies** if it meets all of the items below
  - i. Farm Exemption Application required
  - ii. Property must have some agricultural use currently and planned in the future
  - iii. Federal Tax Form Schedule F must be provided
- 3) Less than 39 acres **that does not have a Federal Tax Form Schedule F** must have all items below
  - i. Farm Exemption Application required
  - ii. Property must have sufficient agricultural production as determined by the Zoning Administrator
  - iii. Provide proof of farm income, revenue and/or expenses
- 4) If property owner cannot meet #1, #2 or #3 above, then the Board of Adjustment determines if the Farm Exemption Application meets the Farm Exemption criteria
  - i. Farm Exemption Application required
  - ii. Board of Adjustment Appeal Application required
  - iii. Provide any evidence that the land, farm houses, farm outbuildings or other buildings or structures are primarily adapted for an agricultural purpose
- 5) If property is mostly or all trees, then need to meet one of the items below
  - i. Property must have a Tree Farm Certification
  - ii. Property must have a timber management plan
  - iii. Property owner can show property had past timber sales or sales of related timber or forest products.
- 6) Adjoining lots under the same ownership will be used to determine the farm exemption.

Once the property has qualified for the Farm Exemption, then there is no fee for the Zoning Certificate and the structure is not required to meet any setbacks. A Zoning Certificate and Site Plan will still be required for any new structures on the property. Flood Plain, Airport Height and Hazards and Restricted Height regulations shall still apply. See Section 1-6 of the Dubuque County Zoning Ordinance to view the entire Farm Exemption rules.

**\*Aliquot Part** - A fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter or one-quarter of one-quarter shall be considered an aliquot part of a section.

**\*\*Government Lot** - A tract, within a section, which is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.

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Dubuque County Zoning Ordinance regarding Farm Exemption Process:

### Section 1-6.2 Evidence of Farm Status.

*Evidence for determining whether a lot or contiguous lots in the same ownership are a farm shall be based on the type and amount of agricultural activities occurring on the property, the amount of property used to raise farm products and proof of income, revenue and/or expenses from the farm operation. If a new farm home is being proposed, the person living in the new home must be actively involved in the farming operation on the property. Through an application process, the owner must provide enough information to determine farm exempt status, which may include:*

- a. *List crops grown or livestock raised:
  - (1) Identify the type of crops grown and number of acres for each and/or type of livestock raised and number of head currently managed on the property.
  - (2) List other farm products produced on the property.
  - (3) List other agricultural related activities conducted on the property*
- b. *Schedule F Income Tax form or show proof of income, revenue and/or expenses from farm operations*
- c. *Inventory of farm land and equipment owned or leased by property owner*
- d. *Inventory of existing buildings and their use*
- e. *Assessment record of the property showing classification as agricultural*
- f. *Corn suitability rating showing suitability of land for farm activity*
- g. *Number of hours per week of owner's time devoted to agricultural activity*
- h. *Number of hours per week of any other person(s) working on the farm*
- i. *Proposed new buildings and their proposed use*

### 1-6.3 *Uses that would **not** meet the agricultural definition:*

- a. *Raising of plants and/or animals primarily for the purpose of the personal use and enjoyment of the owners or occupants of the subject property and not for intended profit*
- b. *Auction Sales Yards*
- c. *Recreational Facilities including game preserves or hunting preserves*
- d. *Areas used primarily for residential or recreational purposes*
- e. *Nursery Products (not exempt if grown inside a building)*
- f. *Sod farming (Commercial Use)*
- g. *Dog kennels (Commercial Use)*

The Farm Exemption Application is available at the Zoning Office, 13047 City View Drive, or on our website at [www.dubuquecounty.org](http://www.dubuquecounty.org). The Zoning Ordinance can also be found on this website.