

Agricultural Exemption

Application Form

Webster County, Iowa
Planning & Zoning Department
703 Central Avenue
Fort Dodge, IA 50501

www.webstercountya.org 515-574-3761

Applicant Information

(Please provide the following contact information)

(Name)

(Mailing Address/P.O. Box)

(Primary Phone) Home Work Mobile/Cell

(City/Post Office)

(State)

(Zip)

Legal Description of Property

(Provide the following information about the location of the project)

(E911 Address)

(City/Post Office)

(1/4 Section)

(Section Number)

(Township Name)

Agricultural Activity

(Please list all crops and livestock produced, on average, on the farm unit annually. Attach additional sheets as necessary.)

Crop Type(s)	Total Acres (Average)	% For Commercial Production (Average)
Livestock Type(s)	Total Head (Average)	% For Commercial Production (Average)

Proposed Construction

(Please check the appropriate box and provide additional information below.)

New House House Addition

If the proposed construction is for a new house or a house addition you must also complete the information on Page 2.

New Principal Agricultural Building or Accessory Building (please list the size and use of the building, including materials & equipment stored)

Other (Please specify construction type and building use)

PLEASE SIGN AND DATE AT THE BOTTOM OF PAGE 2

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

The exemption only applies to structure 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 detailed answers for all items** as appropriate. (Attach additional sheet if necessary.)

Engaged in agriculture." For the purpose of applying this exemption, "engaged in agriculture" shall include but not limited to

any of the following:

- A. Inspect agricultural operation 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.)**

- 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.)**

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

Notice:

- I. Along with this application you must also provide a copy of Schedule 'F' or Farm Corporation Tax Form from your most recent Federal Income Tax return.
- II. The determination of Agricultural Exemption is made by the County Zoning Administrator. An appeal of the Zoning Administrator's decision to the Webster County Board of Adjustment must be made within twenty (20) days of the decision per Section 9.02.01 of the Webster County Zoning Ordinance.
- III. The decision to approve or deny is based on definitions from Section 2.02 of the Webster County Zoning Ordinance. Some of these definitions are attached for your convenience.
- IV. With the definition of FARM DWELLING, which is: "For the purposes of applying this ordinance, "farm dwelling" shall include but not be limited to a house located on land operated as a farm which is or will be occupied by a person engaged in agriculture on that same unit, or a by a person retired from agriculture that was performed on that unit of which the house is a part," the phrase "on that same unit" can also include other land holdings of a person engaged in agriculture as a whole and not just on a single parcel.
- V. I hereby acknowledge that I have read this application and state that the above is correct.

(Signature of Applicant or Authorized Agent)

(Date)

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The following are the basis for the decision making process:

1. *From the Webster County Zoning Ordinance.*

- a. **Section 2.02. FARM EXEMPT.** No regulation or requirement contained in this Ordinance shall be construed to apply to land, farm houses, farm barns, farm outbuildings, or other buildings, structures, or erections which are primarily adapted, by reason of nature and area, for use for agricultural purposes, but only while so used; provided, however, that such regulations or requirements which relate to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream shall apply thereto. 1. Agricultural areas. Subject to the above, all agricultural areas created pursuant to Section 352.6, Code of Iowa, and the activities conducted thereon, are and shall remain exempt from county zoning and building regulations.
- b. **AGRICULTURE.** Shall mean the art or science of cultivating the ground, including the harvesting of crops and the rearing and management of livestock.
- c. **FARM.** Shall mean a farming enterprise which is recognized in the community as a farm rather than a rural residence. (Please also see the definitions of AGRICULTURE - CROP PRODUCTION, LIVESTOCK PRODUCTION, AGRICULTURAL PROCESSING VALUE-ADDED, FARM DWELLING, FARMLAND, FARMSTEAD, ETC. in the Zoning Ordinance for more information.)

2. *From the Iowa Code.*

- a. **Chapter 335.2. Farms Exempt.** Except to the extent 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 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.